

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

E 2702026 B 5652 P 1186-1193
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/20/2012 04:02 PM
FEE \$49.00 Pgs: 8
DEP RTT REC'D FOR FRUIT HEIGHTS

Ph-1 Amend 07-284-0116 → 0121

FIRST SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND
RESERVATION OF EASEMENTS
FOR
ORCHARD FARMS P.R.U.D. PHASE 3

Ph-3 - 07-285-
0301 → 0319

This First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. Phase 3 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

Whereas, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation or Grant of Easements For Orchard Farms P.R.U.D., a Planned Residential Development was recorded in the Office of the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598884 in Book 5274 at Pages 402-463 of the Official Records (the "Master Declaration").

Whereas, Phase 1 consists of fifty-one (51) Lots of which twenty-six (26) are Town Homes and twenty-five (25) are Single Family Residences.

Whereas, the related Plat Map for Phase 1 has also been recorded in the Office of the County Recorder of Utah County, Utah (the "Initial Phase 1 Final Plat").

Whereas, the First Amendment to the Phase 1 Plat Map has been recorded or will be recorded concurrently herewith, a copy of which is attached hereto and incorporated herein by this reference (the "Orchard Farms P.R.U.D. Phase 1 - 1st Amendment").

Whereas, the Condominium Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of the County Recorder of Davis County, Utah on May 29, 2012 as Entry No. 2664102 in Book 5531 at Pages 127-173 of the official records (the "Condominium Declaration").

Whereas, the Town Home Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of

the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598886 in Book 5274 at Pages 529-579 of the official records (the "Town Home Declaration").

Whereas, the Single Family Residence Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598885 in Book 5274 at Pages 464-528 of the official records (the "SFR Declaration").

Whereas, the related Plat Map for Orchard Farms P.R.U.D. Phase 2 has also been recorded in the office of the County Recorder of Davis County, Utah (the "Phase 2 Final Plat").

Whereas, Phase 2 consists of eighty (80) condominium units.

Whereas, the Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "Orchard Farms P.R.U.D. Phase 3 Property").

Whereas, Declarant reserved the unilateral right and now desires to expand the Orchard Farms P.R.U.D. Subdivision and to annex additional land to the Project.

NOW, THEREFORE, for the reasons recited above, and for the benefit of Orchard Farms P.R.U.D. Subdivision, and all of the Owners, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. Phase 3 (the "First Supplement") for the purpose of annexing additional land and creating certain fencing restrictions.

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

a. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Orchard Farms P.R.U.D. Phase 3.

b. **Phase 1 Final Plat** shall mean and refer to the Initial Plat Map for Phase 1 as amended.

c. **Phase 3 Map** shall mean and refer to the Final Plat of Phase 3 of the Project, prepared and certified to by Brad A. Llewelyn, a duly registered Utah Land Surveyor holding Certificate No. 4838735, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this First Supplemental 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" is hereby submitted to the provisions of the Master Declaration and the SFR Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions thereof as they may be supplemented or amended from time to time.

3. Annexation. Declarant declares that the Orchard Farms P.R.U.D. Phase 3 Property is hereby annexed to and shall be subject to the Master Declaration and the SFR Declaration, which, upon recordation of this First Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A" subject to the Master Declaration, the SFR Declaration, and the functions, powers, rights, duties and jurisdiction of the Association(s) and the Architectural Review Committee(s).

4. Description of Property and Total Number of Units Revised. As shown on the Phase 3 Map, seventeen (17) new Lots, Numbers 301-317 and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Orchard Farms P.R.U.D. Phase 3 Property. Upon the recordation of the Phase 3 Map and this First Supplemental Declaration, the total number of Lots/Units in the Project will be one hundred and forty eight (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 single family residence portion of Phase 1.

