

WHEN RECORDED RETURN TO:

William L. Montgomery  
Trophy Homes, LC  
758 South 400 East  
Orem, Utah 84097  
(801)227-0550

**DOC # 20070036482**

CCR Annexation Page 1 of 5  
Russell Shirts Washington County Recorder  
07/17/2007 12:45:12 PM Fee \$ 18.00  
By SOUTHERN UTAH TITLE CO



SC-TCR-3

**FIRST SUPPLEMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,  
AND RESERVATION OF EASEMENTS  
FOR PLAT 3,  
TUSCANY AT CLIFF ROSE TOWNHOMES  
(an Expandable Utah Planned Unit Development Project)**

This First Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Plat 3, Tuscany at Cliff Rose Townhomes, an Expandable Utah Planned Unit Development, is made and executed by TROPHY HOMES, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 (the "Declarant") and is consented to by TUSCANY AT CLIFF ROSE, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 (the "Developer").

**RECITALS**

Whereas, the original Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Tuscany at Cliff Rose Townhomes, an expandable Utah Planned Unit Development was recorded in the office of the County Recorder of Washington County, Utah on March 26, 2007 as Entry No. 20070014900 Page(s) 1-71 of the Official Records (the "Declaration").

Whereas, the related Plat Map(s) for Plat 1, the first Phase of the Project, has also been recorded in the office of the County Recorder of Washington County, Utah.

Whereas, under Article III, Section 46 of the Declaration, Declarant reserved an option, until the five (5) years from the date following the first conveyance of a Lot in Phase 1 to a Lot purchaser, to expand the Project in accordance with the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Washington County, Utah and described with particularity on Exhibit "A-2," attached hereto and incorporated herein by this reference (the "Plat 3 Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Plat 3 Property a residential Planned Unit development.

Whereas, Declarant now intends that the Plat 3 Property shall become subject to the Declaration.

### **A G R E E M E N T**

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this First Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Plat 3, Tuscany at Cliff Rose Townhomes.

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

A. **First Supplement to the Declaration** shall mean and refer to this First Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Plat 3, Tuscany at Cliff Rose Townhomes.

B. **First Supplemental Map(s) or Plat 3 Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for the additional phases of the Project described on Exhibit "A-2," prepared and certified to by Brandon E. Anderson of Rosenberg Associates, a duly registered Utah Land Surveyor holding Certificate No. 4938716, and filed for record in the Office of the County Recorder of Washington County, Utah concurrently with the filing of this First Supplement to the Declaration.

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 supplemented.

3. **Annexation.** Declarant hereby declares that the Plat 3 Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-2" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Lots Revised.** As shown on the Map(s), Phase 3 will add two Buildings, E and F, and eight Lots. In all, eight additional Lots are or will be constructed and/or created in the Project on the Plat 3 Property. The additional Buildings and Lots are located within a portion of the Additional Land. Upon the recordation of the Maps for the additional Phases and this First

Supplement to the Declaration, the total number of Lots in the Project will be 18. The additional Buildings and Lots in each Phase are or will be substantially similar in construction, design, and quality to the Building and Lots in the prior Phase(s).

5. **Effective Date.** The effective date of this First Supplement to the Declaration and the Map(s) for the third Phase shall be the date on which said instruments are filed for record in the Office of the County Recorder of Washington County, Utah.

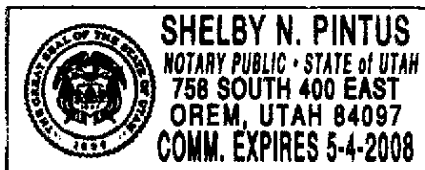
Dated the 3 day of May, 2007.

TROPHY HOMES, L.C.,  
a Utah limited liability company

By: [Signature]  
Name: William L. Montgomery  
Title: Manager

STATE OF UTAH                    )  
  ss:  
COUNTY OF UTAH                )

On the 3 day of May, 2007, personally appeared before me William L. Montgomery, who by me being duly sworn, did say that he is the Manager of TROPHY HOMES, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of its Articles of Organization or a resolution of its Members, and said William L. Montgomery duly acknowledged to me that said Company executed the same.



[Signature]  
Notary Public

**EXHIBIT "A-2"**

**Tuscany at Cliff Rose, Plat 3  
LEGAL DESCRIPTION**

Beginning at a point being South  $00^{\circ}47'11''$  West 1,032.43 feet along the Center Section line and East 568.79 feet from the North Quarter Corner of Section 8, Township 42 South, Range 16 West, Salt Lake Base and Meridian and running;

thence South  $89^{\circ}15'11''$  East 94.00 feet to a Point on the Easterly line of Block 4 Lot 30 of St. George and Santa Clara Bench Irrigation Company Survey as on file at the Washington County Records Office;

thence South  $00^{\circ}44'49''$  West 262.98 feet along said East line a point on the Northerly line of Tuscany Cliffrose Phase I Subdivision and running Northwesterly the following (5) courses along said line;

thence South  $89^{\circ}48'14''$  West 53.68 feet;

thence northwesterly, 31.75 feet along an arc of a 20.00 foot radius curve to the right, (center bears North  $00^{\circ}11'46''$  West, long chord bears 28.52 feet with a central angle of  $90^{\circ}56'36''$  thence North  $00^{\circ}44'49''$  East 189.62 feet;

thence North  $89^{\circ}15'11''$  West 20.00 feet;

thence North  $00^{\circ}44'49''$  East 54.25 feet to the Point of Beginning

Containing 20,502 square feet or 0.471 acres

[illegible]