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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
3/29/2007 2:27:00 PM
FEE \$41.00 Pgs: 4
DEP eCASH REC'D FOR COTTONWOOD TITLE INS AGENCY

WHEN RECORDED RETURN TO:
Ivory Development, LLC,
A Utah limited liability company
1544 North Woodland Park Drive, #300
Layton, Utah 84041
(801) 775-8853

**FIRST SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CRYSTAL CREEK PHASE 3 SUBDIVISION**

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for Crystal Creek Phase 3 Subdivision, is made and executed by Ivory Development, LLC., a Utah limited liability company, of 1544 North Woodland Park Drive, #300, Layton, Utah 84041 (the "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for Crystal Creek Phase 3 Subdivision was recorded in the office of the County Recorder of Davis County, Utah (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Crystal Creek Subdivision have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Crystal Creek Phase 3 Subdivision was recorded in the office of the County Recorder of Davis County, Utah (the "Declaration").

Whereas, the related Plat Map for Phase 2 of the Crystal Creek Subdivision have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, under Section 3 of the Declaration, Declarant reserved the unilateral right to expand the subdivision to annex additional land and expand the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in West Point City, Davis County, Utah and described with particularity on Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase 3 Property").

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3 Property 26 additional Lots, numbered 301 - 326.

Whereas, Declarant now intends that the Phase 3 Property shall become subject to the Declaration.

12-055-0301 thru 12-055-0326

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Crystal Creek Phase 3 Subdivision Phase 3.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

- a. **Phase 3 Map** shall mean and refer to the Plat Map of Phase 3 of the Project, prepared and certified to by Keith R. Russell, a duly registered Utah Land Surveyor holding Certificate No. 164356, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this First Supplemental Declaration.
- b. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Crystal Creek Phase 3 Subdivision.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-3 is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 3 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this First Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association .

4. **Description of Property and Total Number of Units Revised.** Phase 1 contained 41 Lots and 40 home sites, and other improvements of a less significant nature. Phase 2 contained 26 new Lots. Phase 3 will contain 26 new Lots, numbered 301-326, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 3 Map and this First Supplemental Declaration, the total number of Lots in the Project will be 93. The additional Lots (and the homes to be constructed therein) are or will be substantially similar in construction, design and quality to the Lots and homes in the prior Phase.

5. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless


specifically modified herein, are to apply to the Phase 3 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

7. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration, as supplemented or amended, and the First Supplement, the latter shall in all respects govern and control:

8. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase 3 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

Dated the 27th day of March, 2007.

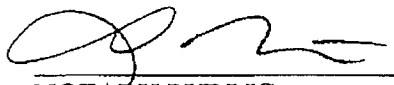
DEVELOPER:
IVORY DEVELOPMENT, LLC.

By: 
Name: Gary M. Wright
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 27 day March, 2007 by Gary M. Wright, the Manager of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Gary M. Wright duly acknowledged to me that said IVORY DEVELOPMENT, LLC. executed the same.


NOTARY PUBLIC
Residing at: Davis Co., UT
My Commission Expires: 5/11/2010

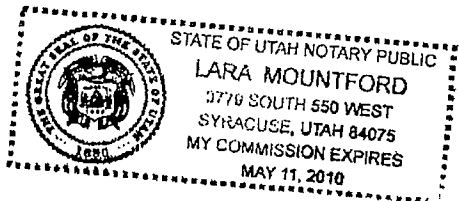


EXHIBIT "A-3"
LEGAL DESCRIPTION
CRYSTAL CREEK PHASE 3 SUBDIVISION PROPERTY

The Property referred to in the foregoing document as the Crystal Creek Phase 3 Subdivision Property is located in Davis County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

Beginning at the Southeast Corner of Lot 206, Crystal Creek Phase 2 Subdivision, said point being North $00^{\circ}03'50''$ East 986.50 feet along the section line and South $89^{\circ}54'10''$ East 706.51 feet to and along the south line to the Southeast Corner of said Lot 206, Crystal Creek Phase 2 Subdivision from the West Quarter Corner of Section 4, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running:

thence North $00^{\circ}03'50''$ East 188.19 feet along the east line to the Northeast Corner of Lot 206, Crystal Creek Phase 2 Subdivision, being on the south line of 50 North Street;

thence Southeasterly 45.02 feet along the arc of a 397.00 foot radius curve to the right (center bears South $13^{\circ}16'44''$ West and long chord bears South $73^{\circ}28'20''$ East 45.00 feet through a central angle of $06^{\circ}29'52''$) along the south line of 50 North Street as defined on the said Crystal Creek Phase 2 Subdivision;

thence North $19^{\circ}46'36''$ East 60.00 feet to the Southeast Corner of Lot 205, Crystal Creek Phase 2 Subdivision, being on the north line of 50 North Street;

thence North $00^{\circ}03'50''$ East 185.20 along the east line to an angle point in the east line of said Crystal Creek Phase 2 Subdivision;

thence North $15^{\circ}00'00''$ East 182.00 feet along the east line to an angle point in the east line of said Crystal Creek Phase 2 Subdivision;

thence North $37^{\circ}47'27''$ East 84.13 feet along the east line to the Northeast Corner of Lot 201, Crystal Creek Phase 2 Subdivision, said point also being the Southwest Corner of Lot 132, Crystal Creek Phase 1 Subdivision;

thence South $39^{\circ}56'10''$ East 295.97 feet along the south line of Crystal Creek Phase 1 Subdivision to the Southeast Corner of Lot 130, Crystal Creek Phase 1 Subdivision, said point also being on the west line of 2825 West Street as defined on the said Crystal Creek Phase 1 Subdivision;

thence South $85^{\circ}17'56''$ East 30.00 feet to the centerline of said 2825 West Street;

thence Northeasterly 6.40 feet along the arc of a 319.93 foot radius curve to the left (center bears North $85^{\circ}17'56''$ West and long chord bears North $04^{\circ}07'42''$ East 6.40 feet through a central angle of $01^{\circ}08'44''$) along the centerline of said 2825 West Street;

thence South $36^{\circ}26'40''$ East 30.00 feet to the east line of said 2825 West Street, also being the Southwest Corner of Lot 129, Crystal Creek Phase 1 Subdivision;

thence South $39^{\circ}56'10''$ East 100.73 feet along the south line to the Southeast Corner of Lot 129, Crystal Creek Phase 1 Subdivision;

thence South $00^{\circ}25'32''$ West 662.00 feet;

thence North $39^{\circ}54'10''$ West 618.45 feet to the Southeast Corner of Lot 206, Crystal Creek Phase 2 Subdivision, being the point of beginning.

Contains 369,588 square feet, 3.485 acres, 26 lots.