



ENT 129535:2016 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
2016 Dec 23 10:28 am FEE 55.00 BY MG
RECORDED FOR T&M DEVELOPMENT, LC

When recorded mail to:
David Jeffs
Jeffs & Jeffs
90 N. 100 E.
Provo, Utah 84604

**FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS OF THE COTTAGES AT HOBBLE CREEK
A Mountain Home Development**

This Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for The Cottages at Hobble Creek, a Mountain Home Development (hereinafter, "Fourth Amendment") hereby amends that certain Declaration of Covenants, Conditions and Restrictions for The Cottages at Hobble Creek, as amended, recorded in the Utah County Recorder's Office on November 29, 1999, as Entry No. 124110, and is executed by T&M Development, L.C., a Utah limited liability company (hereafter, "Declarant").

RECITALS:

- A. A Declaration of Covenants, Conditions, and Restrictions of The Cottages at Hobble Creek, a Mountain Home Development (hereinafter, "Enabling Declaration") was recorded on November 29, 1999, as Entry No. 124110 in the office of the Utah County Recorder, Utah and affected the real property described on the Exhibit A and Exhibit B thereto.
- B. An Amendment to the Declaration (hereinafter "First Amendment") was recorded on November 28th, 2006 as Entry No. 159542:2006 in the office of the Utah County Recorder, Utah.
- C. An Amendment to the Declaration (hereinafter "Second Amendment") was recorded on November 28th, 2006 as Entry No.159543:2006 in the office of the Utah County Recorder, Utah.
- D. An Amendment to the Declaration (hereinafter "Third Amendment") was recorded on June 1, 2011, as Entry No. 40417:2011 in the office of the Utah County Recorder, Utah.
- E. Under the provisions of Article 13.3 of the Enabling Declaration, Declarant reserved the unilateral right to amend the Declaration under the circumstances set forth thereon.
- F. Declarant desires to use one or more of it's Lots as security for funding to develop the Additional Land described in Exhibit B of the Enabling Declaration. Central Bank of Utah (hereinafter, "Lending Institution") has requested as a condition precedent to lending funds upon the security of Declarant's lots that Declarant amend the Enabling Declaration as set forth below.
- G. This Fourth Amendment affects and concerns real property located in Utah County, Utah, and more particularly described in **Exhibit "A"** attached hereto, as may be expanded as provided for in the Enabling Declaration, as amended ("Property").

DECLARATION:

NOW, THEREFORE, Declarant hereby covenants, agrees and declares as follows:

- 1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.
- 2. Effective Date. The Fourth Amendment will take effect on the date recorded at the office of the Utah County Recorder's Office (the "Effective Date").
- 3. Article 12.1 of the Enabling Declaration and any amendments thereto, are hereby amended as follows:

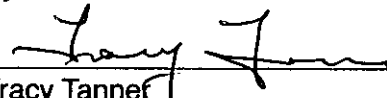
"The Option to Expand must be exercised within 23 years after recordation of the Enabling Declaration."

(The balance of Article 12 is as in the Enabling Declaration and any amendments thereto.)

- 4. No Other Changes. Except as otherwise expressly provided in this Fourth Amendment, the Enabling Declaration and other prior amendments remain unmodified.
- 5. Conflicting Provisions. In the case of any conflict between this Fourth Amendment, the Enabling Declaration and any prior amendments, the provisions of this Fourth Amendment shall control.

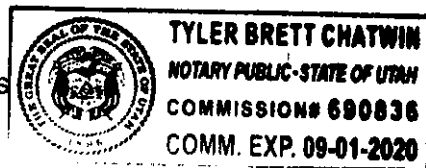
DATED this 23rd day of December, 2016

T & M Development, L.C.
A Utah Limited Liability Company
By:



Tracy Tanner
Its: Managing Member

STATE OF UTAH)
) : ss
COUNTY OF UTAH)



On the 23 day of December, 2016, personally appeared before me, Tracy Tanner, the managing member of T&M Development, L.C. who duly acknowledged to me that she executed the same on behalf of said limited liability company.



