

When recorded mail to:  
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Smith, Knowles & Hamilton, P.C.  
4723 Harrison Boulevard, Suite 200  
Ogden, Utah 84403

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SHERYL L. WHITE, DAVIS CNTY RECORDER  
1999 NOV 12 12:31 PM FEE 38.00 DEP REC  
REC'D FOR BONNEVILLE TITLE COMPANY, INC

12-370-0085 thru 0055 (all)

**SUPPLEMENTAL DECLARATION OF PHASE IV TO  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF PARKWOOD ESTATES  
A COVENANTED SUBDIVISION**

This Supplemental Declaration of Phase IV to the Declaration of Covenants, Conditions and Restrictions of Parkwood Estates (the "Supplemental Declaration") is executed this 4th day of November, 1999, by JADE DEVELOPMENT, L.C. (the "Declarant"), the current owner of all Lots in Parkwood Estates, Phase IV (the "Lots"), for the purpose of annexing to the Property, as described in the Declaration of Covenants, Conditions and Restrictions of Parkwood Estates, a Covenanted Subdivision (the "Declaration") referred to and described below, the Lots, consisting of fully improved building lots.

**RECITALS:**

- A. Declarant is the record owner of the Lots more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, and in that certain subdivision plat filed for record and recorded on November 4, 1999, at 10:03 a.m., as Entry No. 156636, in Book 2578, at Page 742, in the official records of the Recorder's Office of Davis County, Utah.
- B. Declarant desires to subject the Lots to the covenants, conditions, restrictions, easements, charges and liens, with certain exceptions contained herein, created by that certain Declaration recorded on January 29, 1997, as Entry No. 1301053, in Book 2089, at Page 631, in the office of the County Recorder of Davis County, Utah.
- C. Paragraph 2.02 of Article II of the Declaration provides for the annexation of property by Declarant, effective upon the recordation in the office of the County Recorder of Davis County, Utah, of this Supplemental Declaration.

NOW, THEREFORE, BE IT DECLARED:

1. Title. This instrument is titled and shall hereafter be referred to as the "Supplemental Declaration of Phase IV to the Declaration of Covenants, Conditions and

Restrictions of Parkwood Estates, a Covenanted Subdivision" or simply as the "Phase IV Supplemental Declaration".

2. Identification of Annexed Lots. The Lots to be annexed to the Property effective upon the recordation of this Phase IV Supplemental Declaration are described in Exhibit "A" attached hereto and on the Plat identified in paragraph A of the Recitals.

3. Annexation. The Lots described in Exhibit "A" are hereby annexed to the Property and shall hereafter be held, sold, conveyed, encumbered, leased, occupied and improved as part of the Property subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration, the full text of which is incorporated herein by reference and made a part hereof, as the same may be amended or supplemented.

4. Form for Conveyancing. Any deed, lease, mortgage, deed of trust, or other instrument conveying or encumbering title to a Residential Lot shall describe the interest or estate involved substantially as follows:

Lot No. \_\_\_\_\_ of Parkwood Estates, Phase IV, according to the Plat thereof recorded in Book 2578, Page 742, of the Official Records of Davis County, which Lot is contained within the Declaration of Covenants, Conditions and Restrictions of Parkwood Estates, a Covenanted Subdivision, recorded on January 29, 1997, as Entry No. 1301053, in Book 2089, at Page 631, TOGETHER WITH a right and easement of use and enjoyment in and to the Common Areas described, and as provided for, in said Declaration of Covenants, Conditions and Restrictions, and in the Phase IV Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions of Parkwood Estates, a Covenanted Subdivision, recorded in Book \_\_\_\_\_, at Page \_\_\_\_\_, and SUBJECT TO the covenants, conditions, restrictions, easements, charges and liens provided for in said Declaration and in said Phase IV Supplemental Declaration.