5. Maintenance of Rear Yards Along Nicholls Road. Because their rear yards will be visible along Nicholls Road, the owners of Lots 301 through 308, inclusive, shall maintain the landscaping in their rear yards like the front yard landscaping throughout the Project in accordance with requirements of this section and in a manner consistent with design scheme, quality and standards originally established by the Declarant and the City.

a. Minimum Standards. All landscaping shall be maintained in a safe, sanitary, aesthetic and well cared for condition. Any and all weeds or diseased or dead lawn, trees, bushes, shrubs, or ground cover shall be removed and replaced with like. All lawn areas shall be mowed and edged. All trees, bushes and shrubs shall be pruned. No Owner shall do or permit any work or make any alterations or changes which would jeopardize the beauty, soundness or safety of the Property, reduce its value, or impair any easement or hereditament, without in every such case the written consent of the Management Committee being first had and obtained.

b. **Permitted.** The following improvements are permitted in the back yard: open space, grass, sod, flower beds, planting beds, vegetable garden¹, fruit trees, shade trees, and other appropriate landscaping. Decks and patios are also permitted with the written consent of the Management Committee being first had and obtained. In the event of a dispute over what constitutes "appropriate landscaping" the decision of the Management Committee shall be final binding and conclusive.

c. **Prohibited.** The following improvements and activities shall be prohibited in the back yard: temporary or permanent accessory buildings, sheds or similar structures of any kind, trash can storage, yard equipment storage, above ground pools and trampolines, dog runs, batting cages, athletic courts, play structures and so forth.

d. **Landscaping Guidelines.** The Management Committee is hereby granted the right and power to adopt specific additional written landscaping rules, guidelines, standards, controls, and restrictions (the "Back Yard Landscaping Guidelines"). The Back Yard Landscaping Guidelines are subject to change, including the permitted and prohibited improvements. The Management Committee may add items to or delete items from the Back Yard Landscaping Guidelines from time to time without amending the Declaration.

6. **Fencing.** Side yard fencing on the Lots that back onto Nicholls Road, Lots 301 through 308, is limited to wrought iron style fencing matching the style and color of the existing fence along Nicholls Road. In the event of a dispute as to the construction materials and style allowed, the decision of the Architectural Review Committee shall be binding, final and conclusive.

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

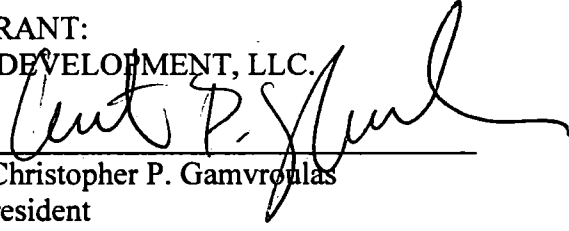
8. **Topical Headings and Conflict.** The headings appearing at the beginning of the paragraphs of this First Supplement are only for convenience of reference and are not intended to describe, interpret, define or otherwise affect the content, meaning or intent of this First Supplemental Declaration of any paragraph or provision hereof. In case any provisions hereof shall conflict with Utah law, Utah law shall be deemed to control.

¹ corn and other similar tall vegetables (>3') are not allowed.

9. **Effective Date.** This annexation shall take effect upon the recording of this instrument and the Phase 3 Map in the office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 19th day of November, 2012.

DECLARANT:
IVORY DEVELOPMENT, LLC.

By: 
Name: Christopher P. Gamvroulas
Title: President

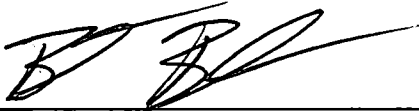
ACKNOWLEDGMENT

STATE OF UTAH)

SS:

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 19 day of November, 2012 by Christopher P. Gamvroulas, as President of IVORY DEVELOPMENT, LLC, a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC executed the same.



NOTARY PUBLIC



EXHIBIT "A"

**LEGAL DESCRIPTION
ORCHARD FARMS P.R.U.D. PHASE 3**

The Property referred to in the foregoing document as the Orchard Farms P.R.U.D. Phase 3 Property is located in Davis County, Utah and is described more particularly as follows:

BEGINNING AT A POINT WHICH IS NORTH 00°05'00" EAST 268.04 FEET; AND SOUTH 89°55'00" EAST 95.51 FEET; FROM THE CENTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN.

