

**SUPPLEMENTARY DECLARATION  
TAVIAWK SUBDIVISION – PHASE X**

Kayenta Homes, Inc., Declarant under that certain Declaration of Covenants, Conditions, and Restrictions of Taviawk Subdivision – Phase I-IV, a Planned Residential Development, filed of record on April 17, 1998, as Entry No. 599234, Book 1202, Pages 628, et seq. of Official Washington County Records, (hereinafter collectively referred to as the “Declaration”) hereby exercises its rights and privileges under said Declaration as follows:

1. Declarant hereby annexes to Taviawk Subdivision Phases I, II, III, IV, V, and IV (71 lots) the following described property located in Ivins City, County of Washington, State of Utah, concluding as set forth on that certain Plat filed concurrently herewith:

All of TAVIAWK SUBDIVISION, PHASE X, more particularly described as follows: (See Exhibit A attached hereto)

2. Lots 153-170, Phase X are hereby added to the Taviawk Subdivision Project. The number of lots being added is 18 lots. The total number of lots in Taviawk Subdivision Phases I-VI, and X is now 89 lots.

3. All lot owners in the new phase described above will become members of the Taviawk Home Owners Association and will be entitled and subject to all rights, powers, privileges, covenants, restrictions, easements, charges, and liens as set forth in the original Declaration of Taviawk Subdivision as supplemented. Where specific clauses are set forth in this Supplementary Declaration, they shall control over the Declaration. The annexed land is to be held, sold, conveyed, encumbered, occupied, and approved as part of the property, subject to the Declaration, as supplemented by these documents.

4. Declarant continues to reserve all rights to expand, and such other rights as are conferred in the Declaration. Declarant further reserves the right to grant access for ingress and egress for all utilities to any other project in the area where the roads of this Plat may serve other future projects.

5. The same architectural covenants as contained in the Declaration of Taviawk Subdivision – Phases I-VI, shall apply to this subdivision described at Exhibit A, except as modified by this Supplemental declaration.

6. The de-vegetated condition of the Taviawk Phase X site, and the nature of the adjacent and nearby developed properties (including Indian Shadows subdivision and Summit Ridge subdivision) provides design and development challenges which require an approach which differs from other Taviawk phases. Effective design solutions are difficult to accomplish given the constraints of the Basic ACC Standards set forth in Exhibit “F” of the Declaration.

Latitude given in site coverage, building height and geometry, grading and revegetation will allow for innovation in design which can result in an effortless transition between the existing community of homes to the east with the Kayenta-style architecture and landscape appearance of Taviawk.

Modifications of Exhibit “F,” Basic ACC Standards, shall be established specifically and solely for Taviawk Phase X, primarily but not exclusively for Lots 158-170. In order to accomplish this purpose, Declarant reserves the right to modify the requirements of Exhibit “F” wherein at the sole discretion of Declarant such modification will result in no material harm to the architectural integrity of the Taviawk subdivision.

7. Due to the sensitive nature of the topography and/or location, or other features, Declarant reserves unto itself or its assigns, the right to architectural approval of any

building or landscape plans that may be proposed for such lots. Said right to architectural approval of any building or landscape plans may be withheld by Declarant if in the opinion of Declarant or his architect the proposed plans would be detrimental to the project in any material way. The decision of the Declarant in this regard shall be final.

With the annexation of Taviawk subdivision, Phase X, Lots 155, 156, and 157 are added with existing residences. These residences are hereby approved as constructed, and as-built plans of each of these residences shall be provided to Kayenta ACC for its record. Any additions modifications or additions to landscape not shown on as-built plans shall require the approval of the Kayenta ACC as appointed by the Taviawk Home Owners Association.

Declarant reserves the right to approve architectural plans for lots 158-170 independent of consensus or approval or the Taviawk Home Owners Association or its appointed ACC.

