



ENT 20401:2017 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Feb 28 4:48 pm FEE 127.00 BY SW
RECORDED FOR SARATOGA SPRINGS CITY

When Recorded Return To:

D.R. Horton, Inc.
12351 South Gateway Park Place, Suite D-100
Draper, Utah 84020
Attention: Boyd A. Martin

**FOURTH SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
LEGACY FARMS**

THIS FOURTH SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LEGACY FARMS (this "Fourth Supplemental Declaration and Second Amendment") is made as of February 24, 2017, by D.R. HORTON, INC., a Delaware corporation ("Declarant"), with reference to the following:

RECITALS

A. On October 23, 2015, Declarant caused to be recorded as Entry No. 96688:2015 in the official records of the Office of the Recorder of Utah County, Utah (the "Official Records"), that certain Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the "Original Declaration") pertaining to a master planned development known as Legacy Farms located in the City of Saratoga Springs, Utah County, Utah.

B. The Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of a Supplemental Declaration, which shall be effective upon recording the Supplemental Declaration in the Official Records.

C. On January 15, 2016, Declarant caused to be recorded as Entry No. 4144:2016 in the Official Records that certain First Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the "First Supplemental Declaration").

D. On May 27, 2016, Declarant caused to be recorded as Entry No. 47941:2016 in the Official Records that certain Second Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the "Second Supplemental Declaration").

E. On May 27, 2016, Declarant caused to be recorded as Entry No. 47948:2016 in the Official Records that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the "First Amendment").

F. On October 6, 2016, Declarant caused to be recorded as Entry No. 99000:2016 in the Official Records that Third Supplemental Declaration to the Declaration of Covenants, Covenants and Restrictions for Legacy Farms (the "Third Supplemental Declaration").

G. Pursuant to Section 19.1 of the Original Declaration, Declarant desires to subject to the Original Declaration that portion of the Additional Land described on Exhibit "A", which is attached hereto and incorporated herein by this reference (the "Plat 2-D Subject Property" and the "Plat 2-E Subject Property").

H. Pursuant to Section 17.2.2 of the Original Declaration, Declarant desires to unilaterally amend the Declaration in order to amend the Land Use Classification and the Neighborhood Designation for Lots 224 to 227 of Legacy Farms Plat 1-F, as previously established in the Third Supplemental Declaration.

I. Declarant is executing and delivering this Fourth Supplemental Declaration and Second Amendment for the purpose of subjecting the Plat 2-D Subject Property and the Plat 2-E Subject Property to the provisions of the Original Declaration and for the purpose of amending the Land Use Classification and the Neighborhood Designation for Lots 224 to 227 of Legacy Farms Plat 1-F, as previously established in the Third Supplemental Declaration.

FOURTH SUPPLEMENTAL DECLARATION

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. All defined terms as used in this Fourth Supplemental Declaration and Second Amendment shall have the same meanings as those set forth in the Original Declaration, unless otherwise defined in this Fourth Supplemental Declaration and Second Amendment.

2. The Plat 2-D Subject Property and the Plat 2-E Subject Property are hereby subjected to the Original Declaration and shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration, and as supplemented and amended by this Fourth Supplemental Declaration and Second Amendment, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof.

3. The provisions of the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration, and as supplemented and amended by this Fourth Supplemental Declaration and Second Amendment, shall run with the Plat 2-D Subject Property and with the Plat 2-E Subject Property and shall be binding upon all Persons having any right, title, or interest in the Plat 2-D Subject Property and in the Plat 2-E Subject Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

4. The Land Use Classifications and Neighborhood Designations for the Plat 2-D Subject Property and the Plat 2-E Subject Property shall be as follows:

Legacy Farms Plat 2-D
84 Lots

| <u>Lot Number</u> | <u>Land Use Classification</u> | <u>Neighborhood Designation</u> |
|-------------------|--------------------------------|---------------------------------|
| 275 to 292 | Single Family Lots | Single Family Lots Neighborhood |
| 2177 to 2242 | Townhome Lots | Townhome Lots Neighborhood |

Legacy Farms Plat 2-E
18 Lots

| <u>Lot Number</u> | <u>Land Use Classification</u> | <u>Neighborhood Designation</u> |
|-------------------|--------------------------------|---------------------------------|
| 2243 to 2260 | Townhome Lots | Townhome Lots Neighborhood |

