

WHEN RECORDED RETURN TO:
Ivory Development, LLC
Christopher P. Gamvroulas
978 East Woodoak Lane
Salt Lake City, UT 84117
(801) 747-7440

**THIRD SUPPLEMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND
RESERVATION OF EASEMENTS
FOR
HYDE POINT PHASE 4 & 5**

This Third Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hyde Point Phase 4 and 5 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

A. Whereas, the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hyde Point Phase 1 was recorded in the office of the County Recorder of Salt Lake County, Utah on June 6, 2017 as Entry No. 12550426 in Book 10565 at Pages 1594-1649 of the official records (the "Declaration").

B. Whereas the related Plat Map for Phase 1 has also been recorded in the office of the County Recorder of Salt Lake County, Utah (the "Phase 1 Final Plat").

C. Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hyde Point Phase 2 was recorded in the office of the County Recorder of Salt Lake County, Utah on July 2nd, 2018 as Entry No. 12803656 in Book 10690 at Pages 3363-3370 of the official records (the "First Supplement").

D. Whereas the related Plat Map for Phase 2 has also been recorded in the office of the County Recorder of Salt Lake County, Utah (the "Phase 2 Final Plat").

E. Whereas, the Second Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hyde Point Phase 3 was recorded in the office of the County Recorder of Salt Lake County, Utah on August 29th, 2018 as Entry No. 12838586 in Book 10707 at Pages 4035-4038 of the official records (the "Second Supplement").

F. Whereas the related Plat Map for Phase 3 has also been recorded in the office of the County Recorder of Salt Lake County, Utah (the "Phase 3 Final Plat").

G. Whereas, under Article 4 of the Declaration of Covenants, Declarant reserved an option to unilaterally expand the subdivision in accordance with the Declaration.

H. 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-4" attached hereto and incorporated herein by this reference (the "Phase 4 Property").

I. 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-5" attached hereto and incorporated herein by this reference (the "Phase 5 Property").

J. Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to expand the application of the Declaration to other real property.

K. Whereas, Declarant desires to expand the subdivision by creating on the Phase 4 and Phase 5 Property additional Lots.

L. Whereas, Declarant now intends that the Phase 4 and Phase 5 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Third Supplement to the Declaration.

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

a. **Third Supplemental Declaration** shall mean and refer to this Third Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hyde Point Phase 4 and Phase 5.

b. **Phase 4 Map** shall mean and refer to the Plat Map of Phase 4 of the Project, prepared and certified to by Robbin J. Mullen, a duly registered Utah Land Surveyor holding Certificate No. 368356, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Third Supplemental Declaration.

c. **Phase 5 Map** shall mean and refer to the Plat Map of Phase 5 of the Project, prepared and certified by Robbin J. Mullen, a duly registered Utah Land Surveyor Holding Certificate No. 368356, and filed for record in the Office of the County

Recorder of Salt Lake County, Utah concurrently with the filing of this Third Supplemental Declaration.

d. **Subdivision** shall mean and refer to Hyde Point Phases 1 2, 3, 4 and 5 as it may be supplemented 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-4 and Exhibit A-5 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 4 and Phase 5 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Third Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-4 and Exhibit A-5 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Phase 4 Map, twenty-eight (28) new Lots, Numbers 89-116 are or will be constructed and/or created in the Project on the Phase 4 Property. As shown on the Phase 5 Map, thirty-two (32) new Lots, Numbers 117-148 are or will be constructed and/or created in the Project on the Phase 5 Property. Upon the recordation of the Phase 4 Map, the Phase 5 Map, and this Third Supplemental Declaration, the total number of Lots in the Project will be one hundred sixteen (148). 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 Phases.

6. **Street Tree Plan Clarification.** Section 6.b of the Declaration requires the planting of trees in accordance with the Street Tree Planting Plan, a copy of which is attached to the Declaration marked Exhibit "D" and incorporated therein by that reference. Upon the recordation of this Third Supplemental Declaration, the Street Tree Planting Plan is further clarified in Exhibit "D-2" and incorporated herein by this reference. The Planting of Street Trees in accordance with the Street Tree Planting Plan as further clarified and incorporated herein as Exhibit "D-2" is required on all Lots.

5. **Severability.** If any provision, paragraph, sentence, clause, phrase, or word of this Third Supplement should under any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Third Supplement, and the application of any such provision, paragraph, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby.

6. **Topical Headings and Conflict.** The headings appearing at the beginning of the paragraphs of this Second Supplement are only for convenience of

reference and are not intended to describe, interpret, define or otherwise affect the content, meaning or intent of this Third Supplement of any paragraph or provision hereof. In case any provisions hereof shall conflict with Utah law, Utah law shall be deemed to control.

7. **Effective Date.** This annexation shall take effect upon the recording of this instrument and the Final Plat in the office of the County Recorder of Salt Lake County, Utah.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 19TH day of August, 2019.