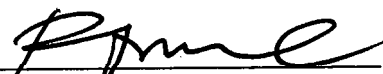
8. Modification of Basic ACC Standards. As set forth on the plat, there is a 20' Trail Easement on the East side of Taviawk Parkway (Phase X), and on the North side of 450 North. The trail Easement shall be subject to the same terms as those outlined in the Declaration.

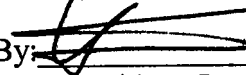
9. Drainage. A drainage easement is established within the boundaries of the twenty foot trail easement for the full western boundary of Taviawk Phase X (along Taviawk Drive). On Lots 156, 157, 158, 159, and 164, the area of the drainage easement is expanded to the east to provide for the construction and operation of storm water detention basins. The trail/detention basin design on Lots 156-159 allow for the integration of trail into and through basin area. Detention basins and associated storm

drain pipe is to be maintained by the Taviawk Home Owners Association, along with the trail and landscape within the trail easement area.

No structures other than trail surface and drainage structure inlets/outlets shall be built in drainage easement areas. Landscaping is permitted. In that portion of the drainage easement located on Lot 164, in which the storm drain pipe is located, a driveway, patios, courtyard walls, and landscape are permitted over the easement.

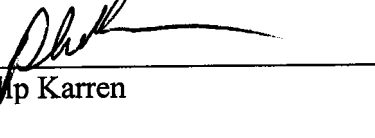
10. Article VI, Paragraph 6, Date of Commencement of Annual Assessments shall be modified for Taviawk Phase X as follows: Date of commencement of annual assessment on lots 155, 156, and 157 shall commence upon substantial completion of subdivision utility and road construction work which shall be established as the 1<sup>st</sup> day of the calendar month after asphalt road surface is completed. The annual assessment for all other lots shall commence in accordance to Declaration. "Sale of Lot" shall mean the sale of a lot to a disinterested third party, and shall exclude the transfer of ownership interest through exchange or distribution of property between the current ownership.


Kayenta Homesites, Inc. By:   
President, R.T. Marten

Kayenta Development, Inc. By:   
Vice- President, Lance Anderson

Creosote Group, LLC By:   
Manager, Kerry Erce

Individual By:   
Maritz Karren

Individual By:   
Phillip Karren

Individual By:   
R.T. Marten

Individual

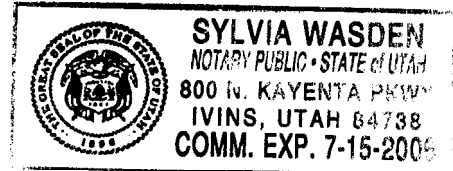
By: Maritza Karren  
Maritza Karren

State of Utah  
County of Washington) S.S.

On the 1 day of Sept., 2005, personally appeared before me the undersigned Notary Public, in and for said county of Washington in said state of Utah, Maritza Karren, who being by me duly sworn, did acknowledge that she signed the foregoing instrument who duly acknowledged to me that she executed the same.

Commission Expires: 7-15-06

Sylvia Wasden  
Notary Public-Washington County  
State of Utah



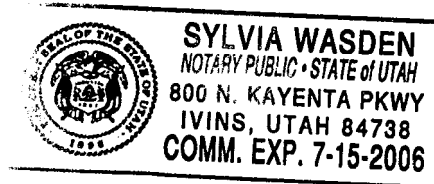
Individual

By: Phillip Karren  
Phillip Karren

On the 1 day of Sept., 2005, personally appeared before me the undersigned Notary Public, in and for said county of Washington in said state of Utah, Phillip Karren, who being by me duly sworn, did acknowledge that he signed the foregoing instrument who duly acknowledged to me that he executed the same.

Commission Expires: 7-15-06

Sylvia Wasden  
Notary Public-Washington County  
State of Utah



DECLARANT

Kayenta Homesites, Inc.

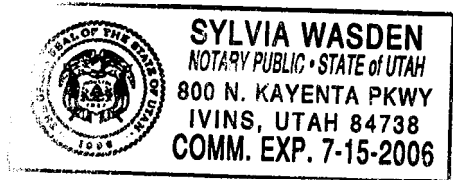
By: [Signature]  
R.T. Marten, President

State of Utah  
County of Washington) S.S.

