

WHEN RECORDED RETURN TO:

Christopher P Gamvroulas
Ivory Development, LLC,
A Utah limited liability company
978 E Woodoak Ln.
Salt Lake City, Utah 84117
801-747-7000

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
5/12/2008 3:25:00 PM
FEE \$49.00 Pgs: 4
DEP eCASH REC'D FOR COTTONWOOD TITLE INS AGENC

**SECOND SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MOUNTAIN VIEW ESTATES PUD PHASE 3 SUBDIVISION**

This Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Estates PUD Phase 3 Subdivision, is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 E Woodoak Ln. Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for Mountain View Estates Subdivision was recorded in the office of the County Recorder of Davis, Utah on August 28, 2006 as Entry No. 2196530 in Book 4105 at Pages 413-454 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Mountain View Estates PUD Subdivision have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Estates PUD Subdivision was recorded in the office of the County Recorder of Davis, Utah on November 30, 2007 as Entry No. 2324580 in Book 4419 at Pages 1164-1171 of the Official Records (the "First Supplement").

Whereas, the related Plat Map for Phase 2 of the Mountain View Estates PUD Subdivision have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, in the Declaration Declarant reserved the unilateral right to expand the subdivision to annex additional land and expand the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Woods Cross City, Davis County, Utah and described with particularity on Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase 3 Property").

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3 Property 34 additional Lots, numbered 301-334.

Whereas, Declarant now intends that the Phase 3 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Estates Phase 3 Subdivision.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

- a. **Phase 3 Map** shall mean and refer to the Plat Map of Phase 3 of the Project, prepared and certified to by Ralph E. Goff, a duly registered Utah Land Surveyor holding Certificate No. 144147, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this Second Supplemental Declaration.
- b. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Estates PUD Phase 3 Subdivision.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-3 is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 3 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Second Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association .

4. **Description of Property and Total Number of Units Revised.** Phase 1 contained 67 Lots numbered 1-67, inclusive, and other improvements of a less significant nature. Phase 2 contained 23 Lots, numbered 223-245. Phase 3 will contain 34 new Lots, numbered 301-334, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 3 Map and this Second Supplemental Declaration, the total number of Lots in the Project will be 124. The additional Lots (and the homes to be constructed therein) are or will be substantially similar in construction, design and quality to the Lots and homes in the prior Phase.

EXHIBIT "A-3"

**LEGAL DESCRIPTION
MOUNTAIN VIEW ESTATES PUD PHASE 3**

The Property referred to in the foregoing document as the Mountain View Estates PUD Phase 3 Subdivision is located in Davis County, Utah and is described more particularly as follows:

BEGINNING AT A POINT WHICH IS S89°48'31"E, 509.76 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE 403.18 FEET ALONG THE ARC OF A 2274.61 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS N9°57'15"E, 402.65 FEET); THENCE S85°07'25"E, 30.00 FEET; THENCE S87°06'54"E, 105.39 FEET; THENCE N83°10'55"E, 56.81 FEET; THENCE N28°17'21"E, 246.00 FEET; THENCE N61°42'39"W, 25.00 FEET; THENCE N28°17'21"E, 1026.19 FEET; THENCE EAST, 62.72 FEET TO THE BOUNDARY OF MOUNTAIN VIEW SUBDIVISION PHASE 1; THENCE ALONG THE BOUNDARY OF SAID MOUNTAIN VIEW SUBDIVISION PHASE 1 AND PHASE 2 THE FOLLOWING NINE COURSES: S5°19'20"E, 140.61 FEET; THENCE SOUTH, 80.00 FEET; THENCE S19°39'14"E, 59.46 FEET; THENCE S0°01'07"E, 100.70 FEET; THENCE S2°57'54"W, 99.16 FEET; THENCE S21°30'27"W, 147.86 FEET; THENCE S28°09'03"W, 856.95 FEET; THENCE S18°09'53"W, 57.11 FEET; THENCE S8°48'23"W, 107.16 FEET; THENCE N89°48'31"W, 440.01 FEET TO THE POINT OF BEGINNING.

CONTAINS: 11.8593 ACRES - 34 LOTS

Parcel No:	06-294-0301	06-294-0311	06-294-0321	06-294-0331
	06-294-0302	06-294-0312	06-294-0322	06-294-0332
	06-294-0303	06-294-0313	06-294-0323	06-294-0333
	06-294-0304	06-294-0314	06-294-0324	06-294-0334
	06-294-0305	06-294-0315	06-294-0325	
	06-294-0306	06-294-0316	06-294-0326	
	06-294-0307	06-294-0317	06-294-0327	
	06-294-0308	06-294-0318	06-294-0328	
	06-294-0309	06-294-0319	06-294-0329	
	06-294-0310	06-294-0320	06-294-0330	