

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

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8/8/2014 9:39:00 AM \$55.00
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Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 6 P.

**EIGHTH SUPPLEMENT
TO THE
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS, AND RESERVATION OF EASEMENTS
FOR
HIGHBURY PLACE PHASE 9**

This Eighth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 9, 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 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 Final Plat for Highbury Commons at Lake Park 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 Highbury Place 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 Final Plat for Highbury Place Phase 1 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 Highbury Place 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").

Parcel Nos. 14-25-201-014, 14-25-226-029, 14-25-202-013, 14-25-201-015, 14-25-201-016, 14-25-201-017, 14-25-202-011 and 14-25-226-028

Whereas, the related Final Plat for Highbury Place Phase 2 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 Highbury Place 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 Final Plat for Highbury Place Phase 3 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 Highbury Place 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 Final Plat for Highbury Place Phase 4 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 5 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on November 1, 2011 as Entry No. 11271947 in Book 9963 at Pages 2889-2893 (the "Fourth Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 5 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fifth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 6 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on September 27, 2012 as Entry No. 11480744 in Book 10060 at Pages 7837-7841 (the "Fifth Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 6 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Sixth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 7 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on November 14, 2012 as Entry No. 11514015 in Book 10077 at Pages 1635-1640 (the "Sixth Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 7 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Seventh Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 7 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on June 5, 2013 as Entry No. 11656513 in Book 10145 at Pages 8327-8332 (the "Eighth Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 8 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, in the Master Declaration and Neighborhood Declaration (collectively "Declarations") Declarant reserved the unilateral right to expand the Project 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" attached hereto and incorporated herein by this reference (the "Phase 9 Property").

Whereas, Declarant desires to expand the Project by creating on the Phase 9 Property twenty-nine (29) additional Lots numbered 901-929 inclusive.

Whereas, Declarant now intends that the Phase 9 Property shall become subject to the Declarations.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners thereof, Declarant hereby executes this Phase 9 Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 9.

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

- a. **Phase 9 Map** shall mean and refer to the Final Plat of Phase 9 of the Project, prepared and certified to by Brad A. 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 Phase 9 Supplemental Declaration.
- b. **Phase 9 Supplemental Declaration** shall mean and refer to this Eighth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 9.

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" is hereby submitted to the provisions of the Declarations and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declarations they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 9 Property shall be annexed and upon recordation of this Fifth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A" subject to the Declarations 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) Lots numbered 201-225 inclusive and other improvements of a less significant nature. Phase 3 contained nine (9) Lots, numbered 301-309 inclusive and other improvements of a less significant nature. Phase 4 contained seventeen (17) Lots numbered 401-417 inclusive and other improvements of a less significant nature. Phase 5 contained twelve (12) Lots numbered 501-512 inclusive and other improvements of a less significant nature. Phase 6 contained nine (9) Lots, numbered 601-609 inclusive and other improvements of a less significant nature. Phase 7 contained thirty-one (31) Lots numbered 701-731 inclusive and other improvements of a less significant nature. Phase 8 contained twelve (12) Lots, numbered 801-812 inclusive and other improvements of a less significant nature. Upon the recordation of the Phase 9 Map and this Phase 9 Supplemental Declaration, the total number of Lots in the Project will be one hundred and seventy-three (173). Parcels A, B, C, D, E, F and G are also noted on the Phase 9 Map. Parcels A, C, D and F are owned and shall be maintained by the Suburban Land Reserve for use by owners and residents of property within Highbury at Lake Park pursuant to Master Declaration Recorded as Entry No. 9868362. Parcels B and E are owned and will be maintained by West Valley City. Pursuant to restrictions established by deed West Valley City may not permit or allow any recreational use of Parcels B and E (Entry No. 11187785. Portion of Waterway Parcel 1). Parcel G is Common Area and will be maintained by the Association. The additional Lots (and the homes to be constructed there) and other improvements are or will be substantially similar in construction, design and quality to the Lots and homes and improvements in the prior phases.

