

WHEN RECORDED RETURN TO:  
Ivory Development, LLC,  
A Utah limited liability company  
Shay Bertola  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
(801) 747-7440

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6/13/2008 12:53:00 PM \$46.00  
Book - 9617 Pg - 1999-2005  
Gary W. Ott  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 7 P.

**FIRST SUPPLEMENT  
TO THE  
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS, AND RESERVATION OF EASEMENTS  
FOR  
Highbury Place Phase 2 Planned Unit Development**

This First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 2 Planned Unit Development, is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 East Woodoak Lane, Salt Lake City, UT 84117 (the "Declarant").

**RECITALS**

Whereas, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Commons at Lake Park Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on October 6, 2006 as Entry No. 9868362 in Book 9362 at Pages 804-846 (the "Master Declaration").

Whereas, the related Plat Map for the Highbury Commons at Lake Park Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 1 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on December 5, 2007 as Entry No. 10292560 in Book 9544 at Pages 7794-7831(the "Neighborhood Declaration").

Whereas, the related Plat Map for the Highbury Place Phase 1 Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, in the Master Declaration and Neighborhood Declaration Declarant reserved the unilateral right to expand the Planned Unit Development to annex additional land and expand the application of the Neighborhood Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in West Valley City, Salt Lake County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Phase 2 Property").

Whereas, Declarant desires to expand the Planned Unit Development by creating on the Phase 2 Property twenty-five (25) additional Lots, numbered 201-225, inclusive.

Whereas, Declarant now intends that the Phase 2 Property shall become subject to the Declaration.

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of the Planned Unit Development and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 2 Planned Unit Development.

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

- a. **Phase 2 Map** shall mean and refer to the Plat Map of Phase 2 of the Project, prepared and certified to by Byron M. Goff, a duly registered Utah Land Surveyor holding Certificate No. 4938723, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this First Supplemental Declaration.
- b. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 2 Planned Unit Development.
- c. **Water-Wise Techniques** shall mean and refer to the guidelines marked Exhibit "C," attached hereto and incorporated herein by this reference.

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-2 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 2 Property shall be annexed and upon recordation of this First Supplemental Declaration shall constitute and effectuate the

expansion of the Project, making the real property described in Exhibit A-2 subject to this Declaration and to the functions, powers, rights, duties and jurisdiction of the Association.

**4. Description of Property and Total Number of Units Revised.** Phase 1 contained twenty-nine (29) Lots numbered 101-129 inclusive, and other improvements of a less significant nature. Phase 2 will contain twenty-five (25) new Lots, numbered 201-225, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Project will be fifty-four (54). 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.

**5. Water-Wise Techniques.** Each Owner may, but is not required to, nor may be prohibited from using Water-Wise Techniques on his Lot.

**6. Street Trees.** The Street Tree Guidelines for the Phase 2 Property are marked Exhibit "D," attached hereto and incorporated herein by this reference.

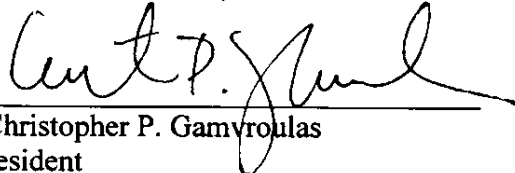
**7. Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Master Declaration and the Neighborhood Declaration, which are by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 2 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

**8. Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration and Neighborhood Declaration, as supplemented or amended, and the First Supplemental Declaration, the latter shall in all respects govern and control.

**9. Effective Date.** The effective date of this First Supplemental Declaration and the Phase 2 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.

Dated the 10 day of June, 2008.


DEVELOPER:  
IVORY DEVELOPMENT, LLC.