NOTARY PUBLIC

LEGAL DESCRIPTION
EXHIBIT A

Commencing at a point located North 02° 47' 53" East along the Section line 1828.94 feet from the Southwest corner of Section 3, Township 7 South, Range 4 East, Salt Lake Base and Meridian; thence North 02° 47' 53" East 880.36 feet; thence North 02° 16' 00" West 396.83 feet; thence South 29° 47' 00" East 3114.41 feet; thence South 63° 00' 00" West 334.63 feet; thence South 20° 22' 48" East 529.67 feet; thence South 06° 45' 24" East 309.67 feet; thence South 19° 57' 37" East 107.58 feet; thence South 06° 45' 55" East 191.43 feet; thence South 34° 58' 07" East 226.07 feet; thence South 39° 46' 05" East 288.74 feet; thence South 51° 43' 03" East 132.17 feet; thence South 28° 41' 10" East 59.75 feet; thence South 53° 03' 16" East 236.27 feet; thence South 78° 55' 45" East 24.56 feet; thence South 87° 43' 35" East 75.89 feet; thence South 58° 34' 14" East 214.49 feet; thence South 04° 15' 24" West 110.67 feet; thence along the arc of a 341.00 foot radius curve to the right 27.43 feet (chord bears North 60° 55' 50" East 27.42 feet); thence North 63° 14' 06" East 109.50 feet; thence along the arc of a 241.00 foot radius curve to the right 29.98 feet (chord bears North 66° 47' 55" East 29.96 feet); thence South 24° 54' 28" East 56.31 feet; thence along the arc of a 185.00 foot radius curve to the left 28.19 feet (chord bears South 67° 35' 59" West 28.16 feet); thence South 63° 14' 06" West 109.50 feet; thence along the arc of a 285.00 foot radius curve to the left 92.80 feet (chord bears South 53° 54' 24" West 92.39 feet); thence South 14° 40' 04" West 497.30 feet; thence North 89° 36' 27" West 295.42 feet; thence South 63° 39' 24" West 84.36 feet; thence South 54° 31' 14" West 127.72 feet; thence South 79° 30' 21" West 88.09 feet; thence South 66° 42' 47" West 198.61 feet; thence South 63° 34' 06" West 203.12 feet; thence South 56° 55' 26" West 272.12 feet; thence North 29° 20' 44" West 320.68 feet; thence North 23° 58' 58" East 156.65 feet; thence South 55° 22' 05" West 37.94 feet; thence along the arc of a 122.00 foot radius curve to the left 120.60 feet (chord bears South 27° 07' 22" West 115.75 feet); thence South 01° 11' 42" East 75.24 feet; thence along the arc of a 527.98 foot radius curve to the right 66.93 feet (chord bears South 02° 26' 12" West 66.89 feet); thence South 06° 04' 06" West 105.88 feet; thence along the arc of a 472.08 foot radius curve to the left 61.29 feet (chord bears South 02° 20' 55" West 61.25 feet); thence South 01° 22' 15" East 123.83 feet; thence along the arc of a 528.00 foot radius curve to the right 151.23 feet (chord bears South 06° 50' 02" West 150.71 feet); thence South 15° 02' 20" West 123.80 feet; thence along the arc of a 178.00 foot radius curve to the right 118.66 feet (chord bears South 34° 08' 10" West 116.47 feet); thence South 53° 14' 00" West 160.25 feet; thence along the arc of a 122.00 foot radius curve to the left 137.13 feet (chord bears South 21° 06' 20" West 130.02 feet); thence South 11° 02' 51" East 125.88 feet; thence along the arc of a 124.00 foot radius curve to the left 42.10 feet (chord bears South 20° 46' 25" East 41.90 feet); thence South 30° 30' 00" East 83.26 feet; thence South 60° 15' 02" West 39.94 feet; thence along the arc of a 597.28 foot radius curve to the left 16.06 feet (chord bears South 59° 56' 14" West 16.06 feet); thence North 30° 30' 00" West 82.62 feet; thence along the arc of a 180.00 foot radius curve to the right 61.11 feet (chord bears North 20° 46' 25" West 60.82 feet); thence North 11° 02' 51" West 125.83 feet; thence along the arc of a 178.00 foot radius curve to the right 200.07 feet (chord bears North 21° 06' 20" East 189.70 feet); thence North 53° 14' 00" East 160.17 feet; thence along the arc of a 122.00 foot radius curve to the left 81.33 feet (chord bears North 34° 08' 10" East 79.83 feet); thence North 15° 02' 20" East 123.80 feet; thence along the arc of a 472.00 foot radius curve to the left 135.19 feet (chord bears North 06° 50' 02" East 134.72 feet); thence North 01° 22' 15" West 123.83 feet; thence along the arc of a 528.08 foot radius curve to the right 68.56 feet (chord bears North 02° 20' 55" East 68.52 feet); thence North 06° 04' 06" East 105.88 feet; thence along the arc of a 471.98 foot radius curve to the left 59.83 feet (chord bears North 02° 26' 12" East 59.79 feet); thence North 01° 11' 42" West 75.24 feet; thence along the arc of a 178.00 foot radius curve to the right 175.95 feet (chord bears North 27° 07' 22" East 168.87 feet); thence North 55° 22' 05" East 107.48 feet; thence

