

AFTER RECORDING RETURN TO:
Benson Whitney
Richmond American Homes of Utah, Inc.
849 W. Levoy Drive, Suite 220
Salt Lake City, UT 84123

ENT 90401:2019 PG 1 of 5
Jeffery Smith
Utah County Recorder
2019 Sep 13 12:43 PM FEE 40.00 BY DA
RECORDED FOR United West Title
ELECTRONICALLY RECORDED

**SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR MALLARD BAY**
(An Expandable Planned Unit Development)

This Supplement to Declaration of Covenants, Conditions and Restrictions for Mallard Bay (this “Supplemental Declaration”) is made this 12 day of September, 2019, by HOLMES HATTON AND HEPLER, LLC, a Utah limited liability company “Declarant”.

Recitals

A. Declarant is the “Declarant” pursuant to the Declaration of Covenants, Conditions and Restrictions for Mallard Bay (the “Declaration”) Bay recorded on April 1, 2016, as Entry No. 27906:2016 in the real estate records in the Office of the Utah County Recorder (the “Records”). Initially capitalized terms used herein but not otherwise defined shall have the same meaning as set forth in the Declaration, which, including all amendments and supplemental declarations thereto, if any, heretofore recorded in the Records, are incorporated herein by this reference as though fully set forth.

B. Article 2.2 of the Declaration reserves to the Declarant the right to annex and subject additional land to the Declaration, and requires such annexations to be effectuated by the recordation of a Supplemental Declaration, as further provided therein.

C. Beverly Bay, LLC, a Utah limited liability company, and Bayside Shores, LLC, a Utah limited liability company, are the owners (“Owners”) of the real property described on Exhibit A attached hereto and incorporated herein (the “Additional Property”).

D. The purpose of this Supplemental Declaration is to annex only the Additional Property and subject it to the Governing Document, and Owners desire to consent to such annexation.

Supplemental Declaration

NOW THEREFORE, the Declaration is amended and supplemented as follows:

1. Annexation. The Additional Property is hereby annexed into the Project and made subject to the Governing Documents pursuant to the provisions of Section 2.2 of the Declaration. From and after the recording of this Supplemental Declaration in the Records, the Additional Property is and shall be held, transferred, sold, conveyed and occupied subject to all of the covenants, conditions, restrictions, easements, reservations, equitable servitudes, charges, and liens set forth in the Governing Documents; the Governing Documents shall be binding on all persons having or acquiring any right, title or interest in the Additional Property, their heirs, successors, and assigns and shall inure to the benefit of, be binding upon, and be enforceable by

Declarant and its and its successors in interest; and each Owner of all or any portion of the Additional Property shall be a Member of the Association.

2. Amendment of Legal Description of Additional Land. Upon recordation of this Supplemental Declaration, the Legal Description of Additional Land contained in Exhibit B to the Declaration shall be deemed to include the Additional Property.

3. Effect of Annexation. Upon recordation of this Supplemental Declaration, the Additional Property shall be deemed to be included within the Association covered by the Declaration and subject to all of the terms, provisions, covenants, conditions, restrictions, easements, reservations, equitable servitudes, charges, and liens set forth in the Governing Documents. Each Owner of all or any portion of the Additional Property shall be a Member of the Association.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration to be effective as of the date set forth above.

DECLARANT:

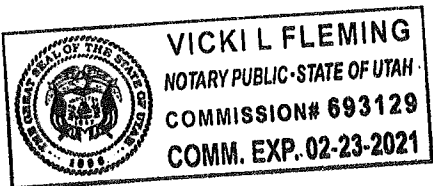
HOLMES HATTON AND HEPPLER, LLC,
A Utah limited liability company

By: [Signature]
Name: DARON SMITH
Title: MEMBER

STATE OF UTAH)
COUNTY OF Salt Lake ^{SS}

The foregoing document was acknowledged before me this 10th day of September, 2019, by Daron Smith, as Member of Holmes Hatton and Hepler, LLC, a Utah limited liability company.

