

6770512

SECOND AMENDMENT OF DECLARATION OF PROTECTIVE  
COVENANTS, AGREEMENTS, RESTRICTIONS AND CONDITIONS  
Affecting the Real Property Known As  
THE FOOTHILLS PLAT "B-1"

WHEREAS, the undersigned is the legal and beneficial owner of two-thirds or more of the lots in the Foothills Plat "B-1" subdivision situated in Salt Lake County, State of Utah; and

WHEREAS, on April 16, 1980, a Declaration of Protective Covenants, Agreements, Restrictions and Conditions Affecting the Real Property Known As the Foothills Plat "B-1" (the "Original Declaration") was dated by Gerald H. Bagley and June L. Bagley and recorded April 7, 1980 in Book 5090, Page 779 of the official records of the Salt Lake County Recorder; and

WHEREAS, on November 29, 1996, Development Associates, Inc., a Utah corporation prepared and executed a document entitled Amended Declaration of Protective Covenants, Agreements, Restrictions and Conditions Affecting the Real Property Known As the Foothills Plat "B-1" (the "Restated Declaration") in which the said Development Associates, Inc., recited that it was the legal and beneficial owner of two-thirds or more of the lots in the Foothills Plat "B-1" subdivision situated in Salt Lake County, State of Utah and by which the said Development Associates, Inc., amended the original declaration by restating it completely and which amendment was recorded as instrument number 6555216 on the 23 day of January, 1997 at Book 7503, Page 0175 of the official records of the Salt Lake County Recorder; and

WHEREAS, the undersigned desires to amend once more the Declaration of Protective Covenants, Agreements, Restrictions and Conditions Affecting the Real Property Known As the Foothills Plat "B-1" as amended.

NOW, THEREFORE, the said Declaration is amended as follows:

1. A new Part is added to the Restated Declaration after paragraph B-14 as follows:

"Part BB. Church Area Covenants."

BB-1 Land Use and Building Type. The plat prepared by Harold A. Linke, licensed land surveyor, certificate number 1300 of the Foothills Plat "B-1" describes a parcel within the subdivision which bears a legend "Church 4.01 acres", the north boundary of which is adjacent to Grand View Peak Drive, the west boundary of which is adjacent to Mount Ogden Peak Drive and the south boundary of which is adjacent to Cave Peak Drive. Notwithstanding Part B, this Lot may be used for Church purposes. Land use and buildings constructed on the Church parcel shall be in compliance with zoning and land use ordinances and regulations of the municipalities and agencies governing the subdivision. The height and building type of the structure constructed for Church purposes on the Church lot shall not be constrained by Part B.

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BB-2 Resubdivision permitted. In the event that the Church lot is larger than needed for Church use, the owner of the Church lot may resubdivide it in compliance with city ordinances. A resubdivision of the Church lot is expressly approved which would include the creation of two new lots along Cave Peak Drive by extending the north boundary line of lots 320, 319 and 318 westward to Mount Ogden Peak Drive to form two new lots each with frontage of approximately 80 feet on Cave Peak Drive.

BB-3. Church Lot to be subject to portions of Residential Area Covenants. The following paragraphs of the Residential Area Covenants as restated in the Restated Declaration shall apply to lots within the Church Area--B-6, Utility Easements; B-7, Nuisances; B-8, Temporary Structures; B-11, Oil and Mining Operations; B-12, Livestock and Poultry; B-13, Garbage and Refuse Disposal; B-14, Sight Distance at Intersection and Driveways; B-15, Landscaping.


2. Restated Declaration to govern, omissions from Original Declaration intentional for the purpose of repealing omitted language. In the event of conflict between the Original Declaration and the Restated Declaration or in the event that the Restated Declaration omits language of the Original Declaration the language of the Restated Declaration shall govern and that any portion of the Original Declaration that was omitted was intentionally removed for the purpose and with the intent that it no longer have any effect.

3. Correction of heading of Part C. In the Restated Declaration, there is on page 4 above paragraph C-1, a heading entitled "Plat C, Architectural Control Committee." This is amended so that it now reads "Part C, Architectural Control Committee."

4. Limitation of scope of amendment. Except as amended herein, the Restated Declaration shall remain in effect.

IN WITNESS WHEREOF, this instrument has been executed on the 20<sup>th</sup> day of October, 1997 by Development Associates, Inc., a Utah corporation, as owner of two-thirds or more of the lots in the Foothills Plat "B-1", a subdivision situated in Salt Lake County, State of Utah.

DEVELOPMENT ASSOCIATES, INC., a  
Utah corporation

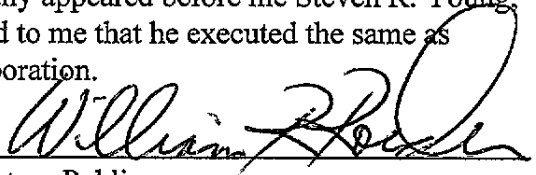
  
\_\_\_\_\_  
Steven R. Young  
President

[notary acknowledgment on the following page]

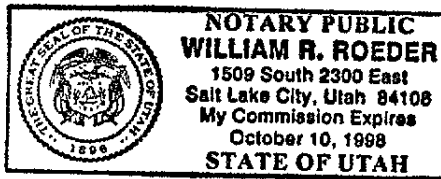
STATE OF UTAH )  
 :SS  
COUNTY OF SALT LAKE )

On the 20<sup>th</sup> day of October, 1997, personally appeared before me Steven R. Young, signer of the within instrument who duly acknowledged to me that he executed the same as President of Development Associates, Inc., a Utah corporation.

My Commission Expires:

  
Notary Public  
Residing at: \_\_\_\_\_

UABFINDLAYvbfamend.agr



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10/23/97 11:04 AM 133.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
HERRILL TITLE  
REC BY:V ASHBY ,DEPUTY - WI

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