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Book - 9127 Pg - 2901-2906
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
IVORY DEVELOPMENT
978 E WOODOAK LN
SLC UT 84117
BY: ZJM, DEPUTY - WI 6 P.

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7000

**FIRST AMENDMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR SHADOW CREST SUBDIVISION**

This First Amendment to the Declaration of Protective Covenants for Shadow Crest Subdivision is made and executed by Ivory Development, LLC, a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Developer").

RECITALS

Whereas, Declaration of Protective Covenants for Shadow Crest Subdivision was recorded in the office of the County Recorder of Salt Lake County, Utah on November 2, 2004 as Entry No. 9213525 in Book 9056 at Pages 2545-2558 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Shadow Crest Subdivision has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Developer desires to amend the Declaration to set forth the Street Tree Planting Plan for the Property.

Whereas, all of the voting requirements of Section 21 of the Declaration have been satisfied.

Whereas, this amendment affects the real property located in Salt Lake County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference.

A M E N D M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Developer hereby executes this First Amendment to the Declaration of Protective Covenants for Shadow Crest Subdivision

6 - 39

Section 13(l) of the Declaration, entitled "Landscaping," is hereby amended with the addition of the following language:

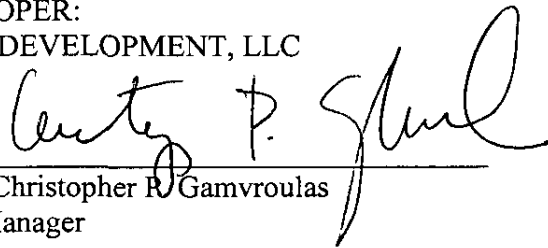
Landscaping. The planting of trees must be in accordance with the Street Tree Planting Plan, a copy of which is attached hereto, marked Exhibit "B" and incorporated herein by this reference. Trees, lawns, shrubs, or other plantings placed on a Lot shall be properly nurtured and maintained by the Owner. The Developer is responsible for the initial planting of the trees. The Lot Owner is responsible to replace all trees if replacement is required. Any weeds or diseased or dead lawn, trees, ground cover, bushes or shrubs shall be removed and replaced. All replacement trees must also satisfy the requirements of the Street Tree Planting Plan. The landscaping of a Lot may not adversely affect the value or use of any other property or detract from the original design scheme and appearance of the subdivision.

Should any Lot Owner fail to comply with the provisions of this paragraph, the Developer or the ARC shall have the right to seek an order from a court of proper jurisdiction requiring specific performance to comply with the provisions hereof or to recover damages, or both, and shall also have the authority but not the obligation to complete the landscaping or restore the property to its original condition without being guilty of a trespass, and require the Lot Owner to pay the cost of labor and materials. The costs and expenses incurred, including a reasonable attorneys fee, whether or not a lawsuit is filed, shall be considered the personal obligation of the Lot Owner and shall constitute a lien on the interest of the Owner in such property, enforceable at law or equity, until payment is made.

2. The effective date of this First Amendment to the Declaration shall be the date on which said instrument is filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the 4th day of May, 2005.


DEVELOPER:
IVORY DEVELOPMENT, LLC

By: 
Name: Christopher R. Gamvroulas
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 4th day of May, 2005 by Christopher P. Gamvroulas, the Manager of IVORY DEVELOPMENT, LLC, and said Christopher P. Gamvroulas duly acknowledged to me that said company executed the same.



NOTARY PUBLIC
Residing at:
My Commission Expires:

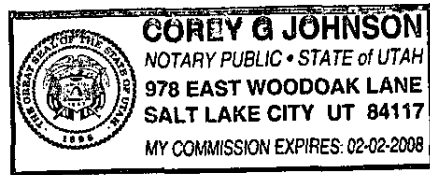


EXHIBIT "A"
LEGAL DESCRIPTION

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

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS N89°37'22"W, 1316.20 FEET FROM THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT BEING THE NORTHWEST CORNER OF SOMERSET RIDGE SUBDIVISION AND A POINT ON THE NORTH LINE OF AN EXISTING ROAD; AND RUNNING THENCE ALONG THE WESTERLY LINE OF SAID SOMERSET RIDGE SUBDIVISION THE FOLLOWING TWO COURSES: S0°30'19"W, 689.24 FEET ALONG AN EXISTING FENCE LINE TO A FOUND BAR AND CAP; THENCE N89°28'08"W, 326.32 FEET; THENCE N0°21'24"E, 648.36 FEET; THENCE N89°37'22"W, 580.56 FEET; THENCE N0°22'38"E, 289.60 FEET; THENCE N89°37'22"W, 165.00 FEET; THENCE N0°22'38"E, 77.10 FEET; THENCE N89°37'22"W, 66.00 FEET; THENCE N0°22'38"E, 70.95 FEET; THENCE S89°37'22"E, 49.20 FEET TO THE EASTERLY LINE OF HILLCREST STREET; THENCE N0°22'38"E, 241.25 FEET ALONG SAID EASTERLY LINE; THENCE S89°37'22"E, 249.22 FEET; THENCE N0°09'18"W, 130.00 FEET; THENCE S89°37'22"E, 843.44 FEET TO THE WEST LINE OF DRAPER OAKS SUBDIVISION; THENCE S0°27'06"W, 768.90 FEET ALONG SAID WEST LINE OF DRAPER OAKS AND THE WEST LINE OF BEAR CANYON ESTATES PHASE 1 SUBDIVISION TO THE POINT OF BEGINNING.

CONTAINS: 23.231 ACRES— 39 LOTS

TOGETHER WITH THE FOLLOWING RIGHT OF WAY:

BEGINNING AT A POINT WHICH IS N89°37'22"W, 1644.56 FEET AND SOUTH, 40.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S0°21'24"W, 30.00 FEET; THENCE N89°37'22"W, 762.22 FEET; THENCE N0°22'38"E, 30.00 FEET; THENCE S89°37'22"E, 762.25 FEET TO THE POINT OF BEGINNING

CONTAINS: 0.53 ACRES

ALSO TOGETHER WITH THE FOLLOWING RIGHT OF WAY EASEMENT WITH TAX ID NUMBER 28-28-453-026

BEGINNING AT A POINT WHICH IS N89°37'22"W, 2224.85 FEET AND S0°22'38"W, 15.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S0°22'38"W, 25.00 FEET; THENCE N89°37'22"W, 181.69 FEET; THENCE N0°22'38"E, 25.00 FEET; THENCE S89°37'22"E, 181.69 FEET TO THE POINT OF BEGINNING.