5. General Restrictions and Requirements. All general restrictions and requirements of the Declaration as contained in Article VII, paragraph 7.01 thereof, shall apply to the Lots, with the following exceptions:

- (n) No dwelling shall be permitted upon Lots 43, 49, 50, 51, 52, 53, 54 and 55 with the ground floor area of the main structures, exclusive of open porches and garages, of less than 1,400 square feet for a one story dwelling, which includes ramblers and bi-levels, a foot print of less than 1,400 square feet for a split level home, and a combined square footage of less than 1,800 square feet on the main and second level for a two-story dwelling.

No dwelling shall be permitted upon Lots 41, 42, and 48 with the ground floor area of the main structures, exclusive of open porches and garages, of less than 1,500 square feet for a one story dwelling, which includes ramblers and bi-levels, a foot

print of less than 1,500 square feet for a split level home, and a combined square footage of less than 1,800 square feet on the main and second level for a two-story dwelling.

No dwelling shall be permitted upon Lots 35, 36, 37, 38, 39, 40, 44, 45, 46 and 47 with the ground floor area of the main structures, exclusive of open porches and garages, of less than 1,600 square feet for a one story dwelling, which includes ramblers and bi-levels, a foot print of less than 1,600 square feet on a split level home, and a combined square footage of less than 2,000 square feet on the main and second level for a two-story dwelling.

- (o) The homes on Lots 43, 49, 50, 51, 52, 53, 54 and 55 must include at least a two car attached garage with a minimum garage door width of 18 feet. All other homes on the remaining lots in Phase IV must include at least a three car attached garage.
- (y) No Owner of any Residential Lot, except Declarant or those Owners given permission by Declarant, so long as Declarant owns a Lot in Phase IV, shall build or permit the building thereon of any structure that is to be used as a model or exhibit unless a permit to do so is first granted by the Design Committee.
- (ii) Paragraph 7.01 (ii) of the Declaration shall remain the same with the exception that Declarant reserves the right to authorize an Owner to place a mobile home or similar facility upon a Residential Lot in furtherance of any construction, marketing, sales, management, promotional or other activities designed to accomplish or facilitate improvement of a Residential Lot.

6. Design Committee. Notwithstanding language to the contrary in the Declaration, Declarant shall have the right to serve as the Design Committee on all decisions affecting the Residential Lots in Phase IV so long as it owns any Lot within Phase IV.

7. Land Classification. The Lots annexed herewith as set forth in the Plat do not create any new common areas or land classifications.

8. Improvements. The Lots shall be improved for Residential purposes only and shall include sewer, culinary water, secondary water, paved dedicated road access, curb and gutter, sidewalk, electricity, and natural gas.

9. Conflict. If the provisions of this Phase IV Supplemental Declaration conflict with any terms set forth in the Declaration or the terms of any other Supplemental Declaration, the terms of this Phase IV Supplemental Declaration shall govern.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date first written above.

JADE DEVELOPMENT, L.C.

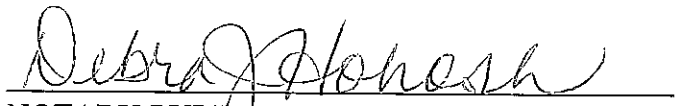
by:



Melven E. Smith  
Member

STATE OF UTAH            )  
                                  : ss  
COUNTY OF WEBER        )

On the 4th day of November, 1999. personally appeared before me MELVEN E. SMITH, who being by me duly sworn did say that he is a member of Jade Development, L.C. and that the within and foregoing instrument was signed in behalf of said limited liability company, and said MELVEN E. SMITH duly acknowledged to me that he executed the same.

  
NOTARY PUBLIC

Residing At: *Ogden, UT*  
My Commission Expires:  
*11-12-03*

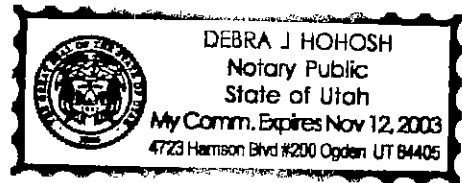


EXHIBIT "A"

Lot Nos. 35 through 55, inclusive, of Parkwood Estates, Phase IV, according to the Plat thereof recorded in Book 2578, Page 742, of the Official Records of Davis County.