

WHEN RECORDED, MAIL TO:
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, Utah 84145-0898
Attention: Shawn C. Ferrin

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR FARR ORCHARD *Phase I Phase II***

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FARR ORCHARD ("Amendment") is made this 15th day of June, 2001, by SILVER CREEK DEVELOPMENT, L.C., a Utah limited liability company ("Declarant"), with reference to the following:

RECITALS:

A. Declarant prepared and recorded in the office of the County Recorder for Weber County, State of Utah, a plat for Farr Orchard Phase I, a residential planned unit development subdivision ("Phase I Plat"), which Phase I Plat was recorded on May 30, 2000 as Entry No. 1708471, in Book 52, beginning at Page 26 of the official records of the Weber County Recorder's Office.

B. Following the recordation of the Phase I Plat, Declarant caused to be recorded in the Office of the Recorder of Weber County, Utah that certain Declaration of Covenants, Conditions, and Restrictions For Farr Orchard, dated 22 June, 2000 and recorded on June 6, 2000, as Entry No. 1709671, in Book 2075, beginning at Page 2568 of the official records of the Weber County Recorder's Office ("Declaration").

C. Section 14.1 of the Declaration provides that Declarant may, in its sole discretion and without the consent or permission of the Owners or Mortgagees of any Lots, add Additional Land to the Project.

D. Declarant desires to add Additional Land to the Project and desires to execute and record this Amendment to the Declaration for the purpose of evidencing of record the foregoing described matters.

AGREEMENT:

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. Recitals. The recitals set forth above are hereby incorporated and made a part of this Amendment.



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DOUG CROFTS, WEBER COUNTY RECORDER
22-JUN-01 1059 AM FEE \$84.00 DEP JPM
REC FOR: SILVER.CREEK.DEVELOPMENT

13-219-0001 to 0036
13-223-0001 to 0029

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2. Definitions. The capitalized terms used in this Amendment, but not otherwise defined herein, including those terms used in the Exhibits attached hereto, shall have the meanings ascribed to them in the Declaration.

3. Amendments.

a. Phase II Land. The real property described on Exhibit A, which is attached to this Amendment and incorporated by this reference, shall be added to the Project and shall be subject to the terms and conditions of the Declaration ("Phase II Land").

b. Phase II Plat. Prior to the recordation of this Amendment, Declarant has prepared and has recorded in the office of the County Recorder for Weber County, State of Utah, a plat for Farr Orchard Phase II, a residential planned unit development subdivision ("Phase II Plat"), which Phase II Plat was recorded on June 22, 2001, as Entry No. 1778241, in Book 54, at Page 14 of the official records of the Weber County Recorder's Office. There are 28 Lots shown on the Phase II Plat.

c. Defined Terms.

i. Plat. Section 1.13 of the Declaration is hereby amended, replaced and restated in its entirety with the following:

"1.13 'Plat' shall mean the Phase I Plat for Farr Orchard Phase I, a residential planned unit development, as recorded in the office of the County Recorder for Weber County, State of Utah, on May 30, 2000 as Entry No. 1708471, in Book 52, beginning at Page 26, and the Phase II Plat for Farr Orchard Phase II, a residential planned unit development, as recorded in the office of the County Recorder for Weber County, State of Utah, on June 22, 2001 as Entry No. 1778241, in Book 54, at Page 14."

ii. Subject Land. Section 1.15 of the Declaration is hereby amended, replaced and restated in its entirety with the following:

"1.15 'Subject Land' shall mean the land upon which the Project is situated, as more particularly described on Exhibit A to the Declaration and the land described on Exhibit A to this Amendment."

d. Improvements.

i. Description of Improvements. Section 3.1 of the Declaration is hereby amended, replaced and restated in its entirety with the following:

"3.1 Description of Improvements. The Project consists of 63 Lots as shown on the Plat, as redefined by this Amendment. Each of the Lots shall, when improved, contain one detached single family building, or one attached single family dwelling in a building

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containing two, three or four single family dwellings, which buildings shall be principally constructed of wood frame, aluminum siding, rock wainscoating, sheetrock interiors and asphalt shingle roofs, and such other materials as allowed by current building codes. As depicted on the Plat, the Project contains eight detached single family buildings and 55 attached single family dwellings.”

ii. Contents of Exhibit “C”. Exhibit C referenced in Section 3.3 of the Declaration is hereby amended, replaced and restated in its entirety with Exhibit B attached hereto. All references to Exhibit C within the Declaration shall mean and shall be interpreted to be Exhibit B to this Amendment.

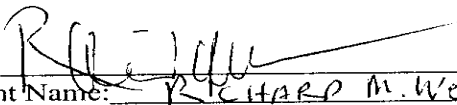
e. Expansion of Project. The first sentence of Section 14.1 of the Declaration is hereby amended, replaced and restated in its entirety as follows: “Declarant owns certain additional land, which is more specifically described in Exhibit D attached to the Declaration and incorporated here by this reference (“Additional Land”). . . .”

4. Effective Date. This Amendment shall be effective upon recording in the Weber County Recorder’s Office.

5. No Other Amendment Intended. Except for the amendments made in paragraph 3 of this Amendment, no other amendment to the Declaration is intended hereby and all other provisions of the Declaration are hereby ratified, affirmed and confirmed in all respects and shall remain in full force and effect as amended hereby.

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the date and year first set forth above.

SILVER CREEK DEVELOPMENT, L.C., a
Utah limited liability company

By: 
Print Name: RICHARD M. WEDDER
Title: MANAGING MEMBER

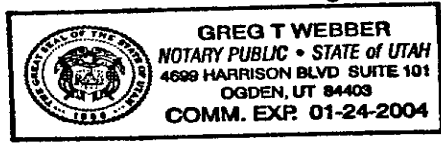
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STATE OF UTAH)
 : ss.
COUNTY OF WEBBER)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2001, by RICHARD M. WEBBER, the MANAGING MEMBER of SILVER CREEK DEVELOPMENT, L.C., a Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at: Ogden, Utah

My Commission Expires:
Jan. 24, 2004



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**EXHIBIT A
TO
FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR FARR ORCHARD**

(Legal Description of Phase II Land)

The real property referenced in the foregoing instrument as the Phase II Land is located in Weber County, Utah and is more particularly described as follows:

A part of the Southeast Quarter of Section 21, Township 6 North, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at the Northeast Corner of Farr Orchard Phase 1, as recorded in the office of the Weber County Recorder, said point being on the South right-of-way line of Canyon Road (established from the Ogden City Plats), which is 912.32 feet North 89°56'56" West along the Quarter Section line and South 20.12 feet from the East Quarter Corner of said Section 21; said point of beginning being also North 85°13'00" East 292.84 feet from the intersection of the South line of Canyon Road and the East line of Monroe Boulevard; thence running along the South line of Canyon Road North 85°13'00" East 196.71 feet; thence North 57°55'00" East 36.04 feet along said line; thence South 29°47'13" East 77.61 feet to a point on a 285.00 foot radius non-tangent curve; thence northeasterly 10.47 feet along the arc of said curve to the left through a central angle of 02°06'14" (chord bearing North 59°09'39" East 10.46 feet); thence North 58°06'32" East 2.86 feet; thence South 31°53'28" East 30.00 feet to a point on a 5.00 foot radius non-tangent curve to the left thence southerly 7.59 feet along the arc of said curve through a central angle of 86°55'46" (chord bearing South 14°38'39" West 6.88 feet); thence South 28°49'14" East 11.98 feet to a point of tangency with a 50.00 foot radius curve to the right; thence Southeasterly 25.65 feet along the arc of said curve through a central angle of 29°23'19" (chord bearing South 14°07'34" East 25.37 feet); thence South 00°34'06" West 49.50 feet, thence South 89°25'54" East 17.60 feet; thence South 00°34'06" West 228.50 feet; thence North 89°25'54" West 17.60 feet; thence South 00°34'06" West 3.14 feet to a point of tangency with a 5.00 foot radius curve to the left; thence along said curve 7.82 feet through a central angle of 89°38'36" (chord bearing South 44°15'12" East 7.05 feet); thence South 03°20'35" West 30.03 feet; thence South 00°08'00" East 88.68 feet; thence South 89°52'00" West 158.33 feet; thence South 89°57'32" West 60.26 feet; thence North 00°02'28" West 90.86 feet; thence North 15°44'18" West 30.66 feet to a point of non-tangency with a 5.00 foot radius curve to the right; thence Northwesterly 7.70 feet along the arc of said curve through a central angle of 88°15'15" (chord bearing North 49°40'53" West 6.96 feet); to the Easterly right-of-way line of Cobblestone Lane (a private road); thence North 05°33'15" West 150.29 feet along said line to a point of tangency with a 415.00 foot radius curve to the left; thence along the arc of said curve and

along said line 74.62 feet through a central angle of $10^{\circ}18'07''$ (chord bearing North $10^{\circ}42'19''$ West 74.52 feet); thence North $15^{\circ}51'22''$ West 155.64 feet to the point of beginning.

Containing 2.943 Acres, 28 Units

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**EXHIBIT B
TO
FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR FARR ORCHARD**

<u>Lot Number</u>	<u>Number of Votes Owner has as a Member of the Association</u>	<u>Lot Number</u>	<u>Number of Votes Owner has as a Member of the Association</u>
1	1	33	1
2	1	34	1
3	1	35	1
4	1	36	1
5	1	37	1
6	1	38	1
7	1	39	1
8	1	40	1
9	1	41	1
10	1	42	1
11	1	43	1
12	1	44	1
13	1	45	1
14	1	46	1
15	1	47	1
16	1	48	1
17	1	49	1
18	1	50	1
19	1	51	1
20	1	52	1
21	1	53	1
22	1	54	1
23	1	55	1
24	1	56	1
25	1	57	1
26	1	58	1
27	1	59	1
28	1	60	1
29	1	61	1
30	1	62	1
31	1	63	1
32	1		
Total Votes			63

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