By:   
Name: Christopher P. Gamvroulas  
Title: President

**ACKNOWLEDGMENT**

STATE OF UTAH                            )  
  ss:  
COUNTY OF SALT LAKE                )

The foregoing instrument was acknowledged before me this 10 day June, 2008 by Christopher P. Gamvroulas, the President of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC. executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: SLC UT  
My Commission Expires: 1-30-2012



**EXHIBIT "A-2"**  
**LEGAL DESCRIPTION**  
**HIGHBURY PLACE PHASE 2 PLANNED UNIT DEVELOPMENT PROPERTY**

The Property referred to in the foregoing document as the Highbury Place Phase 2 Planned Unit Development Property is located in Salt Lake County, Utah and is described more particularly as follows:

BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF HIGHBURY PLACE PHASE 1 P.U.D., RECORDED AS ENTRY NUMBER 10292738 IN BOOK 2007P ON PAGE 467 IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING N0°06'35"W, 1069.92 FEET ALONG THE SECTION LINE AND EAST, 1622.41 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE BOUNDARY OF SAID HIGHBURY PLACE PHASE 1 P.U.D. THE FOLLOWING TEN (10) COURSES: NORTH, 206.00 FEET; THENCE EAST, 100.00 FEET; THENCE N60°56'58"E, 61.77 FEET; THENCE EAST, 100.00 FEET; THENCE NORTH, 15.00 FEET; THENCE N81°51'23"E, 102.15 FEET; THENCE N32°34'24"E, 97.84 FEET; THENCE N49°54'06"E, 80.00 FEET; THENCE N25°03'34"E, 59.51 FEET; THENCE N49°54'06"E, 104.58 FEET; THENCE LEAVING SAID HIGHBURY PLACE PHASE 1 P.U.D. AND RUNNING S44°22'23"E, 102.77 FEET; THENCE S77°25'47"E, 57.84 FEET; THENCE N85°54'03"E, 61.37 FEET; THENCE N61°37'57"E, 61.75 FEET; THENCE N49°21'41"E, 65.00 FEET; THENCE N33°38'16"E, 72.92 FEET; THENCE S40°05'54"E, 179.42 FEET; THENCE S49°54'06"W, 110.50 FEET; THENCE S42°01'58"E, 104.89 FEET; THENCE S67°37'20"W, 117.46 FEET; THENCE S60°36'49"W, 54.41 FEET; THENCE S83°53'41"W, 104.03 FEET; THENCE S03°28'23"E, 63.23 FEET; THENCE N84°06'18"W, 53.07 FEET; THENCE N66°21'10"W, 116.14 FEET; THENCE S24°23'36"W, 118.04 FEET; THENCE S21°58'05"E, 78.25 FEET; THENCE S22°36'53"W, 81.47 FEET; THENCE N77°29'49"W, 127.23 FEET; THENCE N59°59'32"W, 56.34 FEET; THENCE WEST, 216.43 FEET; THENCE N81°34'04"W, 54.59 FEET; THENCE WEST, 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 6.7577 ACRES - 25 LOTS

*14-25-128-005*

# EXHIBIT "C"

## SUGGESTED PLANT LIST

**WATER-WISE PLANTS**

PLANTING IS AN INVESTMENT. HELPING THE ENVIRONMENT AND YOUR WALLET. THESE PLANTS ARE WATER-WISE, MEANING THEY REQUIRE LITTLE WATER TO GROW AND THRIVE. THEY ARE ALSO DIVERSE IN COLOR, TEXTURE, AND FORM, PROVIDING A RANGE OF VISUAL INTEREST AND FUNCTIONALITY TO YOUR LANDSCAPE.

- ACE GIBBIFLORA** - Common Hackberry
- CESTRUM** - Japanese Pagoda Tree
- ROCKY MOUNTAIN MAGNOLIA**
- ACER GIBBIFLORA**
- CESTRUM**
- ROCKY MOUNTAIN MAGNOLIA**
- ACER GIBBIFLORA**
- CESTRUM**
- ROCKY MOUNTAIN MAGNOLIA**