On the 1 day of Sept, 2005, personally appeared before me R.T. Marten, who being by me duly sworn did say that he is the President of Kayenta Homesites, Inc. and that said instrument was signed in behalf of said corporation by authority of its bylaws (or of a resolution of its Board of Directors, as the case may be), and he acknowledged to me that said corporation executed the same.

Commission Expires 7-15-06

Sylvia Wasden  
Notary Public-Washington County



Vice President

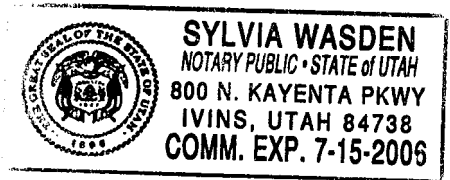
Kayenta Development  
By: [Signature]  
Lance Anderson, Vice President  
Kayenta Development, Inc.

On the 1 day of Sept, 2005, personally appeared before me Lance Anderson, who being by me duly sworn did say that he is the Vice- President of Kayenta Development, Inc. and that said instrument was signed in behalf of said corporation by authority of its bylaws (or of a resolution of its Board of Directors, as the case may be), and he acknowledged to me that said corporation executed the same.

State of Utah  
County of Washington) S.S

Commission Expires: 7-15-06

Sylvia Wasden  
Notary Public-Washington County



Manager

Creosote Group, LLC

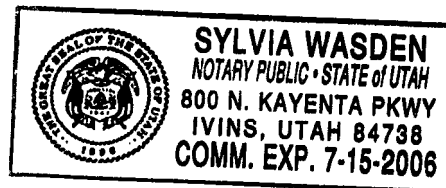
By: Kerry Ence  
Kerry Ence, Manager

State of Utah  
County of Washington )S.S.

On the 1 day of Sept., 2005, personally appeared before me Kerry Ence, Creosote Group, L.L.C. and that he executed the foregoing owners dedication on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of Creosote Group, L.L.C. and that he executed the foregoing instrument on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of Creosote Group, L.L.C. and he did duly acknowledge to me that such limited liability company executed the same for the uses and purposes stated therein.

Commission Expires: 7-15-06

Sylvia Wasden  
Notary Public-Washington County



Individual

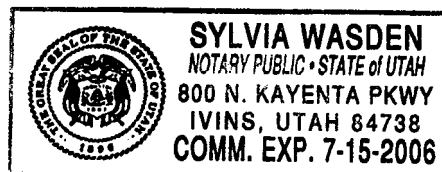
By: R.T. Marten  
R.T. Marten

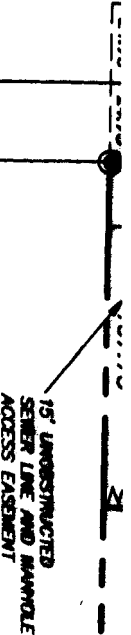
State of Utah  
County of Washington) S.S.

On the 1 day of Sept., 2005, personally appeared before me the undersigned Notary Public, in and for said county of Washington in said state of Utah, R.T. Marten who being by me duly sworn, did acknowledge that he signed the foregoing instrument who duly acknowledged to me that he executed the same.

Commission Expires: 7-15-06

Sylvia Wasden  
Notary Public-Washington County  
State of Utah





**SURVEYOR'S CERTIFICATE**

I, LLOYD RIED POPE, HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER AND REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE OF REGISTRATION NUMBER 153009 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORIZATION OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, COMMON AREAS, AND PRIVATE ROADS HEREAFTER KNOWN AS:

**"TAVIAWK SUBDIVISION PHASE X"**

AND THAT THE SAME HAS BEEN CORRECTLY STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