5. The Land Use Classification and the Neighborhood Designation for Lots 224 to 227 of Legacy Farms Plat 1-F, as previously established in the Third Supplemental Declaration, are hereby amended to be as follows:

Legacy Farms Plat 1-F
Lots 224 to 227

| <u>Lot Number</u> | <u>Land Use Classification</u> | <u>Neighborhood Designation</u> |
|-------------------|--------------------------------|---------------------------------|
| 224 to 227 | Single Family Lots | Single Family Lots Neighborhood |

6. Except as supplemented by the provisions of this Fourth Supplemental Declaration and Second Amendment, the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, and by the Third Supplemental Declaration, shall remain unmodified and in full force and effect.

7. The Original Declaration, as previously amended by the First Amendment, and as supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, and by the Third Supplemental Declaration, and as supplemented and amended by this Fourth Supplemental Declaration and Second Amendment, shall collectively be referred to as the "Declaration."

IN WITNESS WHEREOF, Declarant has caused this Fourth Supplemental Declaration and Second Amendment to be executed by an officer duly authorized to execute the same as of the date first above written.

D.R. HORTON, INC.,
a Delaware corporation

By: _____
Name: Jonathan S. Thornley
Title: Division CFO

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged to me this 24 day of February, 2017, by Jonathan S. Thornley, in his capacity as the Division CFO of D.R. Horton, Inc., a Delaware corporation.

[Signature]
NOTARY PUBLIC
Residing at: London, UT

My commission expires:

January 12, 2019

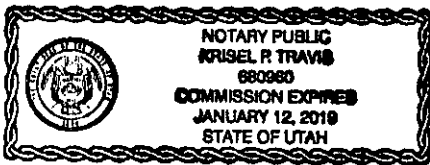


EXHIBIT "A"
TO
FOURTH SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
LEGACY FARMS

Legal Description of the Plat 2-D Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00°33'28" West 476.88 feet, along the Section Line, and West 1,144.98 feet from the East Quarter Corner of said Section 26, and running thence South 00°03'53" East 54.00 feet; thence South 89°56'07" West 5.00 feet; thence South 44°58'08" West 7.08 feet; thence South 00°00'08" West 300.19 feet; thence South 89°56'07" West 54.00 feet; thence South 44°58'08" West 7.08 feet; thence South 89°56'07" West 105.21 feet; thence North 00°03'53" West 136.00 feet; thence South 89°56'07" West 469.63 feet; thence South 00°00'08" West 0.91 feet; thence North 89°59'52" West 86.00 feet to the easterly right-of-way line of Highpoint Drive (120 East), said point also being along the easterly boundary line of Legacy Farms Plat 1-A as recorded as Entry No. 96684:2015 in the office of the Utah County Recorder; thence, along said easterly line North 00°00'08" East 143.49 feet to the eastern boundary line of Legacy Farms Plat 1E as recorded as Entry No. 98998:2016 in the office of the Utah County Recorder; thence along said eastern boundary line of Legacy Farms Plat 1E the following seven (7) courses: (1) North 00°00'08" East 26.51 feet, (2) North 44°58'08" East 7.08 feet, (3) North 89°56'07" East 5.06 feet, (4) North 00°03'53" West 54.00 feet, (5) South 89°56'07" West 5.00 feet, (6) North 45°01'52" West 7.07 feet, (7) North 00°00'08" East 352.37 feet; thence South 89°59'52" East 529.69 feet; thence South 00°00'17" East 356.75 feet; thence North 89°56'07" East 200.21 feet to the Point of Beginning.

Tax Parcel Number 66-058-0015

Legal Description of the Plat 2-E Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of 400 South Street, said point also being South 00°33'28" West 35.46 feet, along the Section Line, and West 1,349.52 feet from the East Quarter Corner of said Section 26, and running thence South 00°00'17" East 84.88 feet; thence North 89°59'52" West 529.69 feet to the easterly right-of-way line of Highpoint Drive (120 East) as shown on Legacy Farms Plat 1E, recorded as Entry No. 98998:2016 in the office of the Utah County Recorder; thence along said easterly line the following two (2) courses: (1) North 00°00'08" East 79.26 feet (2) North 44°58'08" East 7.08 feet to the aforesaid southerly right-of-way line of 400 South Street; thence, along said southerly line, North 89°56'07" East 524.68 feet to the Point of Beginning.

Tax Parcel Number 66-058-0015