



W2130307

E# 2130307 PG 1 OF 4
DOUG CROFTS, WEBER COUNTY RECORDER
21-SEP-05 1152 AM FEE \$39.00 DEP KKA
REC FOR: THE FAIRWAYS AT WOLF CREEK LLC

FIRST SUPPLEMENT AND AMENDMENT TO
AMENDED AND RESTATED
DECLARATION OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS OF THE
FAIRWAYS AT WOLF CREEK PRUD

(PHASE II)

22-241-0001 TO 0016
22-242-0001 TO 0009

THIS FIRST SUPPLEMENT TO DECLARATION is made and executed this 21 day of ~~August~~ ^{SEPT.}, 2005, by FAIRWAYS AT WOLF CREEK, L.L.C., a Utah limited liability company (hereinafter referred to as "Declarant").

RECITALS:

~~SEPT.~~ A. Declarant is the Declarant as identified and set forth in that certain Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions of The Fairways at Wolf Creek, PRUD, dated ~~August~~, 2005, and recorded in the office of the Weber County Recorder on ~~August~~, 2005 as Entry No. _____ in Book _____ beginning at page _____ (the "Declaration"). ~~SEPT.~~

B. Under the terms of the Declaration, Declarant reserved the right to annex certain additional real properties ("Additional Land" or portions thereof) to the provisions of the Declaration and now desires to do the same in order to further the intent of the Declarant as expressed in the Declaration.

NOW, THEREFORE, in consideration of the recitals set forth hereinabove, the Declarant hereby declares and certifies as follows:

1. Submission of Phase II. Declarant hereby submits the following described real properties, and its interests therein, to the terms, conditions, restrictions, covenants and easements to the terms of the Declaration, as amended:

SEE EXHIBIT "A" ATTACHED HERETO

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described real property (the real property).

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across and through and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or any assignee of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct a Living Unit on each and every Lot; and (ii) to improve the Common Areas with such facilities, including, but not limited to, roads, recreational facilities, walkways and various landscaped areas, designed for the use and enjoyment of all the Members as Declarant may reasonably determine to be appropriate; and (iii) for the benefit of the Additional Land, however developed or utilized, over the real property described on Exhibit "B" attached hereto, whether or not the Additional Land, or portions thereof, is part of the Development. If, pursuant to the foregoing reservation, the above-described tract or 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 reservation hereby effected shall, unless sooner terminated in accordance with its terms, expire ten (10) years

after the date on which the Declaration was filed for record in the office of the County Recorder of Weber County, Utah.

ALL OF THE 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 and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights-of-way of record.

ALL OF THE 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; any mineral reservations of record and rights incident thereto; all instruments of record which affect the real property or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way;

2. Supplemental Plat. The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on a supplemental Plat pertaining to the same, which supplemental Plat shall be recorded with this Supplement.

3. Representations of Declarant. Declarant represents as follows:

a. The annexed real property is part of the Additional Land as identified in the Declaration.

b. By the annexation of the real property described in paragraph 1, the total number of Lots, including those of prior Phases, will equal forty-two (42).

4. Effective Date. This Supplemental Declaration, and the Supplement Plat relative to this addition, shall take effect upon their being filed for record in the office of the County Recorder of Weber County, Utah.

EXECUTED the day and year first above written.

Declarant:

FAIRWAYS AT WOLF CREEK, L.L.C., a Utah
Limited Liability Company

By:

Its:


MAN

STATE OF UTAH)
)
) : ss
COUNTY OF SALT LAKE)

On the 21 day of ^{Sept} August, 2005, personally appeared before me Russell Kwatt, who being by me duly sworn did say that he is a Manager of FAIRWAYS AT WOLF CREEK, L.L.C., a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said limited liability company by authority of a resolution of its Members and said manager duly acknowledged to me that said limited liability company executed the same.

Tamara L Petersen
NOTARY PUBLIC

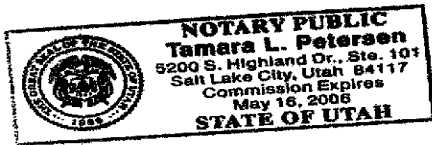


EXHIBIT "A"

LEGAL DESCRIPTION

A part of the Northwest 1/4 Section 22, Township 7 North, Range 1 East, Salt Lake Base & Meridian. Beginning at a point North 89°12'43" West along the section line 1,544.73 feet and 955.94 feet South from the North 1/4 corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base & Meridian, said point being the Southeast corner of the Fairways at Wolf Creek - Phase I (Basis of bearing: North 89°12'43" West from said corner to the Northwest corner of Section 22); thence

South 29°38'50" West 85.15 feet along the West property line of Wolf Creek Golf Course, Hole #16; thence
 South 12°41'49" East 133.82 feet along the West property line of Wolf Creek Golf Course, Hole #16; thence
 South 65°25'06" East 341.23 feet along the South property line of Wolf Creek Golf Course, Hole #16; thence
 South 57°02'55" West 232.05 feet; thence
 North 83°12'17" West 50.00 feet; thence
 South 50°55'27" West 594.24 feet; thence
 South 40°17'28" West 79.19 feet; thence
 South 54°51'15" West 50.00 feet; thence
 South 65°51'50" West 66.51 feet; thence
 South 48°02'27" West 44.82 feet; thence
 South 42°38'59" East 61.42 feet; thence
 South 59°48'33" East 60.03 feet; thence
 South 07°27'21" West 41.92 feet; thence
 North 80°24'49" West 116.46 feet along the North property line of Wolf Creek Golf Course, Hole #14; thence
 North 16°10'15" West 207.24 feet; thence
 North 35°17'41" East 669.63 feet along the East property line of Wolf Creek Golf Course, Hole #15; thence
 North 16°31'41" East 408.65 feet along the East property line of Wolf Creek Golf Course, Hole #15; thence
 South 73°28'19" East 183.10 feet along the South property line of the Fairways at Wolf Creek, PRUD, Phase I to the point of beginning.

Contains 7,608 acres / 331,415 sq. ft.