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 RECORDER, SALT LAKE COUNTY, UTAH
 JEFFREY DUKE
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 SLC UT 84047
 BY: ZJM, DEPUTY - WI 3 P.

After recordation, return to:

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**NINTH SUPPLEMENT TO
 DECLARATIONS OF EASEMENTS, COVENANTS,
 CONDITIONS AND RESTRICTIONS
 OF
 WYNGATE TOWN HOMES**

A Planned Unit Development (Expandable)

South Jordan, Salt Lake County, Utah

THIS NINTH SUPPLEMENTAL TO DECLARATION is made as of this 20th day of August 2004, by WYNGATE TOWNHOMES, LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Wyngate Town Homes, an expandable Planned Unit Development in South Jordan, Utah (The "Development").
- B. On Oct 23, 2002, Declarant caused to be recorded as Entry No. 8395491, Book 8670, Page 7408-7425, in the office of the Recorder of Salt Lake County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Wyngate Town Homes, A Planned Unit Development (Expandable), South Jordan, Salt Lake County, Utah** (the "Declaration") relating to the Development.
- C. Pursuant to 3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any exhibit thereto) for purpose of development into additional Lots and Common Areas, if any, consistent with the existing Phases of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Phase "X" of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this Ninth Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.
2. The following described real property situated in the city of South Jordan, Salt Lake County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under, the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in manner which is reasonable and consistent with the provisions of the Declaration): (i) to construct and complete each of the Buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper on connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional

**EXHIBIT A
TO
NINTH SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WYNGATE TOWNHOMES
A Planned Unit Development (Expandable)
South Jordan, Salt Lake County, Utah**

THIS DESCRIPTION OF THE ADDITIONAL LAND IS SET FORTH AND ATTACHED IN THIS EXHIBIT A TO THE DECLARATION SOLELY FOR PURPOSES OF IDENTIFICATION. THE DECLARATION NOT INTENDED AS AND SHOULD NOT BE DEEMED TO CONSTITUTE ANY LIEN, ENCUMBRANCE, RESTRICTION, OR LIMITATION UPON ANY PORTION OF THE EXPANSION LAND UNLESS AND UNTIL SUCH PORTION IS ADDED TO THE DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

Phase X

Part of Lot 4, South Jordan Business Center Subdivision, and other property, more particularly described as follows:

Beginning at a point being the intersection of the north line of Crystal Cove P.U.D. and the east line of Beckstead Lane, said point being North 0°03'10" East 660.03 feet along the quarter section line and South 89°55'40" East 446.34 feet from the South Quarter Corner of Section 15, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running:

thence Northeasterly 146.19 feet along the arc of a 1321.75 foot radius curve to the right (center bears South 89°52'19" East and the long chord bears North 3°17'48" East 146.12 feet through a central angle of 6°20'14"), along the east line of said Beckstead Lane;

thence Northeasterly 31.86 feet along the arc of a 1372.00 foot radius curve to the left (center bears North 83°32'09" West and the long chord bears North 5°47'56" East 31.86 feet through a central angle of 1°19'50"), along the east line of said Beckstead Lane to the Southwest Corner of Wyngate P.U.D. Phase 8;

thence South 89°59'59" East 106.82 feet along the south line of said Wyngate P.U.D. Phase 8;

thence North 43°43'09" East 50.20 feet along the south line of said Wyngate P.U.D. Phase 8 to the Southwest Corner thereof, said point being also on the south line of Wyngate P.U.D. Phase 7;

thence Southeasterly 61.33 feet along the arc of a 64.00 foot radius curve to the left (center bears North 54°58'56" East and the long chord bears South 62°28'22" East 59.01 feet through a central angle of 54°54'36") along the south line of said Wyngate P.U.D. Phase 7;

thence South 89°55'40" East 139.66 feet along the south line of said Wyngate P.U.D. Phase 7 to the Northwest Corner of Wyngate P.U.D. Phase 9;

thence South 0°04'20" West 186.84 feet along the west line to the Southwest Corner of said Wyngate P.U.D. Phase 9, said point also being on the north line of Crystal Cove P.U.D.

thence North 89°55'40" West 344.89 feet along the north line of said Crystal Cove P.U.D. to the point of beginning.

Contains 63,376 square feet; 1.45 acres.