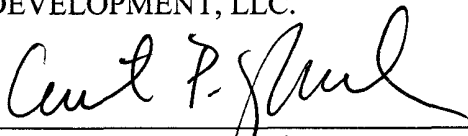
5. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declarations which are by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 9 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 Declarations, as supplemented or amended, and the Phase 9 Supplemental Declaration, the latter shall in all respects govern and control.

7. **Effective Date.** The effective date of this Phase 9 Supplemental Declaration and the Phase 9 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 30 day of ~~February~~^{January}, 2014.

DEVELOPER:
IVORY DEVELOPMENT, LLC.

By: 
Name: Christopher P. Gamvroulas
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
) ss:
COUNTY OF SALT LAKE)

~~February~~^{January} The foregoing instrument was acknowledged before me this 30 day of ~~February~~, 2014, 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

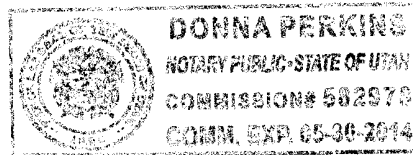


EXHIBIT "A"
LEGAL DESCRIPTION
HIGHBURY PLACE PHASE 9 PROPERTY

The Property referred to in the foregoing document as the Highbury Place Phase 9 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 N 00°06'50" W ALONG THE WEST SECTION LINE OF SAID SECTION 25, 2160.34 FEET; THENCE N 89°53'10" E, 2525.89 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL B OF HIGHBURY PLACE PHASE 5 P.U.D. SUBDIVISION, SAID POINT IS ALSO ON THE ON THE SOUTH EASTERLY RIGHT OF WAY LINE OF HIGHBURY PARKWAY; THENCE N 49°54'06" E, 467.95 FEET ALONG THE SAID HIGHBURY PARKWAY RIGHT OF WAY; THENCE S40°05'54"E 515.42 FEET; THENCE 23.56 SOUTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S85°06'01"E 21.21 FEET); THENCE N49°53'51"E 24.18 FEET; THENCE 270.90 FEET NORTHEASTERLY ALONG THE ARC OF A 387.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N69°57'03"E 265.40 FEET); THENCE S89°59'45"E 138.66 FEET; THENCE SOUTH 612.21 FEET; THENCE N89°50'30"E 7.24 FEET; THENCE S00°09'30"E 233.60 FEET TO A POINT ON THE NORTH BOUNDARY OF GREENBRIAR MOBILE HOME SUBDIVISION P.U.D. ; THENCE ALONG SAID NORTH BOUNDARY OF GREENBRIAR MOBILE HOME SUBDIVISION P.U.D.S89°50'43"W 270.07 FEET TO A POINT ON THE SOUTHEAST CORNER OF PARCEL B OF HIGHBURY PLACE PHASE 8 P.U.D SUBDIVISION; THENCE ALONG SAID HIGHBURY PLACE PHASE 8 P.U.D. SUBDIVISION THE FOLLOWING (5) COURSES; 1) N00°08'17"W 233.58 FEET; 2) S89°50'30"W 7.26 FEET; 3) THENCE NORTH 360.11 FEET; 4) N72°00'46"W 53.19 FEET; 5) S49°53'51"W 189.98 TO A POINT ON THE SOUTHEAST CORNER OF LOT 607 OF HIGHBURY PLACE PHASE 6 P.U.D SUBDIVISION; THENCE ALONG SAID HIGHBURY PLACE PHASE 6 P.U.D. SUBDIVISION THE FOLLOWING (5) COURSES; 1) N40°05'54"W 100.66 FEET; 2) N49°53'51"E 33.94 FEET; 3) N40°06'32"W 297.06 FEET; 4) S50°25'06"W 303.97 FEET; 5) N49°37'45"W 29.92 FEET TO A POINT ON THE SOUTHEAST CORNER OF LOT 501 OF HIGHBURY PLACE PHASE 5 P.U.D SUBDIVISION; THENCE N40°05'54"W 255.12 FEET ALONG THE BOUNDARY OF SAID HIGHBURY PLACE PHASE 5 P.U.D SUBDIVISION TO THE POINT OF BEGINNING.

CONTAINS: 10.28 ACRES (29 LOTS & 7 PARCELS)