along the arc of a 222.00 foot radius curve to the left 52.76 feet (chord bears North 48° 33' 36" East 52.63 feet); thence along the arc of a 35.00 foot radius curve to the left 30.73 feet (chord bears North 16° 36' 06" East 29.75 feet); thence along the arc of a 50.00 foot radius curve to the right 50.59 feet (chord bears North 20° 26' 09" East 48.46 feet); thence along the arc of a 35.00 foot radius curve to the left 17.24 feet (chord bears North 35° 18' 21" East 17.07 feet); thence North 21° 11' 28" East 49.79 feet; thence along the arc of a 1040.95 foot radius curve to the right 147.57 feet (chord bears North 25° 15' 08" East 147.45 feet); thence along the arc of a 35.00 foot radius curve to the left 36.25 feet (chord bears North 00° 21' 36" West 34.65 feet); thence along the arc of a 50.00 foot radius curve to the right 123.90 feet (chord bears North 40° 57' 14" East 94.54 feet); thence along the arc of a 35.00 foot radius curve to the left 48.77 feet (chord bears North 72° 01' 25" East 44.92 feet); thence North 32° 06' 21" East 190.51 feet; thence along the arc of a 260.00 foot radius curve to the left 309.97 feet (chord bears North 02° 02' 40" West 291.93 feet); thence North 36° 11' 48" West 299.23 feet; thence along the arc of a 1515.01 foot radius curve to the right 309.85 feet (chord bears North 30° 20' 21" West 309.31 feet); thence South 73° 56' 00" West 7.74 feet; thence North 16° 04' 00" West 378.27 feet; thence North 03° 30' 45" West 126.36 feet; thence North 26° 56' 20" West 288.33 feet; thence North 10° 42' 18" West 314.43 feet; thence North 28° 06' 28" West 658.75 feet; thence North 19° 41' 37" West 288.61 feet; thence North 63° 33' 25" West 217.13 feet; thence North 44° 36' 47" East 34.85 feet; thence North 44° 54' 34" West 100.02 feet; thence North 09° 23' 45" West 138.16 feet; thence North 50° 19' 01" East 215.67 feet; thence North 41° 20' 20" West 450.43 feet to the point of beginning.

