

WHEN RECORDED RETURN TO:

Jarvie Estates Development, LLC
C/o Miller Harrison Law
5292 So. College Dr., #304
Murray, UT 84123

COURTESY RECORDING

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**SUPPLEMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
JARVIE ESTATES**

(Phase 2)

This Supplement to the Declaration of Covenants, Conditions, and Restrictions for Jarvie Estates ("**Supplemental Declaration**") is executed and adopted by Jarvie Estates Development, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

- A. WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Jarvie Estates ("**Original Declaration**") was recorded with the Salt Lake County Recorder's Office on April 12, 2021 as Entry No. 13628465.
- B. WHEREAS, the Original Declaration was amended by the First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Jarvie Estates, recorded in the Salt Lake County Recorder's Office on October 12, 2022 as Entry No. #14028697 Book 2022P Page 240, ("**Revised Declaration**") (the Original Declaration and the Revised Declaration collectively the "**Declaration**").
- C. WHEREAS, Jarvie Estates Development, LLC is the Declarant as identified and set forth in the Declaration.
- D. WHEREAS, ABF Real Estate, LLC, a Utah limited liability company, is the owner of the real property located at 498 East 13800 South, Draper, Utah 84020, with a Salt Lake County parent parcel number 34-06-426-004-0000 (the "**Property**");
- E. WHEREAS, ABF Real Estate, LLC, a Utah limited liability company, hereby subjects the Property to this Supplemental Declaration and the terms and restrictions contained in the Declaration.
- F. WHEREAS, under the terms of the Declaration, Declarant reserved the right to expand the Project by the addition of all or a portion of the Additional Land described in the Declaration. Declarant now desires to add a portion of the Additional Land as hereinafter provided for.
- G. WHEREAS, this Supplemental Declaration shall provide notice to the Owners of Lots within the property identified on Exhibit A attached hereto, that all of such Lots and parcels are subject to the Declaration.
- H. WHEREAS, unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Declaration.

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

ANNEXATION

1. **Annexation of Additional Land.** Declarant hereby confirms that all of the real property identified in Exhibit A attached hereto, together with (i) all buildings, improvements, and structures situated on or comprising a part of the above-described real property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the “**Subject Property**”) is submitted to and properly annexed into the Declaration.
2. **Plats.** The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on the JARVIE ESTATES PHASE 2 SUBDIVISION plat map, which plat map is recorded in the office of the Salt Lake County Recorder.
3. **Submission.** The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.
4. **Association Membership.** The Owner of each Lot or parcel within the Subject Property shall be a member of the Jarvie Estates Owners Association and shall be entitled to all benefits and obligations of such membership and shall be subject to the Declaration. Each Lot Owner is allotted one vote in the Association per Lot owned.
5. **Apportionment of Common Expenses.** The Jarvie Estates Owners Association Common Expenses shall be apportioned among the Lots within the Subject Property in accordance with the Declaration.
6. **Reservation of Declarant’s Rights.** All rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant’s rights concerning such Subject Property shall be governed by the same terms, provisions and limitations set forth in the Declaration.
7. **Effective Date.** This Supplemental Declaration shall take effect upon being recorded with the Salt Lake County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 5 day of December, 2022.

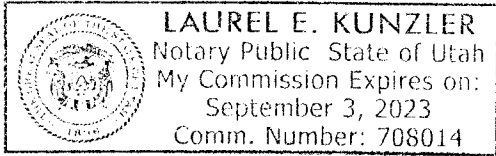
DECLARANT
Jarvie Estates Development, LLC
a Utah limited liability company

Signature: _____

Name: Jacob C. Toombs
Title: Manager

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On the 5 day of December, 2022, personally appeared before me Jacob C. Toombs who by me being duly sworn, did say that she/he is an authorized representative of Jarvie Estates Development, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



Notary Public: _____

IN WITNESS WHEREOF, the owner of the Subject Property consents to the recording of this Supplemental Declaration this 13 day of October, 2022.

ABF Real Estate, LLC
a Utah limited liability company

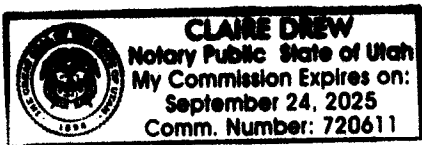
By: _____

Name: Andrew B. Flamm

Title: Manager

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On the 13 day of October, 2022, personally appeared before me Andrew B. Flamm who by me being duly sworn, did say that she/he is an authorized representative of ABF Real Estate LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



Notary Public: _____

EXHIBIT A
Legal Description

All of **JARVIE ESTATES SUBDIVISION PHASE 2**, according to the official plat filed in the office of the Salt Lake County Recorder.

More particularly described as:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF SOUTHAM ESTATES SUBDIVISION, SAID POINT BEING SOUTH 89°53'28" WEST 1321.10 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 6, AND SOUTH 00°05'00" WEST 596.47 FEET ALONG SAID EASTERLY BOUNDARY OF SOUTHAM ESTATES FROM THE EAST QUARTER CORNER OF SAID SECTION 6, AND RUNNING THENCE SOUTH 89°55'00" EAST 191.45 FEET TO THE WESTERLY LINE OF JARVIES ESTATES SUBDIVISION; THENCE SOUTH 00°01'30" WEST 261.18 FEET ALONG SAID WESTERLY LINE TO THE NORTHERLY LINE OF JOHNSON ACRES SUBDIVISION; THENCE NORTH 89°33'36" WEST 191.72 FEET ALONG SAID NORTHERLY LINE TO SAID EASTERLY BOUNDARY LINE OF SOUTHAM ESTATES SUBDIVISION; THENCE NORTH 00°05'00" EAST 259.99 FEET ALONG SAID EASTERLY BOUNDARY OF SOUTHAM ESTATES SUBDIVISION TO THE POINT OF BEGINNING.

CONTAINS 1.146 ACRES, MORE OR LESS.

2 LOTS

Parent Parcels: 34-06-426-004-0000 and 34-06-426-049

Lot Parcel Number/s: 34-06-426-004-49 and 34-06-426-004-41