

5/19

WHEN RECORDED RETURN TO:
IVORY HOMES DEVELOPMENT, LLC.
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

RETURNED
MAY 25 2017

E 3022384 B 6773 P 802-806
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
05/25/2017 01:59 PM
FEE \$42.00 Pgs: 5
DEP RT REC'D FOR IVORY HOMES DEVEL
OPMENT LLC

11-800-0307-0311

11-800-0346-0356

11-800-0361-0372

SECOND SUPPLEMENT
TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR EVERGREEN FARMS PHASE 3C

This Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3C is made and executed by IVORY HOMES DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3A Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on January 27th, 2016 as Entry No. 2917877 in Book 6440 at Pages 1004-1038 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 3A of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, the First Supplement to Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3B Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on October 3rd, 2016 as Entry No. 2970698 in Book 6613 at Pages 579-582 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 3B of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, under Section 5 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding the application of the Declaration.

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

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3C Property additional Lots.

Whereas, Declarant now intends that the Phase 3C Property shall become subject to the Declaration, as amended.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3C.

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

A. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3C.

B. **Phase 3C Map** shall mean and refer to the Final Plat Map of Evergreen Farms Phase 3C prepared and certified to by Klint Whitney, a duly registered Utah Land Surveyor holding Certificate No. 8227228, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this Second Supplemental Declaration.

C. **Subdivision** shall mean and refer to Evergreen Farms Phase 3 Subdivision as it may be supplemented or expanded 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-3C 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 3C Property shall be annexed to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004) as amended or supplemented (the "Act"). The recordation of this Second Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3C subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.

4. **Landscape Buffer.** Lots 347-349 are subject to the Layton Parkway Landscape Buffer.

5. **Total Number of Units Revised.** As shown on the Phase 3C Map, twenty-eight (28) new Lots, Numbers 307-311, 346-356 and 361-372, inclusive, are or will be constructed and/or created in the Project on the Phase 3C Property. Upon the recordation of the Phase 3C Map and this Second Supplemental Declaration, the total number of Lots in the Project will be forty-eight (48). 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 Phase.

6. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 3C Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

7. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration and this Second Supplemental Declaration, the latter shall in all respects govern and control. If there is a conflict between a provision in the Declaration, as supplemented, and a provision in the Act, the Act shall in all respects govern and control.

8. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 3C Map shall be the date or dates on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

Dated the 23rd day of ~~December~~, ^{May} ~~2015~~. 2017

DEVELOPER:
IVORY HOMES DEVELOPMENT, LLC

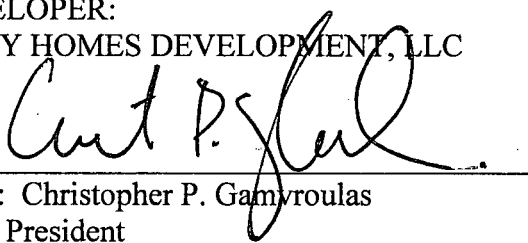
By: 
Name: Christopher P. Gamvroulas
Title: President

EXHIBIT "A-3C"
LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT BEING LOCATED NORTH 89°57'58" EAST 1817.64 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER AND SOUTH 0°00'00" EAST 471.57 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER WHICH IS MARKED BY A DAVIS COUNTY BRASS CAP MONUMENT. RUNNING THENCE:

N 53°34'25" E 113.00 FEET THENCE;
N 71°42'48" E 61.03 FEET THENCE;
N 53°34'25" E 113.00 FEET THENCE;
S 36°25'35" E 90.00 FEET THENCE;
N 43°05'04" E 157.81 FEET THENCE;
S 89°47'07" E 105.94 FEET THENCE;
N 79°09'37" E 59.10 FEET THENCE;
S 89°47'07" E 111.00 FEET THENCE;
S 0°12'53" W 421.26 FEET THENCE;
S 14°17'08" E 59.91 FEET THENCE;
S 0°12'53" W 112.78 FEET THENCE;
S 30°09'44" W 42.36 FEET THENCE;
S 36°57'29" E 102.00 FEET THENCE;
S 89°47'07" E 82.51 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER THENCE;
S 00°12'50" W 343.86 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER THENCE;
S 89°57'22" W 267.00 FEET THENCE;
N 00°02'38" W 42.00 FEET THENCE;
N 24°20'40" W 154.65 FEET THENCE;
N 31°03'13" W 30.41 FEET THENCE;
N 29°59'41" W 58.01 FEET THENCE;
N 36°25'35" W 731.90 FEET TO THE POINT OF BEGINNING.

Contains: 460,359 SQ. FT. 10.57 ACRES.