Description of the Additional Land

COMMENCING AT A POINT LOCATED SOUTH 00°06'49" EAST ALONG THE SECTION LINE 963.87 FEET AND EAST 921.42 FEET FROM THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 73°56'00" EAST 280.64 FEET; THENCE NORTH 16°04'00" WEST 60.80 FEET; THENCE ALONG THE ARC OF A 1515.01 FOOT RADIUS CURVE TO THE LEFT 371.14 FEET (CHORD BEARS SOUTH 29°10'48" EAST 370.22 FEET); THENCE SOUTH 36°11'48" EAST 299.23 FEET; THENCE ALONG THE ARC OF A 260.00 FOOT RADIUS CURVE TO THE RIGHT 309.97 FEET (CHORD BEARS SOUTH 02°02'40" EAST 291.93 FEET); THENCE SOUTH 32°06'21" WEST 296.89 FEET; THENCE ALONG THE ARC OF A 1015.04 FOOT RADIUS CURVE TO THE LEFT 193.35 FEET (CHORD BEARS SOUTH 26°38'58" WEST 193.05 FEET); THENCE SOUTH 21°11'33" WEST 66.51 FEET; THENCE ALONG THE ARC OF A 235.00 FOOT RADIUS CURVE TO THE RIGHT 140.18 FEET (CHORD BEARS SOUTH 38°16'50" WEST 138.11 FEET); THENCE SOUTH 55°22'05" WEST 107.49 FEET; THENCE ALONG THE ARC OF A 165.00 FOOT RADIUS CURVE TO THE LEFT 163.11 FEET (CHORD BEARS SOUTH 27°07'27" WEST 156.55 FEET); THENCE SOUTH 01°11'42" EAST 75.23 FEET; THENCE ALONG THE ARC OF A 484.98 FOOT RADIUS CURVE TO THE RIGHT 61.48 FEET (CHORD BEARS SOUTH 02°26'10" WEST 61.44 FEET); THENCE SOUTH 06°04'04" WEST 105.89 FEET; THENCE ALONG THE ARC OF A 515.08 FOOT RADIUS CURVE TO THE LEFT 66.90 FEET (CHORD BEARS SOUTH 02°20'50" WEST 66.85 FEET); THENCE SOUTH 01°22'15" EAST 123.80 FEET; THENCE ALONG THE ARC OF A 485.00 FOOT RADIUS CURVE TO THE RIGHT 138.91 FEET (CHORD BEARS SOUTH 06°50'02" WEST 138.44 FEET); THENCE SOUTH 15°02'20" WEST 59.02 FEET; THENCE SOUTH 34°17'14" WEST 98.79 FEET; THENCE SOUTH 62°58'40" WEST 134.09 FEET; THENCE ALONG THE ARC OF A 235.00 FOOT RADIUS CURVE TO THE LEFT 245.55 FEET (CHORD BEARS SOUTH 40°25'30" WEST 234.53 FEET); THENCE NORTH 35°33'16" WEST 199.31 FEET; THENCE NORTH 35°44'04" WEST 919.82 FEET; THENCE NORTH 35°26'52" WEST 1158.19 FEET; THENCE NORTH 54°33'58" EAST 581.54 FEET; THENCE SOUTH 86°14'38" EAST 50.00 FEET; THENCE SOUTH 88°40'06" EAST 799.95 FEET; THENCE NORTH 41°56'34" EAST 397.44 FEET TO THE POINT OF BEGINNING.

