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E 3497683 B 8090 P 1259-1262 RICHARD T. MAUGHAN DAVIS COUNTY, UTAH RECORDER 9/12/2022 4:16:00 PM FEE \$40.00 Pgs: 4 DEP eCASH REC'D FOR MILLER HARRISON LLC

# FIRST SUPPLEMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR TALBOT HEIGHTS

## A PLANNED RESIDENTIAL UNIT DEVELOPMENT (Phase 2) (also known as Talbot Estates)

This First Supplement to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Talbot Heights ("Supplemental Declaration") is executed and adopted by Lennar Homes of Utah, LLC, a Utah limited liability company ("Declarant").

#### RECITALS

- This Supplemental Declaration shall modify and supplement the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Talbot Heights, recorded with the Davis County Recorder on April 21, 2022 as Entry No. 3471887, and any amendments or supplements thereto (the "Declaration"), as amended.
- Lennar Homes of Utah, LLC is the Declarant as identified and set forth in the B. Declaration.
- Declarant and/or AG Essential Housing Multi State 2, LLC owns the real property subject to this Supplemental Declaration and consents to its terms.
- Under the terms of Section 12.2 of the Declaration, Declarant reserved the right to expand the Property by the annexation of Additional Land. Declarant and AG Essential Housing Multi State 2, LLC now desire to add a portion of Additional Land as hereinafter provided.
- Unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Declaration.

### ANNEXATION

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

Annexation of Additional Land. Declarant hereby confirms that all of the real property identified on Exhibit A attached hereto, together with (i) all buildings, improvements, and structures situated on or comprising a part of the above-described real property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the "Subject Property") is submitted to and properly annexed into the Project and shall be subject to the Declaration.

- Submission. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.
- 3. <u>Membership</u>. The Owner of each Lot within the Subject Property shall be a member of the Talbot Heights Owners Association, Inc. ("Association"), and shall be entitled to all benefits and voting rights of such membership as set forth in the Declaration.
- 4. <u>Allocation of Assessments</u>. Each Lot or Parcel within the Subject Property shall be apportioned a share of the Common Expenses of the Association and shall be liable for Assessments levied by the Association as required and permitted under the Declaration.
- 5. Reservation of Declarant's Rights. Pursuant to the Declaration, all rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the terms, provisions and limitations set forth in the Declaration.
- 6. <u>Effective Date</u>. This Supplemental Declaration shall take effect upon being recorded with the Davis County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 30 day of KMQMSt, 2022.

DECLARANT
LENNAR HOMES OF UTAH, LLC
a Utah limited liability company

By:

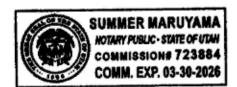
Name: Pryson Fish

STATE OF UTAH

Ss. Title: Division President

On the 30 day of ANGNSt, 2022, personally appeared before me

BYSON Fish who by me being duly sworn, did say that she/he is an authorized representative of Lennar Homes of Utah, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



Notary Public

IN WITNESS WHEREOF, AG Essential Housing Multi State 2, LLC, a Delaware limited liability company, as an owner of real property within the Project, has caused this Supplemental Declaration to be executed by a duly authorized representative this 30 day \_, 2022. AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company By: AGWIP Asset Management, LLC, an Arizona limited liability company, its Authorized Agent By: Steven S. Benson, its Manager STATE OF ARIZONA COUNTY OF MARICOPA The foregoing instrument was acknowledged before me this 30 day of , 2022, by Steven S. Benson, the manager of AGWIP Asset Management, LLC, an Arizona limited liability company, the Authorized Agent of AG ESSENTIAL HOUSING MULTI STATE 2, LLC, a Delaware limited liability company, for and on behalf thereof. Jam Mair Gller Notary Public Jaime Marie Adams Notary Public Maricopa County, Arizona ly Comm. Expires 07-01-25

#### EXHIBIT A

#### SUBJECT PROPERTY

(Legal Description)

All of TALBOT ESTATES PHASE 2 PRUD as recorded in the Davis County Recorder.

## BOUNDARY DESCRIPTION

A parcel of land situate in the Southwest Quarter of Section 25, Township 4 North, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Easterly Right-of-Way Line of a frontage road of UDOT Project No. S-0089(406)398, said point being North 00°32'09" East 2,166.42 feet and East 381.03 feet from the Southwest Quarter Corner of Section 25, Township 4 North, Range 1 West, Salt Lake Base and Meridian; and running

thence along said Easterly Right-of-Way Line of a frontage road the following five (5) courses:

- (1) North 00°12'30" West 78.41 feet;
- (2) North 89°32'02" East 20.00 feet;
- (3) North 00°12'30" West 62.26 feet;
- (4) South 83°42'30" West 20.11 feet;
- (5) North 00°12'30" West 285.78 feet to the extension of Southerly Boundary Line of Ott Estates Amended Subdivision;
- thence along said extension and the Southerly Boundary Line the following three (3) courses:
- (1) North 84°33'25" East 362.72 feet;
- (2) North 00°05'49" East 59.20 feet;
- (3) North 88°44'53" East 431.15 feet to the Westerly Boundary Line of Talbot Estates Phase 1A PRUD;

thence along said Westerly and the Northerly Boundary Lines of said Talbot Estates Phase 1A PRUD the following fifteen (15) courses:

- (1) South 24°35'10" West 113.82 feet,
- (2) South 19°51'26" West 40.26 feet;
- (3) Southeasterly 23.37 feet along the arc of a 15.00 foot radius curve to the right (center bears South 01°15'07" East and the chord bears South 46°37'18" East 21.08 feet with a central angle of 89°15'39");
  - (4) South 01°59'29" East 439.50 feet;
  - (5) South 88°00'31" West 133.30 feet;
  - (6) North 30°26'56" West 74.00 feet;
  - (7) South 59°33'04" West 96.00 feet;
  - (8) South 51°31'16" West 40.40 feet.
  - (9) South 59°33'04" West 96.00 feet;
  - (10) North 30°26'56" West 109.98 feet;
  - (11) South 59°33'04" West 96.00 feet;
  - (12) South 62°01'16" West 40.04 feet,
  - (13) South 51°51'01" West 100.91 feet,
  - (14) North 30°26'56" West 213.52 feet;
  - (15) South 59°33'04" West 35.93 feet to the point of beginning.

Contains 419,355 Square Feet or 9.627 Acres and 39 Lots