

WHEN RECORDED RETURN TO:  
LEGACY COMMUNITIES, LLC  
Dave Bromley  
5320 So. 900 E., Suite 250  
Salt Lake City, UT 84117  
(801) 288-1999

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1/20/2009 1:58:00 PM \$31.00  
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Gary W. Ott  
Recorder, Salt Lake County, UT  
MERIDIAN TITLE  
BY: eCASH, DEPUTY - EF 5 P.

**SECOND SUPPLEMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE VILLAS AT PEPPERWOOD CREEK NEIGHBORHOOD**

This Second Supplement to the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood, is made and executed by LEGACY COMMUNITIES, LLC., a Utah limited liability company, of 5320 South 900 East, Suite 250, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

**RECITALS**

Whereas, the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood, a planned community development, was recorded in the office of the County Recorder of Salt Lake County, Utah on June 20, 2007 as Entry No. 10139524 at Pages 8774 through 8806 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Map for Plat 7A of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 17 of the Declaration, Declarant reserved the unilateral right to expand the Project 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-2" attached hereto and incorporated herein by this reference (the "Phase 7A Property").

Whereas, Declarant desires to expand the planned community development by creating on the Phase 7A Property additional Lots, Common Area and other improvements of a less significant nature.

Whereas, Declarant now intends that the Phase 7A Property shall become subject to the Declaration.

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood.

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

- A. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood.
- D. **Phase 7A Maps** shall mean and refer to the Final Plat Maps of Phase 7A of the Project, prepared and certified to by a duly registered Utah Land Surveyor, 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.
- E. **Subdivision** shall mean and refer to the planned community development known as The Villas at Pepperwood Creek Neighborhood and Phase 7A Plat, as it may be amended or expanded from time to time.

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 7A Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Second 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 the functions, powers, rights, duties and jurisdiction of the Association and the Architectural Review Committee (the "ARC").

4. **Description of Property and Total Number of Lots Revised.** As shown on the Phase 7A Map - fourteen (14) new Lots, Numbers 701-714, Common Area, and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Phase 7A Property. Upon the recordation of the Phase 7A Map and this Second

Supplemental Declaration, the total number of Lots in the Project will be thirty five (49). 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. **Road Maintenance Fund.** The City and Declaration require that the Developer establish a road maintenance fund for the private roads in the Project (collectively "Road Maintenance Funds" and individually "Road Maintenance Fund"). Concurrently with the recording of the First Supplemental Declaration a corresponding Road Maintenance Fund shall be established by the Developer depositing into a separate federally insured bank account created for this purpose in the name of the Association a lump sum deposit of \$2,500.00 for Phase 7A. Each Owner thereafter shall be charged a monthly Road Maintenance Fund assessment, in an amount to be established by the Developer, until the Road Maintenance Fund for this Phase has a minimum balance of \$2,500.00 (the "Minimum Required Balance"). The Developer hereby reserves to itself and hereby grants to the Association the authority and power to assess, without any additional approval, each Owner in Phase 7A a monthly Road Maintenance Assessment until the Minimum Required Balance is reached within his Phase; and, in addition, if the Road Maintenance Fund for a Phase subsequently falls below the Minimum Required Balance, then the Board of Directors shall upon at least 30 days prior written notice resume and continue the monthly Road Maintenance Assessment for that Phase until such time as its Minimum Required Balance is restored.

6. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 7A 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 19<sup>th</sup> day of January, 2009.

DEVELOPER:  
LEGACY COMMUNITIES, LLC

By: 

Name: David L. Evans

Title: Manager



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The Property referred to in the foregoing document as Phase 7A of The Villas at Pepperwood Creek Neighborhood Property is located in Salt Lake County, Utah and is described more particularly as follows:

All of Lots 701 to 714, inclusive, of Pepperwood Creek Phase 7A,

28-14-376-032

According to the official plat thereof.