CONTAINS: 4542 SQUARE FEET

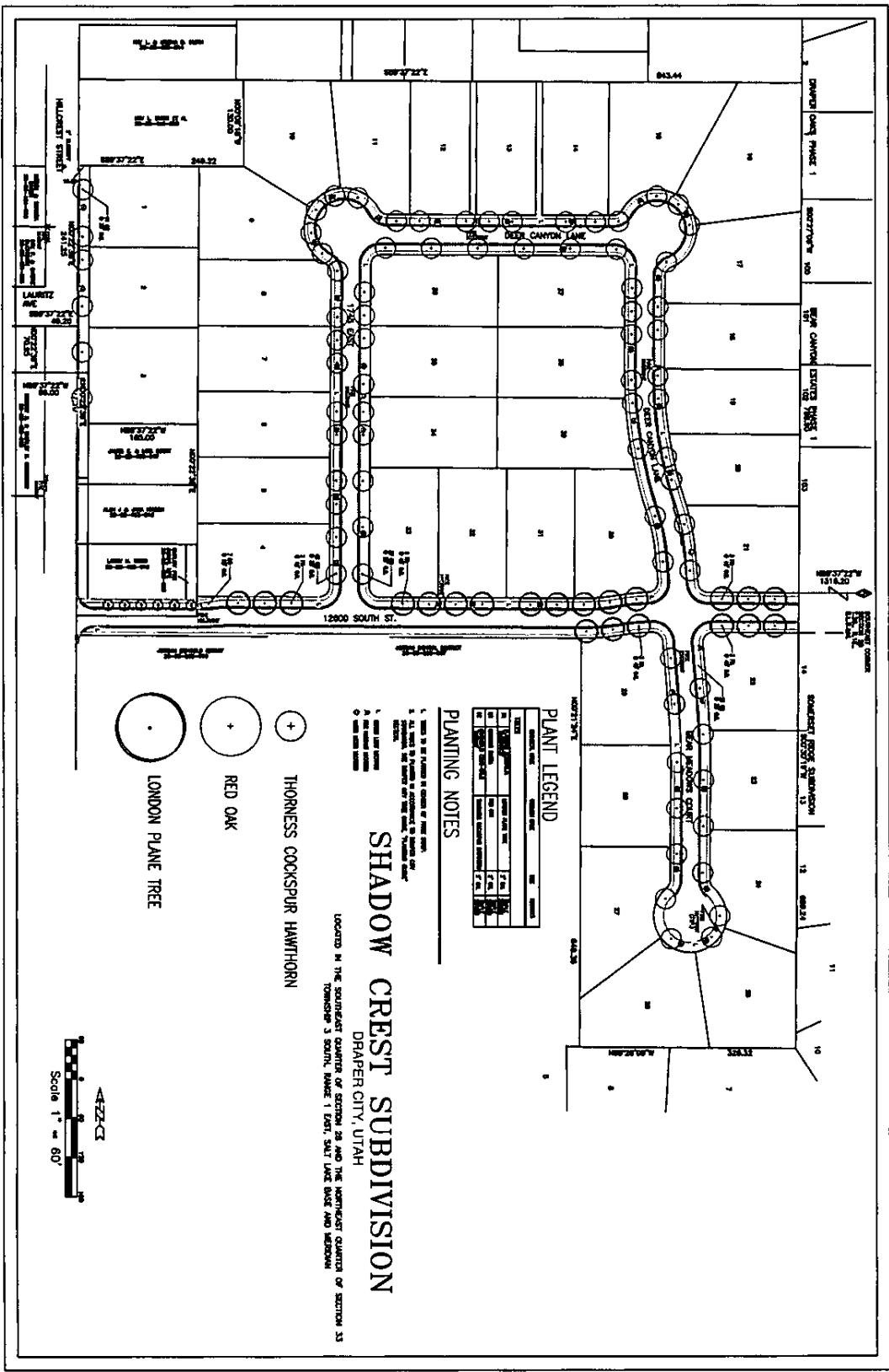
EXHIBIT "B"

S T R E E T T R E E P L A N T I N G P L A N

01. GENERAL REQUIREMENTS

- 01.1. STREET TREES initially are to be planted by the developer in compliance with this plan.
- 01.2. STREET TREES are to be planted in the parkstrip in front of each lot. They are to be centered between the back of curb and the edge of the sidewalk.
- 01.3. STREET TREES shall be a minimum two inch (2") caliper in size when planted. (Caliper is the diameter of the trunk measured twelve (12) inches above the top of the root ball.)
- 01.4. Any damaged or diseased STREET TREES are to be replaced by the homeowner at his sole cost and expense.

Exhibit B



PLANT LEGEND

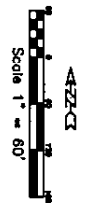
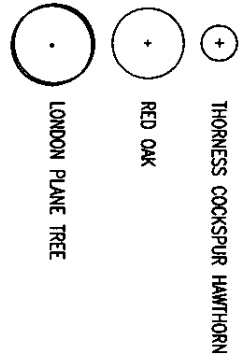
SYMBOL	PLANT SPECIES	SIZE	PLANTING DATE
+	THORNES COCKSPUR HAWTHORN	12"	2011
○	RED OAK	12"	2011
○	LONDON PLANE TREE	12"	2011

PLANTING NOTES

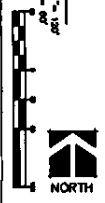
1. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DRAPER SPECIFICATIONS.
2. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DRAPER SPECIFICATIONS.
3. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DRAPER SPECIFICATIONS.

SHADOW CREST SUBDIVISION
DRAPER CITY, UTAH

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE NORTHEAST QUARTER OF SECTION 33
TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASIN AND MERIDIAN



Street Tree Plan
1/10/11 SCALE 1" = 60'



DATE: 1/10/11
BY: [Signature]
CHECKED BY: [Signature]

Shadow Crest Subdivision
Ivory Homes

Architecture
Landscape Architecture
Land Planning
Engineering
Interior Design

aswr+

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