THENCE RUNNING SOUTH 00°09'53" EAST, 379.47 FEET; THENCE NORTH 51°26'27" WEST, 131.79 FEET; THENCE SOUTH 38°31'10" WEST, 176.64 FEET; THENCE NORTH 51°28'52" WEST, 27.44 FEET; THENCE SOUTH 38°31'10" WEST, 92.00 FEET; THENCE SOUTH 51°28'50" EAST, 11.41 FEET; THENCE SOUTH 38°31'10" WEST, 92.00 FEET; THENCE SOUTH 51°28'50" EAST; 36.76 FEET; THENCE SOUTH 38°31'10" WEST, 135.01 FEET TO THE EAST BOUNDARY OF ORCHARD FARMS P.R.U.D. PHASE 1 SUBDIVISION THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING (4) COURSES 1) NORTH 51°29'01" WEST, 67.98 FEET; 2) NORTH 53°44'57" WEST, 39.00 FEET; 3) SOUTHWESTERLY 116.93 FEET ALONG THE ARC OF A 506.50 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 42°51'51" WEST, 116.67 FEET); 4) NORTH 40°31'20" WEST, 102.50 FEET TO THE SOUTH RIGHT OF WAY LINE NICHOLS ROAD; THENCE ALONG THE SOUTH LINE OF NICHOLLS ROAD THE FOLLOWING (3) COURSES 1) NORTHEASTERLY 127.13 FEET ALONG THE ARC OF A 404.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 40°27'46" EAST, 126.60 FEET); 2) NORTH 31°26'53" EAST, 434.41 FEET; 3) NORTHEASTERLY 377.43 FEET ALONG THE ARC OF A 362.50 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 61°16'32" EAST, 360.61 FEET) TO THE POINT OF BEGINNING.

ORCHARD FARMS P.R.U.D. PHASE 1 - 1ST AMENDMENT

AMENDING UNITS 116-121
LOCATED IN THE SOUTH WEST 1/4 OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
FRUIT HEIGHTS CITY, DAVIS COUNTY, UTAH

SURVEYORS CERTIFICATE
THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1953 AND 1967, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, UTAH. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1953 AND 1967, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, UTAH. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1953 AND 1967, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, UTAH.



BEING THAT A POINT WHICH IS LOCATED SOUTH, THIRTY AND WEST, ONE HUNDRED AND SEVENTY AND SEVEN FEET FROM THE CORNER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND WHICH POINT IS THE POINT OF BEGINNING OF THE SURVEY, IS LOCATED AT THE POINT OF BEGINNING OF THE SURVEY, IS LOCATED AT THE POINT OF BEGINNING OF THE SURVEY, IS LOCATED AT THE POINT OF BEGINNING OF THE SURVEY.