My commission expires: 2/23/21



[Signature]
Notary Public

OWNER:

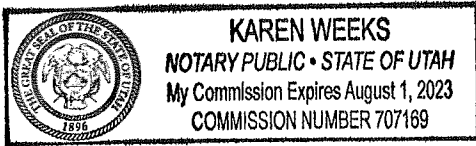
BAYSIDE SHORES, LLC, a Utah limited liability company

By: Thone K. Heppler
Name: Thone K. Heppler
Title: Manager

STATE OF UTAH)
) ss
COUNTY OF Utah)

The foregoing document was acknowledged before me this 12 day of September, 2019, by Thone K. Heppler, as Manager of Bayside Shores, LLC, a Utah limited liability company.

My commission expires: 8.1.23



Karen Weeks
Notary Public

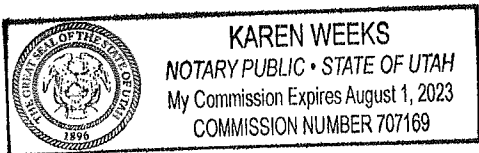
BEVERLY BAY, LLC, a Utah limited liability company

By: David J. Hatton
Name: David J. Hatton
Title: Manager

STATE OF UTAH)
) ss
COUNTY OF Utah)

The foregoing document was acknowledged before me this 12 day of September, 2019, by David J. Hatton, as Manager of Beverly Bay, LLC, a Utah limited liability company.

My commission expires: 8.1.23



Karen Weeks
Notary Public

EXHIBIT A
ADDITIONAL PROPERTY

A portion of the Southeast Quarter of Section 12, Township 6 South, Range 1 West, and the Southwest Quarter of Section 7, Township 6 South, Range 1 East, Salt Lake Base and Meridian, County of Utah, State of Utah, more particularly described as follows:

Beginning at a point located South 89°49'52" West along the Quarter Section line 106.77 feet and South 766.12 feet from the East Quarter Corner of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence South 30°27'48" East 170.36 feet; thence Northeasterly along the arc of a non-tangent curve to the right having a radius of 5,028.00 feet (radius bears: South 30°49'22" East) a distance of 3.94 feet through a central angle of 00°02'42" Chord: North 59°11'59" East 3.94 feet; thence South 30°57'00" East 56.00 feet; thence South 32°30'05" East 88.20 feet; thence South 31°37'52" East 19.84 feet; thence South 28°46'41" East 62.31 feet; thence South 28°46'44" East 10.68 feet; thence South 28°43'15" East 33.51 feet; thence South 27°59'31" East 98.52 feet; thence North 66°56'15" East 166.33 feet; thence Southerly along the arc of a non-tangent curve to the right having a radius of 356.00 feet (radius bears: South 66°56'17" West) a distance of 35.74 feet through a central angle of 05°45'06" Chord: South 20°11'14" East 35.72 feet; thence North 85°38'25" East 107.95 feet; thence North 76°40'03" East 60.00 feet; thence North 61°04'25" East 145.62 feet; thence South 28°55'35" East 197.70 feet; thence North 62°32'51" East 218.95 feet; thence Southeasterly along the arc of a non-tangent curve to the left having a radius of 657.20 feet (radius bears: North 50°09'30" East) a distance of 89.47 feet through a central angle of 07°47'59" Chord: South 43°44'30" East 89.40 feet; thence South 45°15'33" East 90.32 feet; thence South 28°26'03" East 76.46 feet; thence South 05°22'58" East 116.73 feet to the Northerly line of that Real Property described in Deed Entry No. 135244:2006 of the Official Records of Utah County; thence North 89°59'12" West along said deed 1,094.73 feet to a corner of MALLARD BAY PHASE 2, according to the Official Plat thereof recorded July 18, 2018 as Entry No. 67627:2018 in the Office of the Utah County Recorder; thence along said plat the following 2 (two) courses and distances: 1) South 72°23'29" West 46.19 feet; 2) South 61°08'38" West 75.37 feet to the Southeasterly corner of MALLARD BAY PHASE 2 AMENDED, according to the Official Plat thereof recorded October 30, 2018 as Entry No. 104095:2018 in the Office of the Utah County Recorder; thence along said plat the following 5 (five) courses: 1) North 35°01'25" West 110.51 feet; 2) Northeasterly along the arc of a non-tangent curve to the right having a radius of 472.00 feet (radius bears: South 34°53'38" East) a distance of 9.08 feet through a central angle of 01°06'06" Chord: North 55°39'25" East 9.08 feet; 3) North 33°46'23" West 56.00 feet; 4) North 34°56'36" West 306.14 feet; 5) South 54°54'46" West 18.69 feet to the Northeasterly line of said MALLARD BAY PHASE 2; thence North 34°56'36" West along said plat 115.09 feet; thence North 55°09'33" East 272.68 feet; thence North 32°32'17" West 35.83 feet; thence along the arc of a curve to the right with a radius of 1,278.00 feet a distance of 15.05 feet through a central angle of 00°40'30" Chord: North 32°12'02" West 15.05 feet; thence North 57°40'00" East 184.60 feet to the point of beginning.

