

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7440

ENT 3029:2005 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2005 Jan 10 3:11 pm FEE 68.00 BY LJ
RECORDED FOR IVORY DEVELOPMENT

**FIRST SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR DRY CREEK HIGHLANDS PHASE 2**

This First Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 2, is made and executed by Ivory Development, Llc., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for DRY CREEK HIGHLANDS PHASE I Subdivision was recorded in the office of the County Recorder of Utah County, Utah on August 14, 2003 as Entry No. 130561 of the Official Records (the "Declaration").

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

Whereas, under Section 3 of the Declaration, Declarant reserved an option to expand the subdivision in accordance with the Declaration.

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

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to expand the application of the Declaration to other real property.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 2 Property additional Lots.

Whereas, Declarant now intends that the Phase 2 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 2.

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

A. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 2.

B. **PHASE 2 Map** shall mean and refer to the Plat Map of Phase 2 of the Project, prepared and certified to by Kenneth W. Watson, a duly registered Utah Land Surveyor holding Certificate No. 158397, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Supplemental Declaration.

C. **Subdivision** shall mean and refer collectively to Dry Creek Highlands Phase I and Dry Creek Highlands Phase 2.

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 it may be supplemented or amended from time to time.

3. **Burdened Lots and Conservation Easement.** Lots 201 through 209, inclusive, are Burdened Lots which back onto the Conservation Easement, and are subject to all of the use restrictions set forth in the Declaration.

4. **Annexation.** Declarant hereby declares that the Phase 2 Property shall be annexed to and become subject to the 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-2 subject to the functions, powers, rights, duties and jurisdiction of the ARC.

5. **Total Number of Units Revised.** There were thirty-three (33) Lots in Phase I, Numbers 101-133. As shown on the Phase 2 Map, nineteen (19) new Lots, Numbers 201-219, are or will be constructed and/or created in the Project on the Phase 2 Property. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Project will be fifty-two (52). 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.

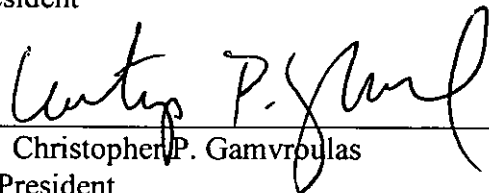
6. **Mortgagee Protection.** Nothing herein contained, and no violation of these

covenants, conditions, and restrictions, shall invalidate or impair the lien of any mortgage or deed of trust, given in good faith and for value.

7. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase 2 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

Dated the 2ND day of June, 2004.


DEVELOPER:
IVORY DEVELOPMENT, LLC.
By: Christopher P. Gamvroulas
Its: President

By: 
Name: Christopher P. Gamvroulas
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 2nd day June, 2004 by Christopher P. Gamvroulas, the President of Ivory Development., A Utah Limited Liability Company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC. executed the same.


NOTARY PUBLIC
Residing at:
My Commission Expires:

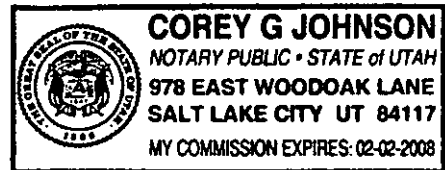


EXHIBIT "A-2"
LEGAL DESCRIPTION

The Property referred to in the foregoing document is located in Utah County, Utah and is described more particularly as follows:

Beginning at a point S89°47'20"W 990.367 feet and N00°12'40"W 12.439 feet from the East Quarter Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian, said point being the Southwest Corner of Lot 'A' of Dry Creek Highlands Phase 1 Subdivision, recorded as Entry No. 124112:2003 as Map No. 10104 in the Utah County Recorder's Office thence as follows

Course	Distance	Remarks
S19°58'32"W	56.065 feet	along the Westerly Boundary Line of Dry Creek Highlands Phase 1 Subdivision to a point on a 322.00 foot radius curve to the left, thence Westerly 27.693 feet along the arc of said curve, chord bears N75°28'23"W 27.686 feet
S18°16'21"W	55.593 feet	
S02°15'08"E	117.179 feet	
S22°29'15"E	121.183 feet	
S18°26'57"E	58.202 feet	
S04°02'28"W	57.806 feet	
S33°58'35"W	38.477 feet	
S35°39'45"E	30.737 feet	
S17°47'02"E	74.297 feet	
S37°01'06"W	61.791 feet	
S35°03'48"W	53.563 feet	
S25°43'43"W	46.757 feet	
S14°37'28"E	66.973 feet	
S58°18'37"E	85.996 feet	
S25°50'23"E	50.087 feet	
S08°03'20"W	57.799 feet	
S11°22'15"E	94.168 feet	
S29°47'31"W	136.127 feet	
S15°40'50"W	44.661 feet	
S16°08'25"E	42.232 feet	
S53°07'58"E	37.845 feet	
S84°45'15"E	108.065 feet	
S73°48'32"E	76.609 feet	
S55°10'36"E	61.755 feet	
S41°01'58"E	56.772 feet	thence leaving said Dry Creek Highlands Phase 1 Subdivision
S89°51'16"W	960.511 feet	along the Sixteenth Section Line to a point on the centerline of Highland Blvd
N02°56'08"E	170.512 feet	along the centerline of said Highland Blvd to a point on a 1000.000 foot radius curve to the left, thence Northerly 82.797 feet along the arc of said curve, chord bears N00°33'49"E 82.774 feet
N01°48'30"W	864.444 feet	along the centerline of said Highland Blvd to a point on a 1042.000 foot radius curve to the right, thence Northeasterly 351.749 feet along the arc of said curve, chord bears N07°51'45"E 350.084 feet
S74°00'24"E	124.673 feet	to a point on a 472.000 foot radius curve to the left, thence Southeasterly 63.641 feet along the arc of said curve, chord bears S77°52'09"E 63.592 feet
S81°43'55"E	103.981 feet	to a point on a 15.000 foot radius curve to the left, thence Northeasterly 21.032 feet along the arc of said curve, chord bears N58°06'02"E 19.351 feet
S87°00'23"E	58.120 feet	to a point on a 15.000 foot radius curve to the left, thence Southeasterly 26.404 feet along the arc of said curve, chord bears S31°18'18"E 23.124 feet
S81°43'55"E	215.730 feet	to a point on a 378.000 foot radius curve to the right, thence Southeasterly 60.441 feet along the arc of said curve, chord bears S77°09'04"E 60.375 feet to the point of beginning.

Contains 19 lots on 22.003 acres.

Basis of Bearing: S00°01'34"E from the East Quarter Corner to the Southeast Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian.