

SUPPLEMENTARY DECLARATION TAVIAWK SUBDIVISION – PHASE XI-A

Kayenta Homesites, Inc., Declarant under that certain Declaration of Covenants, Conditions, and Restrictions of Taviawk Subdivision, a Planned Residential Development, filed of record on April 17, 1998, as Entry No. 599234, Book 1201, Page 628, and Amended by Supplemental Declaration of Annexation recorded April 14, 1999, as entry No. 643531, in Book 13330, Pages 796,-803, Supplementary Declaration of Annexation of Phase X, recorded September 13, 2005, as Entry No. 970968, in Book 1789, Page 1415, Supplementary Declaration of Annexation Phase VII, recorded June 6, 2006 as Document No. 20060024025, Supplementary Declaration of Annexation of Phase VIII, recorded May 14, 2008 as Document No. 20080019932 and Supplementary Declaration of Annexation of Phase IX-A recorded September 29, 2009 as Document No. 20090037321 and Supplementary Declaration of Annexation of Phase IX-U recorded October 02, 2009 as Document No. 20090038076 and Supplementary Declaration of Annexation of Phase IX-Z recorded June 3,2010 as Document No. 20100018328 and Supplementary Declaration of Annexation of Phase IX-W recorded May 13,2011 as Document No. 20110014820 and Supplementary Declaration of Annexation of Taviawk Phase IX-B recorded July 28, 2011 as Document No. 20110022809 and all of the Official Records of Washington County and hereinafter collectively referred to as the “Declaration”. Declarant hereby exercises its rights and privileges under said Declaration as follows:

1. Declarant hereby annexes to Taviawk Subdivision Phases the following described property located in Ivins City, County of Washington, State of Utah, concluding as set forth on that certain Parcel of Property concurrently herewith:

DOC # 20120017186

Restrictive Page 1 of 7
Russell Shirts Washington County Recorder
05/24/2012 12:14:00 PM Fee \$ 34.00
By DIXIE TITLE CO



All of TAVIAWK SUBDIVISION, PHASE XI-A, more particularly described as follows: (See Exhibit A attached hereto)

2. The above legal description of property added to Taviawk Subdivision is one lot or building parcel which shall be referred to as Lot 183 Phase XI-A herein after the total numbers of lots being added is one. The total numbers of lots in Taviawk subdivision is now 150 lots.

3. All lot owners in the new phase described above will become members of the Taviawk Home Owners Association and will be entitled and subject to all rights, powers, privileges, covenants, restrictions, easements, charges, and liens as set forth in the original Declaration of Taviawk Subdivision as supplemented. Where specific clauses are set forth in this Supplementary Declaration, they shall control over the Declaration. The annexed land is to be held, sold, conveyed, encumbered, occupied, and approved as part of the property, subject to the Declaration, as supplemented by this document.

4. Declarant continues to reserve all rights to expand, and such other rights as are conferred in the Declaration. Declarant further reserves the right to grant access for ingress and egress for all utilities to any other project in the area where the roads of this Plat may serve other future projects.

5. The same architectural covenants as contained in the Declaration of Taviawk Subdivision shall apply to this subdivision Phase XI-A described as Exhibit A, except as modified by this Supplemental Declaration.

6. Due to the sensitive nature of the topography and /or location, or other features Declarant reserves unto itself or its assigns the right to architectural approval of any building or landscape plan that may be proposed for such lot. Said right to architectural approval of any building or landscape plan may be withheld by Declarant if the opinion

of Declarant the proposed plans would be detrimental to the project in any material way.

The decision of the Declarant in this regard shall be final.

7. Declarant reserves unto itself without the right of lot owner in the Taviawk Subdivision, to dedicate to the use of the public, any and all private roads currently shown on the Plats filed concurrently herewith. As such it is the intention of the Declarant that upon making acceptable arrangements with Ivins City or other legal entity in the future, that the same may become a public road. However, until such arrangements are made the said road(s) shall be considered common area of the Taviawk Subdivision and shall be subject to the maintenance and control of the Association. At such time as a public road dedication map is executed by the Declarant, pursuant to the rights conferred by this paragraph the streets shall become a public roadway, and no longer subject to the jurisdiction and maintenance of the Association.

8. A low pressure sewer line is installed in the common private streets and public streets which delivers sewer effluent to the public sewer on Taviawk Drive. This facility is the property of the H.O.A. and is installed as a sanitary sewer providing access to the public sewer. The gravity sewer line is also installed in the adjacent street will ultimately provide outfall to city sewer or a local treatment facility. When this segment of sewer is connected to the trunk line Phase XI-A will be required to provide an approved residential pumping system or septic tank and filter to accommodate either a low pressure system or septic effluent gravity system, as shall be determined.

The maintenance of the sewer line between the discharge side of the lot property line and the sewer manhole shall be the responsibility of the H.O.A. and cost associate with same shall be assessed on a prorated basis among the property owners served.

9. Public utilities and drainage easements as established on Plat XI-A are herein further reserved by Declarant to provide easement for communication and/or irrigation as may be determined by Declarant.

10. Declarant reserves the right to grant access to entities of its choice regarding irrigation distribution lines and communications conduits which may be placed in the common areas including appurtenant easements thereto.