- TALL SHRUBS**
- LEAFY BRANCHES**
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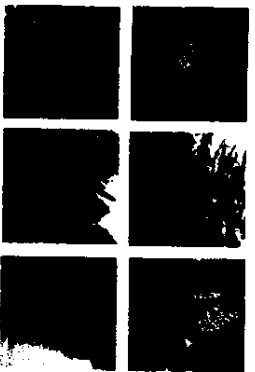
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## WORRY-HOMES WATER-WISE LANDSCAPING

Water-Wise Landscaping



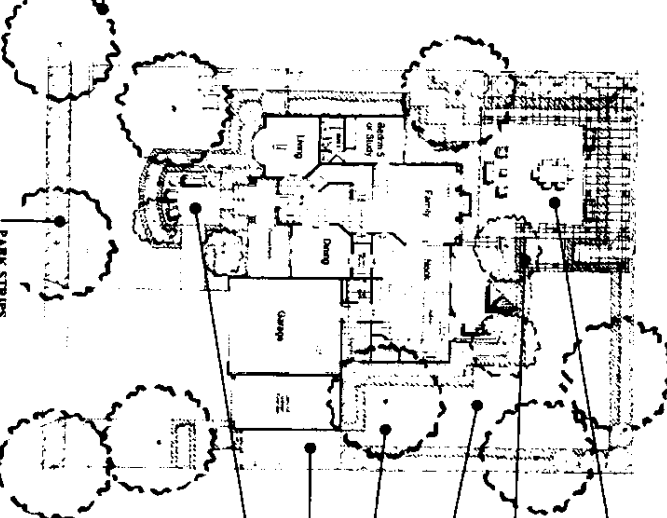
### STREET TREES

CAN CONTRIBUTE TO THE NEIGHBORHOOD AESTHETIC, BUT THEY ALSO SHADE AND COOL PAVEMENTS. THIS CAN HELP REDUCE AMBIENT TEMPERATURES AND HELP REDUCE COOLING COSTS. PLANTING AND CARING FOR STREET TREES IS AN IMPORTANT ELEMENT IN IMPROVING YOUR COMMUNITY'S LONG-TERM SUSTAINABILITY.

YOUR COMMUNITY MAY HAVE STREET TREES THAT HAVE BEEN REPLACED. IN OTHER CASES, YOU MAY BE EXPECTED TO PROVIDE AND MAINTAIN THE STREET TREES. IN EITHER CASE, YOUR STREET TREES WILL BE PART OF AN OVERALL COMMUNITY STREET TREE PLAN. CHECK THE COVENANTS OR OTHER MATERIALS YOU RECEIVED AND MAKE SURE THAT YOU PLANT REQUIRED STREET TREES IN ACCORDANCE WITH THE PLAN PROVIDED.

MAINTENANCE: YOU HAVE AN IMPORTANT RESPONSIBILITY TO PROPERLY MAINTAIN YOUR STREET TREES. IF ONE HOME OWNER NEGLECTS TO MAINTAIN OR PROPERLY MAINTAIN STREET TREES IN FRONT OF THEIR HOME, THE ENTIRE NEIGHBORHOOD FEELS THE EFFECT. BE CERTAIN THAT ADEQUATE WATER IS PROVIDED TO YOUR STREET TREES SO THAT THEY WILL BE HEALTHY. DISEASE AND DON'T OVERWATER TO MODIFY THE NATURAL SHAD OF THE TREE.

STAKE IS NOT NORMALLY NECESSARY, BUT IF YOUR TREE IS NOT GROWING STRAIGHT, IT MAY BE IMPORTANT. COMMERCIAL FERTILIZERS ARE AVAILABLE IN MANY FORMS. CHECK WITH YOUR LOCAL NURSERYMAN FOR RECOMMENDATIONS.



### WATER-WISE LANDSCAPE IDEAS

GENEROUS PAVED PATIOS AND TERRACES PROVIDE NOT ONLY OUTDOOR LIVING SPACES AND ENTERTAINMENT OPPORTUNITIES, BUT THEY REDUCE THE AMOUNT OF WATER IN YOUR YARD. REMEMBER, IT'S IMPORTANT TO SHADE THESE PAVED SURFACES...