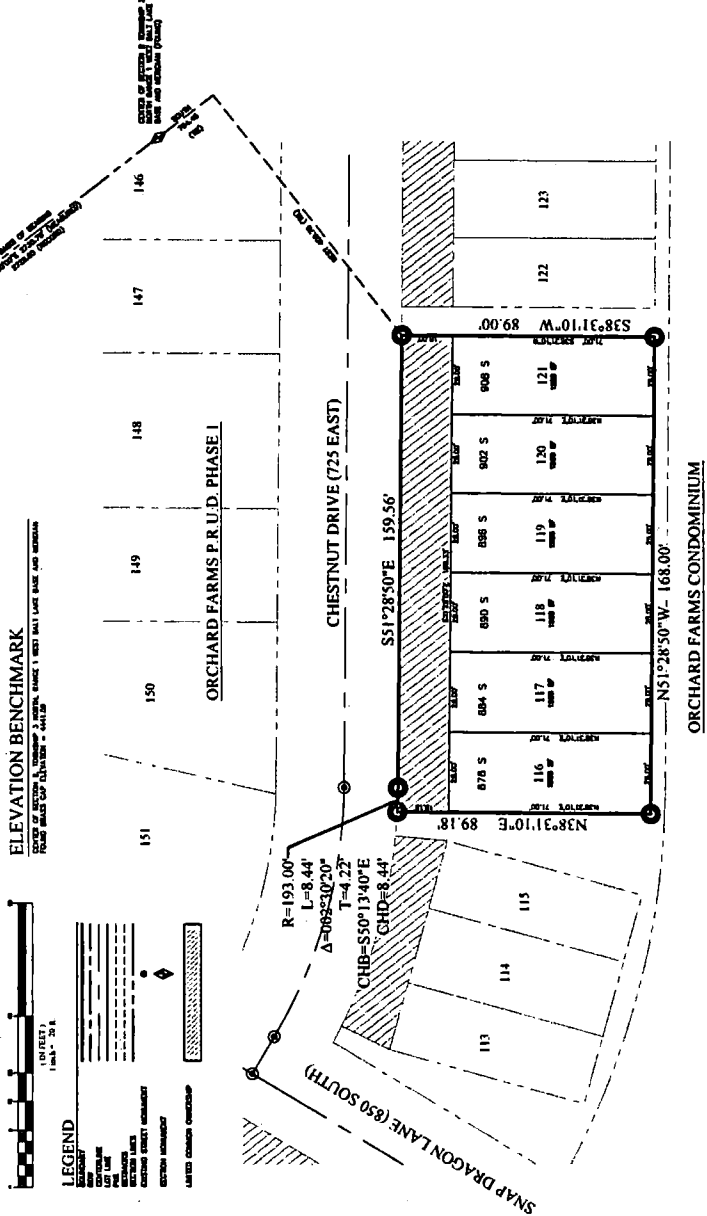
OWNERS DEDICATION

ORCHARD FARMS P.R.U.D. PHASE 1 - 1ST AMENDMENT
WE, THE UNDERSIGNED OWNERS OF THE COMMON INTERESTS IN THE PHASE 1 UNITS OF THE ORCHARD FARMS P.R.U.D. PHASE 1 - 1ST AMENDMENT, DO HEREBY DEDICATE AND CONVEY TO THE CITY OF FRUIT HEIGHTS, UTAH, THE COMMON INTERESTS IN THE PHASE 1 UNITS OF THE ORCHARD FARMS P.R.U.D. PHASE 1 - 1ST AMENDMENT, TO BE USED AS A PUBLIC PARK AND RECREATION AREA.

LIMITED LIABILITY ACKNOWLEDGMENT

THE CITY OF FRUIT HEIGHTS, UTAH, DOES NOT ASSUME ANY LIABILITY FOR THE ACCURACY OF THE SURVEY OR THE RESULTS THEREOF. THE CITY OF FRUIT HEIGHTS, UTAH, DOES NOT ASSUME ANY LIABILITY FOR THE ACCURACY OF THE SURVEY OR THE RESULTS THEREOF.

RECORDING PUBLIC RECORDS IN DAVIS COUNTY



SHEET 01 OF 01

PLANNING COMMISSION

APPROVED BY _____ DAY OF _____ A.D. 20____
BY THE FRUIT HEIGHTS CITY PLANNING COMMISSION

CITY ENGINEER

APPROVED AS TO FORM AND DATE _____ DAY OF _____ A.D. 20____
FRUIT HEIGHTS CITY ENGINEER

CITY ATTORNEY

APPROVED AS TO FORM AND DATE _____ DAY OF _____ A.D. 20____
FRUIT HEIGHTS CITY ATTORNEY

CITY COUNCIL

APPROVED AS TO FORM AND DATE _____ DAY OF _____ A.D. 20____
FRUIT HEIGHTS CITY COUNCIL

RECORDED #

DATE OF RECORD _____ DAY OF _____ A.D. 20____
RECORDED AND FILED AT THE OFFICE OF THE COUNTY RECORDER
DATE _____ TIME _____ BOOK _____ PAGE _____
BY _____ COUNTY RECORDER