AREA = 2,912,661 SQ.FT. OR 66.87 ACRES

22.73 ACRE PARCEL

COMMENCING AT A POINT LOCATED SOUTH 00°06'49" EAST ALONG THE SECTION LINE 2353.63 FEET AND EAST 1152.32 FEET FROM THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 23°58'58" WEST 156.65 FEET; THENCE SOUTH 29°20'44" EAST 320.68 FEET; THENCE NORTH 56°55'26" EAST 272.12 FEET; THENCE NORTH 63°34'06" EAST 203.12 FEET; THENCE NORTH 66°42'47" EAST 198.61 FEET; THENCE NORTH 79°30'21" EAST 88.09 FEET; THENCE NORTH 54°31'14" EAST 127.72 FEET; THENCE NORTH 63°39'24" EAST 84.36 FEET; THENCE SOUTH 89°36'27" EAST 295.42 FEET; THENCE NORTH 14°40'04" EAST 497.30 FEET; THENCE ALONG THE ARC OF 285.00 FOOT RADIUS CURVE TO THE RIGHT 92.80 FEET (CHORD BEARS N 53°54'24" E 92.39 FEET); THENCE NORTH 63°14'06" EAST 109.50 FEET; THENCE ALONG THE ARC OF A 185.00 FOOT RADIUS CURVE TO THE RIGHT 28.19 FEET (CHORD BEARS N 67°35'59" E 28.16 FEET); THENCE SOUTH 24°54'28" EAST 143.31 FEET; THENCE SOUTH 63°15'00" EAST 28.00 FEET; THENCE SOUTH 26°45'00" WEST 107.96 FEET; THENCE ALONG THE ARC OF A 572.98 FOOT RADIUS CURVE TO THE LEFT 207.27 FEET (CHORD BEARS S 16°23'15" W 206.14 FEET); THENCE SOUTH 06°01'31" WEST 48.51 FEET; THENCE ALONG THE ARC OF A 221.86 FOOT RADIUS CURVE TO THE RIGHT 187.90 FEET (CHORD BEARS S 30°17'15" W 182.33 FEET); THENCE ALONG THE ARC OF A 541.26 FOOT RADIUS CURVE TO THE LEFT 201.45 FEET (CHORD BEARS S 43°53'15" W 200.29 FEET); THENCE ALONG THE ARC OF A 322.90 FOOT RADIUS CURVE TO THE RIGHT 234.86 FEET (CHORD BEARS S 54°03'45" W 229.72 FEET); THENCE SOUTH 74°54'00" WEST 216.14 FEET; THENCE ALONG THE ARC OF A 573.00 FOOT RADIUS CURVE TO THE LEFT 383.39 FEET (CHORD BEARS S 55°47'04" W 376.27 FEET); THENCE SOUTH 36°37'01" WEST 102.61 FEET; THENCE SOUTH 36°37'00" WEST 58.50 FEET; THENCE ALONG THE ARC OF A 850.00 FOOT RADIUS CURVE TO THE RIGHT 196.67 FEET (CHORD BEARS S 43°14'42" W 196.23 FEET); THENCE SOUTH 49°47'59" WEST 142.06 FEET; THENCE ALONG THE ARC OF A 3500.12 FOOT RADIUS CURVE TO THE LEFT 146.61 FEET (CHORD BEARS S 48°36'00" W 146.60 FEET); THENCE SOUTH 47°24'00" WEST 104.18 FEET; THENCE ALONG THE ARC OF A 1200.01 FOOT RADIUS CURVE TO THE RIGHT 197.75 FEET (CHORD BEARS S 52°07'15" W 197.52 FEET); THENCE SOUTH 56°50'30" WEST 146.82 FEET; THENCE SOUTH 58°19'02" WEST 128.75 FEET; THENCE NORTH 30°30'00" WEST 83.26 FEET; THENCE ALONG THE ARC OF A 124.00 FOOT RADIUS CURVE TO THE RIGHT 42.10 FEET (CHORD BEARS N 20°46'25" W 41.90 FEET); THENCE NORTH 11°02'51" WEST 125.88 FEET; THENCE ALONG THE ARC OF A 122.00 FOOT RADIUS CURVE TO THE RIGHT 137.13 FEET (CHORD BEARS N 21°06'20" E 130.02 FEET); THENCE NORTH 53°14'00" EAST 160.25 FEET; THENCE ALONG THE ARC OF A 178.00 FOOT RADIUS CURVE TO THE LEFT 118.66 FEET (CHORD BEARS N 34°08'10" EAST 116.47 FEET); THENCE NORTH 15°02'20" EAST 123.80 FEET; THENCE ALONG THE ARC OF A 528.00 FOOT RADIUS CURVE TO THE LEFT 151.23 FEET (CHORD BEARS N 06°50'02" E 150.71 FEET); THENCE NORTH 01°22'15" WEST 123.83 FEET; THENCE ALONG THE ARC OF A 472.08 FOOT RADIUS CURVE TO THE RIGHT 61.29 FEET (CHORD BEARS N 02°50'50" EAST 61.25 FEET); THENCE NORTH 06°04'06" EAST 105.88 FEET; THENCE ALONG THE ARC OF A 527.98 FOOT RADIUS CURVE TO THE LEFT 66.93 FEET (CHORD BEARS N 02°26'12" E 66.89 FEET); THENCE NORTH 01°11'42" WEST 75.24 FEET; THENCE ALONG THE ARC OF A 122.00 FOOT RADIUS CURVE TO THE RIGHT 120.60 FEET (CHORD BEARS N 27°07'22" E 115.75 FEET); THENCE NORTH 55°22'05" EAST 37.94 FEET TO THE POINT OF BEGINNING.

AREA = 990,104 SQ.FT. OR 22.73 ACRES