

5747029

After recording, please return to:

The Boyer Company
Attention: Richard Moffat
127 South 500 East, Suite 310
Salt Lake City, UT 84102

5747029
02/24/94 08:18 AM 27.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
PIONEER FORK ROAD OWNERS ASSOC
127 S 300 E SLC UT 84102
REC BY:V ASHBY DEPUTY - WI

THIRD SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS OF
EMIGRATION OAKS, A PLANNED UNIT DEVELOPMENT

This Third Supplement is made and executed this 22ND day of February, 1994, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

A. Declarant is the record owner of that certain tract of property known as The Estates of Emigration Oaks, Emigration Oaks Phase 4, a Planned Unit Development recorded on the official records of Salt Lake County, State of Utah, February 3, 1994 as entry number 5730921; (the "Plat"). Said Phase 4 is more particularly described in the legal description in Exhibit "A" of this Third Supplement.

B. Declarant is the owner of certain lots and has previously executed and recorded property known as:

1. Emigration Oaks Phase 1A, a Planned Unit Development on the official records of Salt Lake County, State of Utah on April 26, 1985 as Entry No. 4078734 in Book 85-4 of Plats at Page 77 ("Phase 1A").

2. Emigration Oaks Phase 2A, a Planned Unit Development on the official records of Salt Lake County, State of Utah on January 3, 1991, as Entry No. 5008247 in book 9101 of Plats at Page C001 ("Phase 2A").

3. Emigration Oaks Phase 2B, a Planned Unit Development on the official records of Salt Lake County, State of Utah, on January 3, 1991 as Entry No. 5008248 in Book 9101 of Plats at Page 0002 ("Phase 2B").

4. Emigration Oaks Phase 3, a Planned Unit Development on the official records of Salt Lake County, State of Utah on January 4, 1993 as Entry No. 5407643 in Book 93-1 at Page 1 ("Phase 3").

C. Declarant has previously executed and recorded a Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated February 4, 1985 which was recorded April 26, 1985 as entry number 4078735 in Book 5648, at Page 2997 of the official records of Salt Lake County, State of Utah (the "Declaration").

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D. Declarant has previously executed and recorded an Amendment to Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated July 3, 1985 which was recorded July 10, 1985 as entry number 4108691 in Book 5670, Pages 816-818 of the official records of Salt Lake County, State of Utah (the "Amendment").

E. Declarant has previously executed and recorded a Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated August 8, 1991 which was recorded August 9, 1991 as entry number 5109545 in Book 6344, Pages 2221-2227 of the official records of Salt Lake County, State of Utah (the "Second Amendment").

F. Declarant has previously executed and recorded a Supplement to Declaration of Covenants, Conditions and Restrictions of Emigration Oaks, a Planned Unit Development dated August 27, 1991 which was recorded August 29, 1991 as Entry No. 5118708 in book 6351, Pages 0337-0340 of the official records of Salt Lake County, State of Utah (the "Supplement").

G. Declarant has previously executed and recorded a Third Amendment to the Declaration of Covenants, Conditions and Restrictions of Emigration Oaks, a Planned Unit Development dated January 4, 1993 which was recorded January 4, 1993 as Entry No. 5407646 in Book 6584, Pages 0108-0111 of the official records of Salt Lake County, State of Utah (the "Third Amendment").

H. Declarant has previously executed and recorded a Second Supplement of Covenants, Conditions and Restrictions of Emigration Oaks, A Planned Unit Development dated January 4, 1993 which was recorded January 4, 1993 as Entry No. 5407647 in Book 6584, Pages 0112-0115 of the Official Records of Salt Lake County, State of Utah (the "Second Supplement").

I. Declarant hereby expands the project by adding a portion of the additional land, known as The Estates of Emigration Oaks, Emigration Oaks Phase 4, and supplements the Declaration and Amendment to include The Estates of Emigration Oaks, Emigration Oaks Phase 4 in accordance with Article XI, Paragraph 3 of the Declaration.

