

WHEN RECORDED RETURN TO:
IVORY ~~WONNES~~ DEVELOPMENT, LLC.
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

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ADAM GARDINER
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 4 P.

**SECOND SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SOMMERGLEN HEIGHTS AT THE HIGHLANDS PHASE 3**

This Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Sommerglen Heights at the Highlands Phase 3 is made and executed by IVORY ~~WONNES~~ DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for Sommerglen Heights at the Highlands Phase 1 Subdivision was recorded in the Office of the County Recorder of Salt Lake County, Utah on March 3, 2015 as Entry No. 12003461 in Book 10301 at Pages 4293-4309 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Sommerglen Heights at the Highlands Phase 2 Subdivision was recorded in the Office of the County Recorder of Salt Lake County, Utah on December 5, 2016 as Entry No. 12426790 in Book 10507 at Pages 3034-3037 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 2 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 4 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding 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 Exhibits "A-3" (the "Phase 3 Property") attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3 Property twenty-three (23) additional Lots.

Whereas, Declarant now intends that the Phase 3 Property shall become subject to the Declaration, as amended.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Sommerglen Heights at the Highlands Phase 3.

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 Sommerglen Heights at the Highlands Phase 3.

B. **Phase 3 Map** shall mean and refer to the Final Plat Map of Sommerglen Heights at the Highlands Phase 3 prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, 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.

C. **Subdivision** shall mean and refer to Sommerglen Heights at the Highlands Phases 1, 2 and 3, as it may be supplemented 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-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 to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004) as amended or supplemented (the "Act"). The 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 the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.

4. **Total Number of Units Revised.** As shown on the Phase 3 Map, twenty-three (23) new Lots, Numbers 301- 323, inclusive, are or will be constructed and/or created in the Project on the Phase 3 Property. Upon the recordation of the Phase 3 Map and this Second

Supplemental Declaration, the total number of Lots in the Project will be eighty-nine (89). 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.

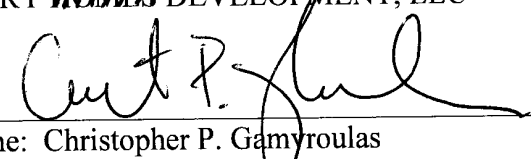
5. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, 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.

6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration and this Second Supplemental Declaration, the latter shall in all respects govern and control. If there is a conflict between a provision in the Declaration, as supplemented, and a provision in the Act, the Act shall in all respects govern and control.

7. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 3 Map shall be the date or dates on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the 20th day of November, 2017.

DEVELOPER:
 IVORY ~~WOMES~~ DEVELOPMENT, LLC

By: 
 Name: Christopher P. Gamvroulas
 Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
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)
)
 COUNTY OF SALT LAKE)
)
)
)

The foregoing instrument was acknowledged before me this 20th day of ~~January~~ ^{Nov.}, 2017 by Christopher P. Gamvroulas, the President of IVORY ~~WOMES~~ DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY ~~WOMES~~ DEVELOPMENT, LLC. executed the same.


 NOTARY PUBLIC

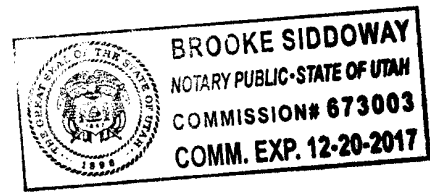


EXHIBIT "A-3"
LEGAL DESCRIPTION

The real property referred to in the foregoing document as the Sommerglen Heights at the Highlands Phase 3 Property is located in Salt Lake County, Utah and is described more particularly as follows:

A portion of the SE1/4 & the NE1/4 of Section 26, Township 2 South, Range 2 West, Salt Lake Base & Meridian, located in West Jordan, Utah, more particularly described as follows:

Beginning at a point located S0°43'33"E along the Section line 924.00 feet and S89°43'46"W 985.01 feet from the East ¼ Corner of Section 26, T2S, R2W, S.L.B.& M.; thence S89°43'46"W 267.00 feet; thence North 116.61 feet; thence N29°14'56"E 57.31 feet; thence North 1,021.40 feet; thence N89°43'33"E 286.00 feet; thence South 1,022.77 feet; thence S43°13'43"W 68.60 feet; thence South 115.35 feet to the point of beginning.

Contains: 7.74+/- acres