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Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED RETURN TO:
Ivory Development, LLC,
A Utah Limited Liability Company
Chris Gamvroulas
978 East Woodoak Lane
Salt Lake City, UT 84117
(801) 747-7440

**FOURTH SUPPLEMENT
TO THE
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS, AND RESERVATION OF EASEMENTS
FOR
HIGHBURY PLACE PHASE 5 PLANNED UNIT DEVELOPMENT**

This Fourth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 5 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, the Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 3 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on 7/21/2008 as Entry No. 10481899 in Book 9628 at Pages 1395-1399 (the "Second Supplemental Declaration").

Whereas, the related Plat Map for the Highbury Place Phase 3 Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah

Whereas, the Third Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 4 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on 10/22/08 as Entry No. 10546498 in Book 9653 at Pages 1055-1059 (the "Third Supplemental Declaration").

Whereas, the related Plat Map for the Highbury Place Phase 4 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 5 Property").

Whereas, Declarant desires to expand the Planned Unit Development by creating on the Phase 5 Property twelve (12) additional Lots, numbered 501-512, inclusive.

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 Unit Development and the Lot Owners thereof, Declarant hereby executes this Fourth Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 5 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 5 Map** shall mean and refer to the Plat Map of Phase 5 of the Project, prepared and certified to by Brad Llewelyn, a duly registered Utah Land Surveyor holding Certificate No. 4938735, 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. **Fourth Supplemental Declaration** shall mean and refer to this Fourth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 5 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-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 5 Property shall be annexed and upon recordation of this Fourth 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, Phase 2 contained twenty-five (25) lots, Phase 3 contained nine (9) lots, Phase 4 contained seventeen (17) lots and other improvements of a less significant nature. Phase 5 will contain twelve (12) new Lots, numbered 501-512, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 5 Map and this Fourth Supplemental Declaration, the total number of Lots in the Project will be ninety-two (92). 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. **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 5 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

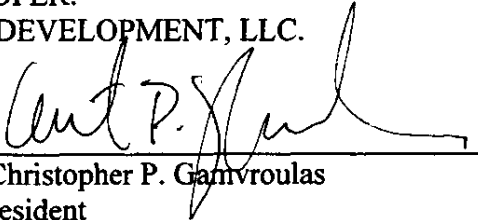
6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration and Neighborhood Declaration, as supplemented or

amended, and the First Supplemental Declaration, the latter shall in all respects govern and control.

7. Effective Date. The effective date of this Fourth 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.

Dated the 28 day of OCTOBER 2011.

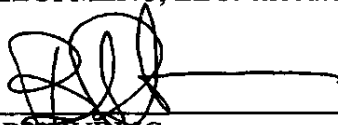
DEVELOPER:
IVORY DEVELOPMENT, LLC.

By: 
Name: Christopher P. Gamvroulas
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 28 day June, ²⁰¹¹~~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:

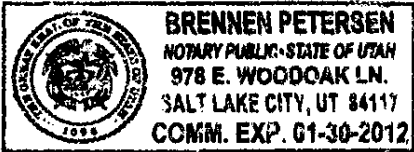


EXHIBIT "A-2"
LEGAL DESCRIPTION
HIGHBURY PLACE PHASE 2 PLANNED UNIT DEVELOPMENT PROPERTY

The Property referred to in the foregoing document as the Highbury Place Phase 5 Planned Unit Development Property is located in Salt Lake County, Utah and is described more particularly as follows:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°06'50" WEST ALONG THE WEST SECTION LINE OF SAID SECTION 25, 1878.81 FEET; THENCE NORTH 89°53'10" EAST, 2190.19 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING THE NORTHWEST CORNER OF HIGHBURY PLACE PHASE 3 P.U.D AND A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHBURY PARKWAY; RUNNING THENCE NORTH 49°54'06" EAST, 438.13 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 40°05'54" EAST, 255.12 FEET; SOUTH 49°37'45" EAST, 29.92 FEET; THENCE SOUTH 40°06'31" EAST, 258.32 FEET; THENCE SOUTH 21°04'09" EAST, 30.68 FEET; THENCE SOUTH 40°05'54" EAST, 113.17 FEET; THENCE SOUTH 49°54'06" WEST, 83.27 FEET; THENCE SOUTH 28°40'42" WEST, 12.50 FEET; THENCE SOUTH 80°21'32" WEST, 42.55 FEET; THENCE SOUTH 37°37'58" WEST, 115.11 FEET; THENCE NORTH 40°05'54" WEST, 108.06 FEET; THENCE SOUTH 49°53'51" WEST, 83.45 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF HIGHBURY PLACE PHASE 2 P.U.D.; THENCE ALONG SAID NORTHEASTERLY LINE AND THE NORTHEASTERLY LINE OF HIGHBURY PLACE PHASE 3 P.U.D. THE FOLLOWING THREE (3) COURSES: 1) NORTH 40°05'54" WEST, 407.84 FEET; 2) NORTH 74°51'18" WEST, 185.23 FEET; 3) NORTH 40°05'54" WEST, 24.46 FEET TO THE POINT OF BEGINNING.

CONTAINS: 230,092 SQFT OR 5.282 ACRES (12 LOTS & 7 PARCELS)

Excluding therefrom the seven lettered parcels shown on the Highbury Place Phase 5 Planned Unit Development Plat as parcels A through G.