AN ARBOR, TRELLIS, OR ROOFED GARDEN STRUCTURE CAN HELP DEFINE SPACES BUT ALSO ADD SHADE AND HELP TO REDUCE EVAPORATION.

REDUCE THE AMOUNT OF LAWN TO THAT NECESSARY FOR OUTDOOR ACTIVITIES. A GOOD GOAL FOR THE FRONT YARD IS A MAXIMUM OF 60 TO 70 PER CENT OF THE TOTAL PAVED AREA.

PLACE SHADE TREES TO MAXIMIZE THEIR EFFECT ON SOLAR MODIFICATION OR PROTECTION FROM WIND. CONSIDER NEEDS FOR BOTH THE YARD AND THE HOUSE.

CONSIDER MARKING UTILITY AREAS OR OUT-OF-SIGHT SIDE YARDS WITH A DRAINAGE PAVEMENT OR GRAVEL SURFACE TO REDUCE WATER USAGE.

CONSIDER USING ADDITIONAL PAVEMENTS IN THE FRONT YARD. THEY CAN PROVIDE AN INVITING ENTRY SPACE. IT WILL ALSO REDUCE THE AREA REQUIRING IRRIGATION. SPACE PLANTS ADEQUATELY TO PROVIDE, AT MATURITY, COVERAGE AND SHADE FOR THE SOIL.

A WOOD BARK MULCH IN NEWLY PLANTED BEDS CAN HELP CONDITION SOIL AND REDUCE EVAPORATION FROM THE SOIL SURFACE.

CONSIDER ALTERNATE SURFACES IN PLAY AREAS SUCH AS SAND OR WOOD CHIPS MADE ESPECIALLY FOR PLAY AREAS.



### IDEAS FOR IRRIGATION SYSTEMS

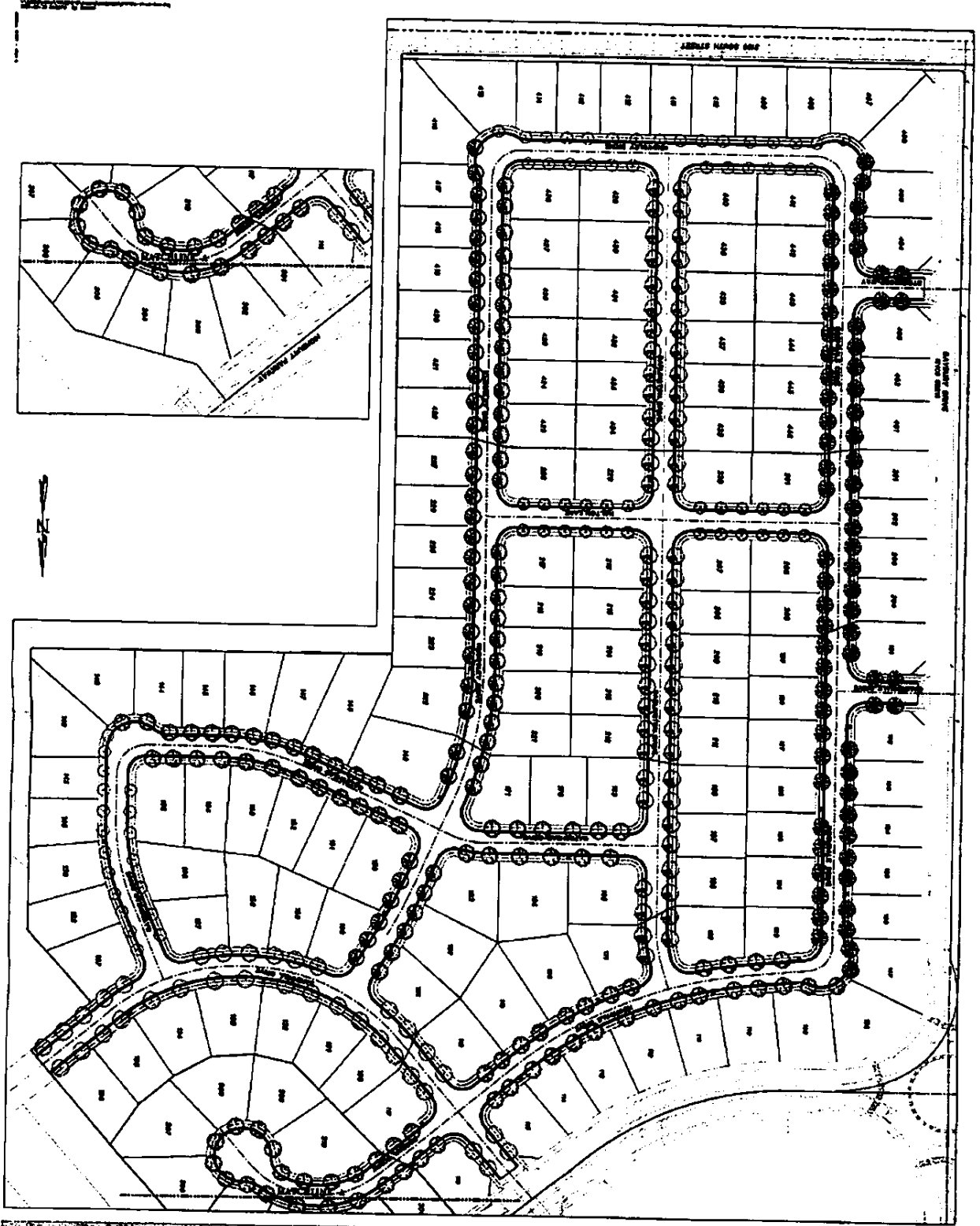
AN AUTOMATIC IRRIGATION SYSTEM, WHEN PROPERLY MAINTAINED AND MONITORED, CAN REDUCE WATER WASTE.