11. Supplements and modifications to the basic ACC standards as they apply to Taviawk XI-A are as follows:

Coverage. For the Taviawk Subdivision of Phase XI-A, an area of at least sixty percent (60%) of the total of shall remain unaltered by any construction or removal of its natural indigenous vegetation (except for the addition of landscape vegetation as allowed by Declarant. Improved areas, those areas that are graded and constructed upon shall occupy no more than forty percent (40%) of the lot, except as may be modified by Declarant. All of the dwelling unit, garage, driveway, courtyard areas, and off- street parking shall be contained in this area. "Lot Coverage" shall mean the actual improved area of the lot expressed as a percentage of the total area of the lot.

Building Envelope. For the Taviawk Subdivision Phase XI-A, the building envelope shall establish set-back lines and define the area of the lot in which the actual building structure including living areas, garage areas, and trellis/ramada or portico, covered areas are allowed to occupy. Wall courtyard areas enclosed by courtyard walls are less than six feet in height, patio areas, and swimming pool areas may extend beyond the boundaries of the building envelope. (In this regard, "building envelope" is a misnomer in that the construction/ coverage area of the site may extend beyond the envelope boundaries.)

12. Declarant reserves unto itself the right to require the lot owner to plant and provide for the maintenance of the landscape trees and shrubs in conjunction with the

construction of the residents. Including all easements that lie within lot and road right of way associated with lot.

13. Declarant reserves unto itself the right and authority to act as the Architectural Control Committee (A.C.C.) until such time as Declarant decides to turn the said responsibility to the Taviawk Board and its appointed A.C.C provided however that the continued reservation of the declarant right as set forth in paragraph 6 of this document remains in effect.

14. Declarant continues to reserve the right to modify and supplement the basic A.C.C. standards for Taviawk XI-A Subdivision, if in the sole discretion of the Declarant said modifications result in no material harm to the architectural and landscape integrity of the Taviawk Subdivision.

DATED this 23 day of May 2012.

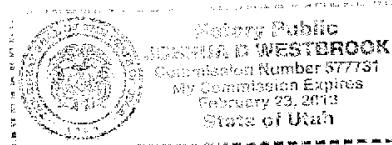
DECLARANT:

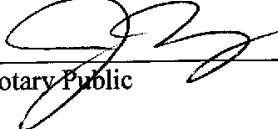
KAYENTA HOMESITES, INC.

By: 
R.T. Marten, President

STATE OF UTAH)
)ss.
County of Washington)

On the 23 day of May, 2012 personally appeared before me R.T. Marten, President of Kayenta Homesites, Inc., of the foregoing document, who acknowledged to me that they executed the same pursuant to authority given by their respective Board of Directors of Kayenta Homesites, Inc.

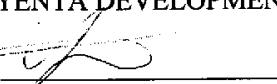



Notary Public

DATED this 23 day of May 2012.

OWNER

KAYENTA DEVELOPMENT, INC.

By: 

Lance Anderson, President

STATE OF UTAH)
)ss.
County of Washington)

On the 23 day of May, 2012 personally appeared before me
Lance Anderson, President of Kayenta Development, Inc., of the foregoing document,
who acknowledged to me that they executed the same pursuant to authority given by their
respective Board of Directors of Kayenta Homesites, Inc.


Notary Public

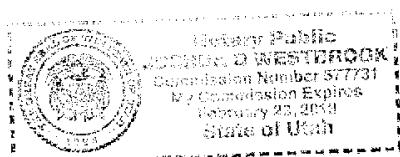


Exhibit A

BEGINNING AT A POINT ON A WESTERN CORNER OF LOT 5 OF THE TAVIAWK SUBDIVISION PHASE I AS
RECORDED IN WASHINGTON COUNTY UTAH, SAID POINT ALSO BEING NORTH 89°58'16" WEST 674.50
FEET ALONG THE SECTION LINE AND NORTH 00°00'00" WEST 638.04 FEET FROM THE SOUTH 1/4
CORNER OF SECTION 30, TOWNSHIP 41 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND
RUNNING THENCE ALONG THE BOUNDARY OF SAID TAVIAWK PHASE I SUBDIVISION THE FOLLOWING 6
COURSES: SOUTH 04°54'27" EAST 30.82 FEET TO A POINT ON A 35.00 FOOT RADIUS CURVE TO THE LEFT
(CENTER BEARS SOUTH 26°56'40" EAST); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE
31.04 FEET TO A 20.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG
THE ARC OF SAID CURVE 16.41 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 59°15'29" WEST
95.48 FEET TO A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC
OF SAID CURVE 30.75 FEET TO THE POINT OF TANGENCY; THENCE NORTH 32°39'07" WEST 143.40 FEET;
THENCE LEAVING SAID BOUNDARY OF TAVIAWK SUBDIVISION PHASE I SOUTH 59°56'05" WEST 173.00
FEET TO THE NORTHWESTERLY LOT CORNER OF SAID LOT 5; THENCE ALONG THE BOUNDARY OF SAID
LOT 5 SOUTH 32°21'02" EAST 115.50 FEET TO THE POINT OF BEGINNING.

I-6-1-30-322