J. Declarant deems it desirable for the efficient preservation of the values and amenities in the project to amend certain portions of the Declaration as per the Amendment, Second Amendment and Third Amendment.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares that as more fully set forth in Article XI of the Declaration, the project known as Emigration Oaks shall be expanded to include the additional land described in Exhibit "A" of this Third Supplement (known as The Estates of Emigration Oaks, Emigration Oaks Phase 4, a Planned Unit Development). Declarant also declares that the newly added plat shall be held, transferred, sold, conveyed, and occupied subject to the Declaration of Covenants, Conditions, and Restrictions, easements, charges and liens set forth in the Declaration, the Amendment, the Second Amendment, the Third Amendment, the Supplement, the Second Supplement or this Third Supplement.

Declarant further declares the Declaration shall provide as specified hereinbelow:

1. LOT CONVEYANCING: As required in Article XI, Section 3(f) the form for conveyancing lots in the new Plats shall remain similar to the present form as set forth in Section 2 of Article IV of the Declaration with appropriate changes in Phase, recording date, entry number, and book and page.

Furthermore, said conveyancing language shall include reference to any Amendments and Supplements to the Original Declaration.

2. CONVEYANCE OF COMMON AREA: In accordance with Paragraph 3(g) of Declaration and Paragraph 1(e) of the Second Amendment, Declarant states it has conveyed the platted Common Areas in the Plat to the Association by Quit Claim Deeds which were recorded August 9, 1991 as entry number 5109548 in Book 6344, Page 2232 of the official records of Salt Lake County, State of Utah and February 24, 1994 as Entry No. 5747028 in Book _____, Page _____ of the official records of Salt Lake County, State of Utah.
3. RIGHTS-OF-WAY FOR DECLARANT: In accordance with Paragraph 3(h) and Paragraph 2(e) of Declaration, Declarant reserves herewith such rights-of-way and/or easements as necessary through the new plats being added to the project for purposes of enabling access to, furnishing utilities to, and facilitating or enabling development of the additional land being added to the project.

Executed by Declarant on this 22ND day of February, 1994.

"DECLARANT":

THE BOYER COMPANY,
a Utah general partnership

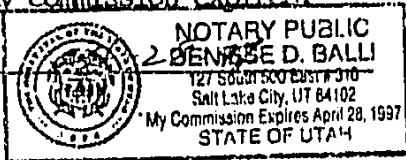
By Kenn Gardner
Its: General Partner

NOTARY

STATE OF Utah)
COUNTY OF Salt Lake) ss.

On this 22nd day of February, 1994, personally appeared before me Kem C. GARDNER, who being by me duly sworn, did say that he is a partner of THE BOYER COMPANY, a Utah general partnership, that the foregoing Declaration of Covenants, Conditions, and Restrictions was signed on behalf of said partnership by proper authority, and did acknowledge to me that said partnership executed the same.

My commission expires:



Denise D. Balli
NOTARY PUBLIC
Residing at: Salt Lake County

EXHIBIT "A"

THE ESTATES AT EMIGRATION OAKS, EMIGRATION OAKS PHASE 4

A PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, BEING FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS NORTH 89°53'41" EAST 303.253 FEET ALONG THE SOUTH SECTION LINE FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29; THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29, NORTH 89°53'41" EAST 1205.543 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 57°47'54" EAST 865.875 FEET TO THE POINT OF A 203,018 FOOT RADIUS CURVE TO THE LEFT, BEARING TO THE RADIUS POINT BEAR NORTH 87°04'45" WEST; THENCE ALONG THE ARC OF SAID CURVE 65.659 FEET THROUGH A CENTRAL ANGLE OF 18°31'49"; THENCE FROM CURVE NORTH 16°26'34" WEST 156.505 FEET TO THE POINT OF A 175,000 FOOT RADIUS CURVE TO THE RIGHT, BEARING TO THE RADIUS POINT BEARS NORTH 73°33'26" EAST, THENCE ALONG THE ARC OF SAID CURVE 31.386 FEET THROUGH A CENTRAL ANGLE OF 10°16'33"; THENCE DEPARTING SAID CURVE NORTH 08°00'01" WEST 340.921 FEET TO THE POINT OF A 225,000 FOOT RADIUS CURVE TO THE LEFT, BEARING TO THE RADIUS POINT BEARS SOUTH 83°49'59" WEST; THENCE ALONG THE ARC OF SAID CURVE 219.877 FEET THROUGH A CENTRAL ANGLE OF 55°56'25" TO THE POINT OF A 175,000 FOOT REVERSE CURVE TO THE RIGHT, BEARING TO THE RADIUS POINT BEARS NORTH 27°53'34" EAST; THENCE ALONG THE ARC OF SAID CURVE 199.269 FEET THROUGH A CENTRAL ANGLE OF 65°44'29" TO A POINT ON THE WEST SIDE OF A 100 FOOT DRAINAGE PROTECTION ZONE, THENCE ALONG THE WEST LINE OF SAID DRAINAGE ZONE THE FOLLOWING 9 COURSES:
1. NORTH 03°02'03" EAST 70.879 FEET; 2. 275.00 FOOT RADIUS CURVE TO THE RIGHT, BEARING TO THE RADIUS POINT BEARS SOUTH 86°31'57" EAST; THENCE ALONG ARC OF SAID CURVE 47.377 FEET THROUGH A CENTRAL ANGLE OF 09°52'15"; 3. NORTH 13°00'18" EAST 131.184 FEET; 4. 275.000 FOOT RADIUS CURVE TO THE RIGHT, BEARING TO THE RADIUS POINT BEARS SOUTH 76°39'42" EAST; THENCE ALONG ARC OF SAID CURVE 55.785 FEET THROUGH A CENTRAL ANGLE OF 11°17'22"; THENCE FROM SAID CURVE 5. NORTH 24°37'40" EAST 79.829 FEET; 6. NORTH 19°52'15" WEST 309.073 FEET; 7. NORTH 09°40'07" WEST 170.612 FEET; 8. NORTH 17°54'43" WEST 287.075 FEET; 9. NORTH 23°16'50" WEST 142.143 FEET TO THE NORTH LINE OF THE SOUTH ONE HALF OF SAID SECTION 29; THENCE ALONG NORTH LINE NORTH 89°53'26" WEST 2148.836 FEET TO THE EAST LINE OF A 100 FOOT DRAINAGE PROTECTION ZONE; THENCE ALONG THE EAST LINE OF SAID DRAINAGE PROTECTION ZONE THE FOLLOWING 13 COURSES:
1. SOUTH 05°55'33" EAST 112.934 FEET; 2. SOUTH 27°03'37" EAST 141.803 FEET;
3. SOUTH 02°26'27" EAST 299.579 FEET; 4. SOUTH 41°34'11" EAST 119.590 FEET;
5. SOUTH 17°12'21" EAST 190.294 FEET; 6. SOUTH 31°47'29" EAST 178.538 FEET;
7. SOUTH 44°54'56" EAST 185.455 FEET; 8. SOUTH 14°35'51" EAST 469.560 FEET;
9. SOUTH 07°53'08" EAST 479.385 FEET; 10. SOUTH 29°33'42" EAST 156.892 FEET;
11. SOUTH 09°58'47" EAST 203.929 FEET; 12. SOUTH 10°38'02" WEST 88.724 FEET;
13. SOUTH 15°14'19" WEST 198.489 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINS AN AREA OF 5,145,594 SQUARE FEET OF 118.12 ACRES MORE OR LESS AND 10 LOTS.

BASIS OF BEARING BEING FROM THE SOUTH 1/4 CORNER TO THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WHICH HAS A BEARING OF NORTH 89°53'41" EAST.

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