MAKE SURE THAT LAWN AREAS AND SHRUB BEDS ARE ON SEPARATE WATER VALVES. SHRUBS USE MUCH LESS WATER THAN LAWNS, SO SHOULD BE WATERED LESS. SEPARATING THE VALVES AND MONITORING WATER NEEDS WILL SAVE WATER.

WHEN LAYING OUT YOUR SYSTEM, ALSO CONSIDER MICROCLIMATES. THE NORTH AND EAST SIDES OF YOUR HOME WILL BE IN SHADE LONGER THAN THE SOUTH AND WEST SIDES.

DRIP IRRIGATION SYSTEMS CAN BE EFFECTIVE IN SHRUB BEDS AND WILL HELP CONSERVE WATER. WATER YOUR YARD DURING EARLY-MORNING HOURS TO HELP MINIMIZE EVAPORATION.

# EXHIBIT "D"



**STREET TREE PLAN**

**PROJECT INFORMATION:**  
 MOUNTAIN VIEW  
 570 E. WOODROW WALK, SUITE 101, DENVER, CO 80202  
 HIGHLAND PLACE  
 ORIGINAL PLAN  
 WEST WALK CITY CENTER

**DATE:** 11/10/11

**SCALE:** 1" = 10'

**LEGEND:**

- 12" DBH TREE
- 18" DBH TREE
- 24" DBH TREE
- 30" DBH TREE
- 36" DBH TREE
- 42" DBH TREE
- 48" DBH TREE
- 54" DBH TREE
- 60" DBH TREE
- 66" DBH TREE
- 72" DBH TREE
- 78" DBH TREE
- 84" DBH TREE
- 90" DBH TREE
- 96" DBH TREE
- 102" DBH TREE
- 108" DBH TREE
- 114" DBH TREE
- 120" DBH TREE

**NOTES:**

1. All trees shown are to be planted within the specified planting area.
2. The size of the tree is indicated by the diameter of the circle.
3. The location of the tree is indicated by the center of the circle.
4. The tree is to be planted within the specified planting area.
5. The tree is to be planted within the specified planting area.