And

A portion of the Southeast quarter of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, County of Utah, State of Utah, more particularly described as follows:

Beginning at a point located South 89°49'52" West along the Quarter Section line 548.90 feet from the East Quarter Corner of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence South 00°10'08" East 125.05 feet; thence South 00°28'00" West 56.00 feet; thence South 89°49'34" West 16.37 feet; thence South 00°10'26" East 103.26 feet; thence South 08°11'54" East 117.95 feet; thence North 81°12'03" East 109.22 feet; thence North 80°28'55" East 56.00 feet; thence Southerly along the arc of a non-tangent curve to the left having a radius of 1,222.00 feet (radius bears: North 81°14'02" East) a distance of 59.86 feet through a central angle of 02°48'24" Chord: South 10°10'10" East

59.86 feet; thence North 78°25'39" East 130.94 feet; thence South 14°46'52" East 72.92 feet; thence South 19°14'14" East 72.81 feet; thence South 23°38'49" East 72.65 feet; thence South 27°54'58" East 68.41 feet; thence South 60°43'20" West 14.97 feet; thence South 29°17'31" East 15.00 feet; thence South 30°27'48" East 81.65 feet; thence South 57°40'00" West 184.60 feet; thence Southeasterly along the arc of a non-tangent curve to the left having a radius of 1,278.00 feet (radius bears: North 58°08'13" East) a distance of 15.05 feet through a central angle of 00°40'30" Chord: South 32°12'02" East 15.05 feet; thence South 32°32'17" East 35.83 feet; thence South 55°09'29" West 272.68 feet to a point on the Easterly line of MALLARD BAY PHASE 2, according to the Official Plat thereof recorded July 19, 2019 as Entry No. 67627:2018 of the Official Records of Utah County; thence along said plat and along MALLARD BAY PHASE 1, according to the Official Plat thereof recorded April 1, 2016 as Entry No. 27905:2016 of the Official Records of Utah County the following 19 (nineteen) courses: 1) North 34°56'36" West 115.20 feet; 2) North 55°00'50" East 4.19 feet; 3) North 34°56'36" West 56.00 feet; 4) North 34°56'39" West 115.00 feet; 5) North 55°25'03" East 25.00 feet; 6) North 34°56'40" West 80.16 feet; 7) North 55°02'21" East 8.08 feet; 8) North 50°00'22" West 84.92 feet; 9) North 37°31'17" West 91.88 feet; 10) North 37°30'36" West 15.02 feet; 11) North 55°03'03" East 23.79 feet; 12) North 34°56'36" West 160.00 feet; 13) North 14°22'55" West 89.67 feet; 14) North 32°03'34" East 42.51 feet; 15) North 62°06'08" East 42.51 feet; 16) North 12°52'34" West 130.00 feet; 17) North 12°52'38" West 56.00 feet; 18) Westerly along the arc of a non-tangent curve to the left having a radius of 268.00 feet (radius bears: South 12°52'34" East) a distance of 19.00 feet through a central angle of 04°03'43" Chord: South 75°05'34" West 19.00 feet; 19) North 21°13'05" West 146.22 feet to the Section line; thence North 89°49'52" East along the Section line 366.72 feet to the point of beginning.

Tax ID Nos.: 16-001-0025, 16-001-0027, 16-001-0028 and 59-012-0175