

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

10481899
7/21/2008 12:00:00 PM \$26.00
Book - 9628 Pg - 1395-1399
Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 5 P.

**SECOND SUPPLEMENT
TO THE
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS, AND RESERVATION OF EASEMENTS
FOR
HIGHBURY PLACE PHASE 3 PLANNED UNIT DEVELOPMENT**

This Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 3 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, the First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 2 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah

on 6/13/2008 as Entry No. 10453451 in Book 9617 at Pages 1999 - 2005 (the "First Supplemental Declaration").

Whereas, the related Plat Map for the Highbury Place Phase 2 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-3" attached hereto and incorporated herein by this reference (the "Phase 3 Property").

Whereas, Declarant desires to expand the Planned Unit Development by creating on the Phase 3 Property nine (9) additional Lots, numbered 301-309, inclusive.

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 Planned Unit Development and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 3 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 3 Map** shall mean and refer to the Plat Map of Phase 3 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 Second Supplemental Declaration.
- b. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 3 Planned Unit Development.

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 and 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 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 contained twenty-five (25) new Lots, numbered 201-225, inclusive, and other improvements of a less significant nature. Phase 3 will contain nine (9) new Lots, numbered 301-309, 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 sixty-three (63). 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.

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 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 3 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 Second Supplemental Declaration, the latter shall in all respects govern and control.

9. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 3 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 25 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 25 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:
My Commission Expires:



EXHIBIT "A-3"
LEGAL DESCRIPTION
HIGHBURY PLACE PHASE 3 PLANNED UNIT DEVELOPMENT PROPERTY

The Property referred to in the foregoing document as the Highbury Place Phase 3 Planned Unit Development Property is located in Salt Lake County, Utah and is described more particularly as follows:

BEGINNING AT A POINT ON THE SOUTHEASTERLY RIGHT OF WAY OF HIGHBURY PARKWAY, SAID POINT BEING N0°06'35"W, 1746.74 FEET ALONG THE SECTION LINE AND EAST, 2027.78 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N49°54'06"E, 211.82 FEET ALONG SAID SOUTHEASTERLY RIGHT OF WAY; THENCE S40°05'54"E, 24.46 FEET; THENCE S74°51'18"E, 185.23 FEET; THENCE S40°05'54"E, 228.42 FEET TO THE NORTHERLY LINE OF HIGHBURY PLACE PHASE 2 P.U.D.; THENCE ALONG THE BOUNDARY OF SAID HIGHBURY PLACE PHASE 2 AND PHASE 1 P.U.D. THE FOLLOWING EIGHT (8) COURSES: S33°38'16"W, 72.92 FEET; THENCE S49°21'41"W, 65.00 FEET; THENCE S61°37'57"W, 61.75 FEET; THENCE S85°54'03"W, 61.37 FEET; THENCE N77°25'47"W, 57.84 FEET; THENCE N44°22'23"W, 177.98 FEET; THENCE N64°02'10"W, 59.08 FEET; THENCE N40°05'54"W, 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 2.5216 ACRES - 9 LOTS

Parcel ID No's:	14-25-127-004
	14-25-127-005
	14-25-127-006
	14-25-127-007
	14-25-127-008
	14-25-127-012
	14-25-127-011
	14-25-127-010
	14-25-127-009