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Book - 9245 Pg - 2750-2752
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LEGRAND WOOLSTENHULME
2230 N UNIVERSITY PKWY STE 2F
PROVO UT 84604
BY: ZJM, DEPUTY - WI 3 P.

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

A Planned Unit Development (Expandable)

Draper, Salt Lake County, Utah

THIS SECOND SUPPLEMENTAL TO DECLARATION is made as of this 7th day of September 2005, by WYNGATE COMMONS LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Wyngate Commons Town Homes, an expandable Planned Unit Development in Draper, Utah (The "Development").
- B. On June 1, 2005, Declarant caused to be recorded as Entry No. 9391609, Book 9138, Page 5590-6008, in the office of the Recorder of Salt Lake County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Wyngate Commons Town Homes, A Planned Unit Development (Expandable), Draper, 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 Plat A of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Plat C of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. All defined terms as used in this Second 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 Draper, 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 improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners and Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property of any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist.

With the exception of such perpetual easements, the reservations hereby effected shall, unless, sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed of record in the office of the County Recorder of Salt Lake County, Utah.

ALL FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, without limitation, any Mortgage (and nothing in the paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities; AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.

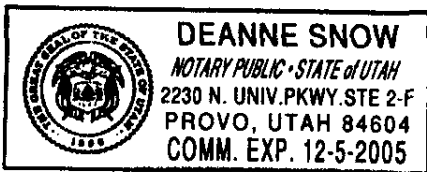
3. Section 3.02 of the Declaration is amended in its entirety to read as follows:

3.02 Subdivision into Lots. The Development is hereby subdivided into Eighty (80) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

4. Except as amended by the provisions of this Second Supplement to Declarations, the Declaration shall remain unchanged and, together with this Second Supplement to Declaration shall constitute the Declarations of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

5. This Second Supplement to Declaration shall be recorded concurrently with the Plat entitled Plat C, Wyngate Commons Town Homes, A Planned Unit Development (Expandable), City of Draper, Salt Lake County, Utah, prepared and certified to by Dennis P Carlisle (a duly registered Utah Land Surveyor holding Certificate No. 172675), executed and acknowledged by Declarant, accepted by Draper City, and filed for record in the office of the County Recorder of Salt Lake County.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.



DECLARANT:
Wyngate Commons, LLC
A Utah limited Liability Company

By: *LeGrand Woolstenhulme*
LeGrand Woolstenhulme, Manager

State of Utah)
 : ss.
County of Utah)

On this 15 day of Nov, 2005, personally appeared before me LeGrand Woolstenhulme, who being by me duly sworn, did say that he is the Manager of Wyngate Commons, LLC., a Utah limited liability company, that said instrument was signed by him in behalf of said company pursuant to authority, and that said company executed the same.

NOTARY PUBLIC

**EXHIBIT A
TO
SECOND SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WYNGATE COMMONS TOWNHOMES
A Planned Unit Development (Expandable)
Draper, 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.

**LEGAL DESCRIPTION
PREPARED FOR
WYNGATE COMMONS
DRAPER PROJECT #2004-367
(November 14, 2005)**

PLAT "C"

A portion of the SE1/4 of Section 19, Township 3 South, Range 1 East, Salt Lake Base & Meridian, Draper, Utah, more particularly described as follows:

Beginning at a point located S0°06'05"W along the Section line 1,338.59 feet and West 115.04 feet from the East 1/4 Corner of Section 19, T3S, R1E, S.L.B.& M.; thence S1°07'19"W 300.54 feet; thence S89°50'36"W 186.33 feet; thence N0°09'24"W 9.21 feet; thence S89°58'00"W 510.73 feet; thence North 150.78 feet; thence N89°54'16"W 43.58 feet; thence along the arc of a 31.00 foot radius curve to the right 48.64 feet through a central angle of 89°54'16" (chord: N44°57'08"W 43.80 feet); thence North 13.15 feet; thence East 18.00 feet; thence North 74.45 feet; thence East 507.67 feet; thence N3°06'07"W 8.97 feet; thence N86°53'53"E 252.68 feet to the point of beginning.

Contains: 4.62+/- acres