DECLARANT:
IVORY DEVELOPMENT, LLC.

By: [Signature]
Name: Kevin Anglesey
Title: Secretary

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 19TH day of August, 2019 by KEVIN ANGLESEY, as SECRETARY of IVORY DEVELOPMENT, LLC, a Utah limited liability company, and said SECRETARY duly acknowledged to me that said IVORY DEVELOPMENT, LLC executed the same.

[Signature]

NOTARY PUBLIC

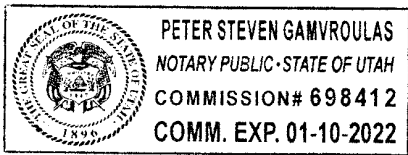


EXHIBIT "A-4"
LEGAL DESCRIPTION
BOUNDARY – HYDE POINT PHASE 4

The land referred to in the foregoing document is located in Salt Lake County, Utah and described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS S 01° 00' 21" E FOR A DISTANCE OF 544.10 FEET AND EAST 1122.36 FEET FROM THE THE WEST ¼ CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, FROM SAID POINT OF BEGINNING, THE FOLLOWING CALLS:

Thence, along Hyde Point Phase 1 the following 5 calls:

Thence, S 14° 47' 32" E for a distance of 22.12 feet to a point on a line. Thence, N 88° 12' 03" E for a distance of 108.11 feet to a point on a line. Thence, N 46° 12' 32" E for a distance of 63.37 feet to a point on a line. Thence, N 79° 51' 10" E for a distance of 119.73 feet to a point on a line. Thence, S 81° 57' 25" E for a distance of 35.00 feet to a point on a line. Said line also being along the Western line of the Bacchus Highway right of way.

Thence, S 08° 02' 35" W for a distance of 1410.49 feet to a point on a line. Thence, N 80° 44' 11" W for a distance of 278.20 feet to a point on a line. Thence, N 09° 15' 49" E for a distance of 109.00 feet to a point on a line. Thence, N 05° 20' 15" E for a distance of 50.12 feet to a point on a line. Thence, N 09° 15' 49" E for a distance of 109.00 feet to a point on a line. Thence, N 80° 44' 11" W for a distance of 2.28 feet to a point on a line. Thence, N 09° 15' 49" E for a distance of 109.00 feet to a point on a line. Thence, N 05° 20' 15" E for a distance of 50.12 feet to a point on a line. Thence, N 09° 15' 49" E for a distance of 109.00 feet to a point on a line. Thence, N 80° 44' 11" W for a distance of 2.22 feet to a point on a line.

Thence, along Hyde Point Phase 3 the following 3 calls:

Thence, N 09° 15' 49" E for a distance of 159.00 feet to a point on a line. Thence, N 80° 44' 11" W for a distance of 28.32 feet to a point on a line. Thence N 08° 02' 35" E a distance of 355.52 feet to the POINT OF BEGINNING

SAID PROPERTY CONTAINS 8.85 ACRES MORE OR LESS AND 28 LOTS AND ONE PARCEL

Parcel Number: ~~20-37-306-014~~ 20-34-304-015 through 032
20-34-305-023 through 026
20-34-~~306~~-015 through 017
20-34-351-002 through 005

EXHIBIT "A-5"

**LEGAL DESCRIPTION
BOUNDARY – HYDE POINT PHASE 5**

The land referred to in the foregoing document is located in Salt Lake County, Utah and described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS S 01° 00' 21" E FOR A DISTANCE OF 943.74 FEET AND EAST 288.13 FEET FROM THE WEST ¼ CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, FROM SAID POINT OF BEGINNING, THE FOLLOWING CALLS:

THENCE, ALONG HYDE POINT PHASE 3 THE FOLLOWING 8 CALLS:

THENCE, S 79° 10' 37" E FOR A DISTANCE OF 164.10 FEET TO A POINT ON A LINE. THENCE, N 11° 41' 18" E FOR A DISTANCE OF 29.45 FEET TO A POINT ON A LINE. THENCE, S 77° 26' 46" E FOR A DISTANCE OF 111.60 FEET TO A POINT ON A LINE. THENCE, S 06° 31' 37" W FOR A DISTANCE OF 23.46 FEET TO A POINT ON A LINE. THENCE, S 82° 26' 41" E FOR A DISTANCE OF 179.08 FEET TO A POINT ON A LINE. THENCE, S 88° 54' 20" E FOR A DISTANCE OF 7.89 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 08° 10' 09", HAVING A RADIUS OF 1134.00 FEET, A LENGTH OF 161.69' AND WHOSE LONG CHORD BEARS S 84° 49' 16" E FOR A DISTANCE OF 161.55 FEET. THENCE, S 80° 44' 11" E FOR A DISTANCE OF 164.44 FEET TO A POINT ON A LINE.

