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Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE INS AGENCY
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED RETURN TO:
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7440

**FOURTH SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR IVORY CROSSING,
A Utah Planned Unit Development**

This Fourth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 5, a Utah Planned Unit Development, is made and executed by IVORY DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for Ivory Crossing Phase 1, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 29, 2003 as Entry No. 8795529 in Book 8872 at Pages 7924-7982 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 2, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on July 12, 2004 as Entry No. 9117821 in Book 9013 at Pages 1269-1275 of the Official Records (the "First Supplement").

Whereas, the related Plat Map for Phase 2 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 3, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on May 5, 2005 as Entry No. 9368186 in Book 9127 at Pages 1797-1810 of the Official Records (the "Second Supplement").

Whereas, the related Plat Map for Phase 3 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 4, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on March 23, 2006 as Entry No. 9671410 in Book 9270 at Pages 3564-3572 of the Official Records (the "Third Supplement").

Whereas, the related Plat Map for Phase 4 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Amendment to the Declaration of Protective Covenants for Ivory Crossing, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on December 15, 2006 as Entry No. 9941694 in Book 9395 at Pages 2703-2713 of the Official Records (the "First Amendment").

Whereas, under Article III, Section 41 of the Declaration, Declarant reserved the unilateral right to expand the planned residential development 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 Salt Lake County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "Phase 5 Property").

Whereas, Declarant desires to expand the planned residential development by creating on the Phase 5 Property additional Lots and other improvements of a less significant nature.

Whereas, Declarant now intends that the Phase 5 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the planned residential development and the Lot Owners thereof, Declarant hereby executes this Fourth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 5.

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

- a. **Phase 5 Map** shall mean and refer to the Plat Map of Phase 5 of the Project, prepared and certified to by Ralph Goff, a duly registered Utah Land Surveyor holding Certificate No. 144147, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Forth Supplemental Declaration.
- b. **Forth Supplemental Declaration** shall mean and refer to this Second Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 5.

- c. **Subdivision** shall mean and refer to Ivory Crossing Phases 1, 2, 3, 4, and 5.

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

2. **Amendment.** The Declaration is amended as follows:

a. The following is deleted from Section 2, Landscaping:

l) No hardscape material or controlled surfaces may be installed or constructed as landscaping in the front, side or rear yards of a Lot without the express prior written consent of the ARC. For use herein, hardscape material or controlled surfaces shall mean concrete, cement or masonry products, pavers, brick, brick pavers, decorative stone, stone, cobblestone, tile, terrazzo, slabs, slate, rocks, pebbles, gravel, permeable pavements and so forth or other artificial or impermeable surfaces, and so forth.)

b. Section 2, Landscaping, item m) shall be modified as follows:

m) No additional driveway or parking pad may be added to the exterior of the home except to the side of the existing driveway and then only if the additional driveway or parking pad:

1) is compatible with the topography and the design and landscaping scheme of neighboring lots; and

2) is expressly conditioned upon continued maintenance, repair and replacement.

c. The following is deleted from Section 2, Landscaping:

n) A limitation of hardscape in the curb strip up to 4 feet wide of hardscape material or controlled surfaces only if the curb piece will provide direct access and match up to an existing sidewalk that leads directly to the front door of the house.

o) All corner planters must:

1) be approved by the ARC and are subject to the following conditions:

1) contain a minimum of 50 square feet; and

2) be a substantially triangular area located immediately adjacent to the front sidewalk and the side lot boundary line.

3. **Legal Description.** The real property described in Exhibit "A" 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.

4. **Annexation.** Declarant hereby declares that the Phase 5 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Forth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A" subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the ARC.

5. **Description of Property and Total Number of Units Revised.** As shown on the Phase 5 map, forty-two (41) new residential lots, Numbers 501-540, are or will be constructed and/or created in the Project on the Phase V property. Lot 541 on the plat is a church site and is not subject to this Declaration. Upon the recordation of the Phase 5 Map and this Forth Supplemental Declaration, the total number of residential Lots in the Project will be 254. 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.

6. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration, First Supplement, Second Supplement, Third Supplement, and First Amendment, which are by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 5 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

7. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration, as supplemented or amended, and the Forth Supplement, the latter shall in all respects govern and control:

8. **Effective Date.** The effective date of this Forth Supplemental Declaration and the Phase 5 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

EXHIBIT "A"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Ivory Crossing Phase 5 Property is located in Salt Lake County, Utah and is described more particularly as follows:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF IVORY CROSSING NO. 4 P.U.D., SAID POINT BEING N89°46'32"W, 54.35 FEET AND NORTH, 819.22 FEET FROM THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE BOUNDARY OF SAID IVORY CROSSING NO. 4 P.U.D. THE FOLLOWING EIGHT (8) COURSES: N89°46'32"W, 55.00 FEET; THENCE S75°09'36"W, 66.28 FEET; THENCE N89°46'42"W, 331.00 FEET; THENCE N69°13'29"W, 87.78 FEET; THENCE N56°02'02"W, 100.00 FEET; THENCE N50°30'38"W, 55.24 FEET; THENCE N46°33'18"W, 87.48 FEET; THENCE N18°20'02"W, 192.50 FEET; THENCE N35°51'24"W, 255.71 FEET; THENCE LEAVING SAID BOUNDARY LINE OF IVORY CROSSING NO. 4 P.U.D. AND RUNNING N18°27'02"W, 7.15 FEET; THENCE N61°22'01"E, 119.04 FEET; THENCE S89°58'13"E, 66.05 FEET; THENCE N63°24'49"E, 118.45 FEET; THENCE N36°38'07"W, 49.13 FEET; THENCE N63°17'38"E, 178.76 FEET; THENCE N79°55'17"E, 79.78 FEET; THENCE N9°19'39"W, 112.72 FEET; THENCE N22°59'31"E, 65.69 FEET; THENCE N6°33'15"W, 108.00 FEET; THENCE N86°20'14"E, 103.00 FEET; THENCE N82°49'04"E, 106.90 FEET; THENCE S89°21'11"E, 55.01 FEET; THENCE N89°44'28"E, 110.00 FEET; THENCE N00°15'32"W, 29.96 FEET; THENCE N89°44'28"E, 110.74 FEET; THENCE S89°11'16"E, 55.16 FEET; THENCE N89°44'28"E, 115.22 FEET TO A POINT ON THE BOUNDARY OF IVORY CROSSING NO. 3 P.U.D.; THENCE ALONG THE BOUNDARY OF SAID IVORY CROSSING NO. 3 P.U.D. THE FOLLOWING FIVE (5) COURSES: S0°16'53"E, 408.54 FEET; THENCE 6.21 FEET ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S60°03'10"W, 6.20 FEET); THENCE 139.56 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S40°08'43"W, 135.18 FEET); THENCE 45.72 FEET ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S52°34'43"W, 42.54 FEET); THENCE S8°04'49"E, 55.55 FEET TO A POINT ON THE BOUNDARY OF IVORY CROSSING NO. 2 P.U.D.; THENCE ALONG SAID BOUNDARY OF IVORY CROSSING NO. 2 P.U.D. THE FOLLOWING SIX (6) COURSES: WEST, 56.15 FEET; THENCE 65.55 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S77°28'48"W, 65.03 FEET); THENCE S64°57'37"W, 161.95 FEET; THENCE 24.46 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S18°14'18"W, 21.84 FEET); THENCE S28°29'01"E, 305.88 FEET; THENCE 175.37 FEET ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S14°07'46"E, 173.54 FEET) TO THE POINT OF BEGINNING.

LESS THE CHURCH SITE PLATTED AS LOT 541 AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 0°01'33" EAST, 1414.96 FEET ALONG THE SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE WEST, 26.18 FEET; THENCE 89.59 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 77°28'48" WEST, 88.88 FEET); THENCE SOUTH 64°57'37" WEST, 166.37 FEET; THENCE 23.56 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 70°02'16" WEST, 21.21 FEET); THENCE 326.46 FEET ALONG THE ARC OF A 397.50 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 1°30'29" WEST, 317.36 FEET); THENCE 20.70 FEET ALONG THE ARC OF A 652.50 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 21°06'39" EAST, 20.70 FEET); THENCE EAST, 432.43 FEET TO A POINT ON THE BOUNDARY OF IVORY CROSSING NO 3. P.U.D.; THENCE ALONG THE BOUNDARY OF IVORY CROSSING NO. 3 P.U.D. AND IVORY CROSSING NO. 2 P.U.D. THE FOLLOWING FOUR (4) COURSES: SOUTH 0°15'38" EAST, 121.85 FEET; THENCE 6.21 FEET ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 60°03'10" WEST, 6.20 FEET); THENCE 139.56 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 40°08'43" WEST, 135.18 FEET); THENCE 45.72 FEET ALONG THE ARC OF A 35.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 52°34'43" WEST, 42.54 FEET); THENCE WEST 22.17 FEET TO THE POINT OF BEGINNING.