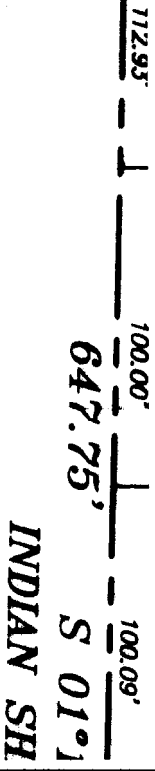
**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT S 01°16'51" W 1322.37 FEET ALONG THE CENTER SECTION LINE AND S 90°00'00" E 124.36 FEET FROM THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 41 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE SOUTH BOUNDARY LINE OF TAVIAWK SUBDIVISION PHASE VI AS RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AND RUNNING THENCE S 01°15'41" W 269.15 FEET; THENCE N 88°44'19" W 140.00 FEET; THENCE S 01°15'41" W 363.43 FEET TO THE POINT OF A 15.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 90°00'00" AND ALONG THE ARC OF SAID CURVE 23.56 FEET TO THE POINT OF TANGENCY; THENCE S 88°44'19" E 125.00 FEET TO THE SOUTHWEST CORNER OF 101 9 - INDIAN SHADOWS SUBDIVISION PHASE 1 AS RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER; THENCE ALONG THE WEST BOUNDARY LINE OF SAID SUBDIVISION S 01°15'41" W 647.75 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 450 NORTH STREET; THENCE N 88°44'19" W 332.82 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 400 WEST STREET AS RECORDED ON THE ROAD DEDICATION MAP OF SAID STREET IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ENTRY #541292; THENCE ALONG SAID RIGHT OF WAY LINE N 00°32'49" E 1295.22 FEET TO THE SOUTHWEST CORNER OF SAID TAVIAWK SUBDIVISION PHASE VI; THENCE ALONG THE SOUTH BOUNDARY OF SAID SUBDIVISION S 88°46'25" E 348.97 FEET TO THE POINT OF BEGINNING.

CONTAINING: 8.921 ACRES



LINE	LENGTH	BEARING
L4	79.24'	N 00°52'26" W
L5	88.06'	N 02°03'46" E
L6	205.04'	S 01°15'41" W
L7	115.30'	S 01°15'41" W
L8	32.12'	N 02°03'46" E
L9	86.17'	N 01°15'41" E
L10	35.57'	N 01°15'41" E
L11	47.97'	S 01°15'41" W
L12	198.05'	N 02°03'46" E
L13	297.82'	S 01°15'41" W
L14	0.15'	S 88°07'34" W
L15	57.84'	N 00°52'26" W



CURVE	LENGTH
C1	9.93'
C2	33.88'
C3	9.07'
C4	21.78'
C5	42.17'
C6	11.57'
C7	4.94'
C8	22.43'
C9	44.48'
C10	10.51'
C11	79.38'
C12	13.62'
C13	13.62'
C14	79.33'
C15	2.16'
C16	38.14'
C17	41.01'
C18	8.71'
C19	42.95'
C20	35.82'

**OWNER'S DECLARATION**

KNOWN ALL MEN BY THESE PRESENTS THAT THE ABOVE DESCRIBED TRACT OF LAND, HAVING BEEN SUBDIVIDED INTO LOTS, COMMON AREAS, AND PRIVATE ROADS HEREAFTER KNOWN AS:

**"TAVIAWK SUBDIVISION"**

AND DOES HEREBY DEDICATE TO THE COMMON OWNERS IN SAID SUBDIVISION, BUT NOT THE GENERAL ROADWAYS SHOWN ON THIS PLAT, IN ACCORDANCE WITH THE DEDICATIONS OF SAID COMMON AREAS AS MADE BY THE "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" RECORDED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THE SUPPLEMENTAL DECLARATION OF TAVIAWK SUBDIVISION CONCURRENTLY HERewith, SAID DECLARATION OF RESTRICTIONS AND SUPPLEMENTAL DECLARATION MADE PART OF THIS PLAT.

IN WITNESS WHEREOF I HAVE HERETO SET THIS

*[Signature]*  
 FERRYMAN - MANAGER