THENCE, ALONG HYDE POINT PHASE 4 THE FOLLOWING 7 CALLS:

THENCE, S 09° 15' 49" W FOR A DISTANCE OF 109.00 FEET TO A POINT ON A LINE. THENCE, S 05° 20' 15" W FOR A DISTANCE OF 50.12 FEET TO A POINT ON A LINE. THENCE, S 09° 15' 49" W FOR A DISTANCE OF 109.00 FEET TO A POINT ON A LINE. THENCE, S 80° 44' 11" E FOR A DISTANCE OF 2.28 FEET TO A POINT ON A LINE. THENCE, S 09° 15' 49" W FOR A DISTANCE OF 109.00 FEET TO A POINT ON A LINE. THENCE, S 05° 20' 15" W FOR A DISTANCE OF 50.12 FEET TO A POINT ON A LINE. THENCE, S 09° 15' 49" W FOR A DISTANCE OF 109.00 FEET TO A POINT ON A LINE.

THENCE, N 80° 44' 11" W FOR A DISTANCE OF 562.42 FEET TO A POINT ON A LINE. THENCE, S 84° 11' 57" W FOR A DISTANCE OF 50.18 FEET TO A POINT ON A LINE. THENCE, S 88° 59' 39" W FOR A DISTANCE OF 109.00 FEET TO A POINT ON A LINE. THENCE, N 01° 00' 21" W FOR A DISTANCE OF 231.35 FEET TO A POINT ON A LINE. THENCE, S 88° 59' 39" W FOR A DISTANCE OF 4.00 FEET TO A POINT ON A LINE. SAID POINT BEING ALONG THE EAST BOUNDARY OF HYDE POINT PHASE 2, THE FOLLOWING 5 CALLS:

THENCE, N 01° 00' 21" W FOR A DISTANCE OF 106.86 FEET TO A POINT ON A LINE. THENCE, N 05° 30' 08" E FOR A DISTANCE OF 50.15 FEET TO A POINT ON A LINE. THENCE, N 01° 05' 40" E FOR A DISTANCE OF 77.64 FEET TO A POINT ON A LINE. THENCE, N 07° 03' 38" E FOR A DISTANCE OF 78.89 FEET TO A POINT ON A LINE. THENCE N 10° 26' 13" E A DISTANCE OF 17.59 FEET TO THE POINT OF BEGINNING

SAID PROPERTY CONTAINS 9.37 ACRES MORE OR LESS AND 32 LOTS

Parcel Number(s): 20-34-306-019



STREET TREE PLANTING PLAN

- 1. GENERAL REQUIREMENTS**
- 1.1. Street Trees initially are to be planted by the homeowner in compliance with this plan.
 - 1.2. STREET TREES are to be planted in the park strip in front of each lot. They are to be centered between the back of curb and the edge of the sidewalk.
 - 1.3. One (1) or Two (2) Street Trees are to be planted per lot depending on lot frontage.
 - 1.4. Corner lots shall have one (1) or two (2) Street Trees on each street fronting the lot - or a total of three (3) or four (4) Street Trees. In most cases, this will be two different varieties of trees. Consult the Street Tree Plan carefully.
 - 1.5. Lots on cul-de-sacs have a narrower frontage and may not, in all cases, accommodate two Street Trees. Follow the guidelines in 1.6. STREET TREES shall be spaced at approximately forty (40) feet on center, but no less than (30) feet from a street tree in front of an adjoining lot.
 - 1.7. STREET TREES shall be planted twenty (20) feet from any street intersection. This is to be measured from the point of intersection between the street curb and the sidewalk.
 - 1.8. STREET TREES shall be a minimum of (1.5") caliper in size when planted (Caliper is the diameter of the trunk measured twelve (12) inches above the top of the root ball.)
 - 1.9. Any damaged or diseased STREET TREES are to be replaced by the homeowner at their sole cost and expense.
 - 1.10. Trees to be planted twenty feet from street-light and power poles, ten feet from fire hydrants, five feet from driveways, and five feet from water meters.
 - 1.11. If driveway or utility locations conflict with the street tree placement, it may be eliminated or may require adjustment to the tree location at the sole discretion of the HOA Board or ARC.

TREE LEGEND

SYMBOL	BOTANICAL / COMMON NAME
	ACER PSEUDOPLATANUS SYCAMORE MAPLE
	CELTIS OCCIDENTALIS COMMON HACKBERRY
	QUERCUS MUEHLLENBERGII CHINKAPIN OAK

STREET TREE PLANTING PLAN

EXHIBIT "D-2"



THIS DRAWING IS THE INTELLECTUAL PROPERTY OF IN-SITE DESIGN GROUP. DO NOT COPY OR REPRODUCE IN ANY WAY WITHOUT THE EXPRESS WRITTEN PERMISSION OF IN-SITE DESIGN GROUP. COPYRIGHT 2008