

When Recorded Return To:

D.R. Horton, Inc.  
12351 South Gateway Park Place, Suite D-100  
Draper, Utah 84020  
Attention: Krisel Travis

**THIRD SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT  
TO THE DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR OSPREY TOWNHOMES**

THIS THIRD SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OSPREY TOWNHOMES (this “**Third Supplemental Declaration**”) is made as of October 10, 2023, by D.R. HORTON, INC., a Delaware corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On June 10, 2022, Declarant caused to be recorded as Entry No. 69645:2022 in the official records of the Office of the Recorder of Utah County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for Osprey Townhomes (the “**Original Declaration**”) pertaining to a residential unit development known as Osprey Townhomes located in Provo City, Utah County, Utah.

B. On April 18, 2023, Declarant caused to be recorded as Entry No. 24454:2023 in the Official Records that certain First Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Osprey Townhomes (the “**First Supplemental Declaration**”).

C. On August 25, 2023, Declarant caused to be recorded as Entry No. 56168:2023 in the Official Records that certain Second Supplemental Declaration and First Amendment to the Declaration of Covenants, Conditions and Restrictions for Osprey Townhomes (the “**Second Supplemental Declaration**”).

D. Section 4.1 of the Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of a supplemental declaration, which shall be effective upon recording the supplemental declaration in the Official Records.

E. Pursuant to Section 4.3 of the Original Declaration, Declarant desires to subject to the Original Declaration, as supplemented and amended, that portion of the Additional Land described on Exhibit “A,” which is attached hereto and incorporated herein by this reference (the “**Subject Property**”).

F. Section 3.32(b) of the Original Declaration provides that until the expiration of the Class B Control Period, Declarant may unilaterally amend the Declaration for any purpose that Declarant deems to be in the best interest of the Project.

G. Pursuant to Section 3.32(b) of the Original Declaration, Declarant desires to amend certain provisions of the Original Declaration as set forth herein.

H. Declarant is executing and delivering this Third Supplemental Declaration for the purpose of subjecting the Subject Property to the provisions of the Original Declaration and for the purpose of amending certain provisions of the Original Declaration as set forth herein.

**THIRD SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT**

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. Defined Terms. All defined terms as used in this Third Supplemental Declaration shall have the same meanings as those set forth in the Original Declaration, as previously supplemented, unless otherwise defined in this Third Supplemental Declaration.

2. Subject Property Subjected to the Original Declaration, as Supplemented and Amended. The Subject Property is hereby subjected to the Original Declaration, as previously supplemented and amended and as supplemented by this Third Supplemental Declaration, and the Subject Property shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as previously supplemented and amended and as supplemented by this Third Supplemental Declaration, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof. The provisions of the Original Declaration, as previously supplemented and amended and as supplemented by this Third Supplemental Declaration, shall run with the Subject Property and shall be binding upon all Persons having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof. The Subject Property shall hereafter be deemed to be a part of the Property, as such term is defined in Section 1.49 of the Original Declaration, as previously amended.

3. New Section 1.61 Added to the Original Declaration. The Original Declaration is hereby amended to add a new Section 1.61, which shall read as follows:

1.61 Neighboring Property shall mean any street within the Project (including annexed property) that is adjacent to the specific Lot or Unit in reference.

4. New Section 1.62 Added to the Original Declaration. The Original Declaration is hereby amended to add a new Section 1.62, which shall read as follows:

1.62 Visible From Neighboring Property shall mean, with respect to any object located on a Lot, that such object is or would be fully visible or

unobscured from any street adjacent to the Lot on which the specific object is located.

5. Amendment of Section 3.5(f)(4) of the Original Declaration. Section 3.5(f)(4) of the Original Declaration is hereby amended and restated in its entirety to read as follows:

(4) Trash Containers and Collection. No garbage, recycling or trash shall be placed or kept on any Lot or Unit except in covered containers of a type, size and style as issued by the municipality in which the Project is located or by the Association or as otherwise approved by the Board. In no event shall such containers be maintained so as to be Visible From Neighboring Property, except to make the same available for collection within a 24-hour period. Notwithstanding any other provision or restriction to the contrary set forth in this Declaration, on a Lot where the garage is located on the rearward side of the Unit, a maximum of two containers may be kept or stored immediately adjacent to the garage for such Unit within the Limited Common Area that has been allocated for the exclusive use of such Unit. All rubbish, recycling, trash and garbage shall be removed from the Lots and Units and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained on any Lot or Unit.

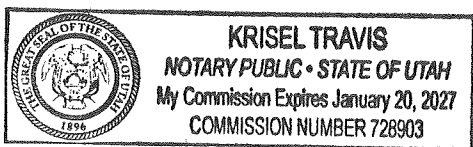
IN WITNESS WHEREOF, Declarant has caused this Third Supplemental Declaration to be executed by an officer duly authorized to execute the same as of the date first above written.

D.R. HORTON, INC.,  
a Delaware corporation

By: [Signature]  
Name: Adam R. Laser  
Title: Vice President

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged to me this 10 day of October, 2023, by Adam R. Laser, in such person's capacity as the Vice President of D.R. Horton, Inc., a Delaware corporation.



[Signature]  
NOTARY PUBLIC

**EXHIBIT "A"**  
**TO**  
**THIRD SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT**  
**TO THE DECLARATION OF COVENANTS, CONDITIONS AND**  
**RESTRICTIONS FOR OSPREY TOWNHOMES**

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**Legal Description of the Subject Property**

The Subject Property consists of that certain real property located in Utah County, Utah more particularly described as follows:

Beginning at a point being South 89°40'44" West 994.65 feet and South 00°19'16" East 3,216.83 feet from the North Quarter Corner

of Section 13, Township 7 South, Range 2 East, Salt Lake Base and Meridian; and running thence North 89°59'47" East 210.09 feet; thence Southeasterly 44.10 feet along the arc of a 217.00 foot radius curve to the right (center bears South 00°00'13" East and the chord bears South 84°10'52" East 44.03 feet with a central angle of 11°38'40"); thence South 78°21'32" East 95.20 feet; thence Northeasterly 133.25 feet along the arc of a 233.00 foot radius curve to the left (center bears North 11°38'28" East and the chord bears North 85°15'29" East 131.44 feet with a central angle of 32°45'57"); thence North 68°52'31" East 5.70 feet; thence South 01°00'00" West 424.38 feet; thence North 89°23'00" West 143.61 feet; thence North 01°00'02" East 24.04 feet; thence Northeasterly 1.69 feet along the arc of a 2.50 foot radius curve to the right (center bears South 88°59'58" East and the chord bears North 20°19'50" East 1.66 feet with a central angle of 38°39'35"); thence North 39°39'37" East 11.93 feet; thence North 01°00'02" East 44.35 feet; thence North 36°44'18" West 12.22 feet; thence Northwesterly 1.65 feet along the arc of a 2.50 foot radius curve to the right (center bears North 53°15'42" East and the chord bears North 17°52'08" West 1.62 feet with a central angle of 37°44'20"); thence North 01°00'02" East 49.77 feet; thence Northeasterly 1.69 feet along the arc of a 2.50 foot radius curve to the right (center bears South 88°59'58" East and the chord bears North 20°19'50" East 1.66 feet with a central angle of 38°39'35"); thence North 39°39'37" East 11.93 feet; thence North 01°00'02" East 29.83 feet; thence North 88°59'58" West 33.00 feet; thence Southwesterly 20.34 feet along the arc of a 13.00 foot radius curve to the right (center bears North 88°59'58" West and the chord bears South 45°48'53" West 18.33 feet with a central angle of 89°37'42"); thence North 89°22'16" West 61.10 feet; thence North 00°37'44" East 142.31 feet; thence North 80°29'58" West 24.50 feet; thence Northwesterly 8.99 feet along the arc of a 54.50 foot radius curve to the left (center bears South 09°30'02" West and the chord

bears North 85°13'22" West 8.98 feet with a central angle of 09°26'49"); thence North 89°56'47" West 17.91 feet; thence North 51°17'12" West 11.93 feet; thence Northwesterly 1.69 feet along the arc of a 2.50 foot radius curve to the left (center bears South 38°42'48" West and the chord bears North 70°37'00" West 1.66 feet with a central angle of 38°39'35"); thence North 89°56'47" West 70.95 feet; thence Southwesterly 1.69 feet along the arc of a 2.50 foot radius curve to the left (center bears South 00°03'13" West and the chord bears South 70°43'25" West 1.66 feet with a central angle of 38°39'35"); thence South 51°23'38" West 11.93 feet; thence North 89°56'47" West 38.08 feet; thence North 00°37'44" East 33.00 feet; thence North 89°56'47" West 56.12 feet; thence North 00°14'25" West 83.99 feet to the point of beginning.

Contains 108,574 Square Feet or 2.493 Acres and 39 Lots

Tax Parcel Number: