

Return to.
Hamlet Homes
308 East 4500~~50~~
#200
Salt Lake ut 84107

WAVERLY STATION HOMEOWNERS ASSOCIATION, INC.

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment), is made this 16th day of April, 2007, by WAVERLY STATION, L.L.C., a Utah limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Hamlet made, executed and caused to be recorded, as Declarant, that certain Declaration of Covenants, Conditions and Restrictions dated October 2, 2006 and recorded among the Salt Lake County Recorder's Office, Entry #9862959, Book 9359, Pages 8366-8402, pursuant to which the Declarant subjected all that property described in the Declaration (the "Property") and Declarant formed an association known as, "Waverly Station Homeowners Association" ("Association"); and

WHEREAS, pursuant to Article II "Covenants, Conditions and Restrictions", Section 2.20 "Signage" of the Declaration; Declarant hereby declares that the Declaration of Covenants, Conditions and Restrictions be amended as follows:

2. 2.20 **SIGNAGE.** Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas" or "For Sale" signs (not larger than two feet by three feet (2' x 3')), no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any Lot or Structure. The provisions and limitations of this subsection shall not apply to any institutional first Mortgagee of any Lot who comes into possession of the Lot by reason of any proceeding, arrangement, assignment or deed in lieu of foreclosure. Also, Hamlet Homes, Waverly Station LLC, will have the right to install signage for advertising purposes in the Waverly Station common area which runs along the Trax lines until December 31, 2020.

ALSO,

WHEREAS, pursuant to Article 3.2 of the Declaration, Declarant reserved the right to add to the Property additional land within that area described in Exhibit "B" attached to the Declaration; and

WHEREAS, Declarant, is the owner of that certain property described in Exhibit "A" attached hereto and incorporated herein, and that property is within the area described in Exhibit "B" attached to the Declaration, and Declarant wishes to add that property described in Exhibit "A" attached hereto to the Property subjected to the Declaration.

NOW THEREFORE, the Declarant hereby declares that the Declaration of Covenants, Conditions and Restrictions be amended as follows:

All that property described in Exhibit "A" attached hereto is annexed to the Property subject to the Declaration, and shall be held, sold and conveyed subject to the easements, declarations, covenants and conditions set forth in the Declaration, which are for the purpose of protecting the value and desirability, and enhancing the attractiveness of the Property, and which shall run with the Property and shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner of the Property or any part thereof and their respective heirs, personal representatives, successors and assigns, and the Association.

In all other respects, the Declaration, as amended, remains unchanged.

WITNESS the hand and seal of Waverly Station L.L.C. on the day herein above first written.

WITNESS/ATTEST: WAVERLY STATION L.L.C.
By: HAMLET HOMES CORPORATION,
Member

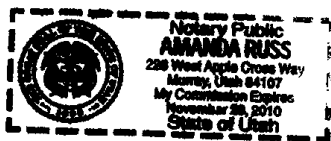


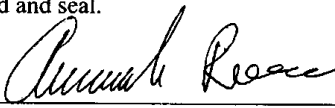
By:  (SEAL)
John Aldous, President

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 11th day of April, 2007, before me, the subscriber, a Notary Public of the State of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Waverly Station, L.L.C., the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.




Notary Public

My Commission Expires: 11/28/10

JOINDER AND CONSENT

American Securities Company and Wells Fargo Bank, NA, are, respectively, the Trustee and the Beneficiary under that certain Deed of Trust dated July 17, 2006 and recorded as Entry No. 9789349 in Book 9325 at Pages 1975-1986 of the Official Records of Salt Lake County, Utah hereby join in the foregoing Declaration of Covenants, Conditions and Restrictions for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust in and to the real property described in Exhibit A such to the operation and effect of such Declaration.

Nothing in the foregoing provisions of this Consent and Agreement of Trustee and Beneficiary shall be deemed in any way to create between the person named in such Declaration as "the Declarant" and any of the undersigned any relationship of partnership or joint venture, or to impose upon any of the undersigned any liability, duty or obligation whatsoever.

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed and sealed this Consent and Agreement of Trustee and beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 6th day of April 2007.

WITNESS OR ATTEST:

TRUSTEE:

Amy Capps

[Signature] (SEAL)

WITNESS OR ATTEST:

BENEFICIARY:

[Signature]

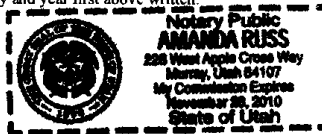
[Signature] (SEAL)

STATE OF UTAH
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 9th day of April 2007, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Sue Cister, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged himself to be the CFO of Hamlet Homes a Utah corporation, Trustee, that he has been duly authorized to execute, and has executed, the foregoing instrument on behalf of the said entity for the purposes therein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have sent my hand and Notarial Seal, the day and year first above written.

Amanda Russ
Notary Public
My commission expires: 11/28/10

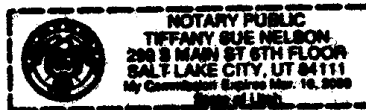


STATE OF UTAH
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 10th day of April 2007, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Treha Edwards, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged himself to be the ADP of Wells Fargo a Utah corporation, Trustee, that he has been duly authorized to execute, and has executed, the foregoing instrument on behalf of the said entity for the purposes therein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have sent my hand and Notarial Seal, the day and year first above written.

[Signature]
Notary Public
My commission expires: 3/10/09



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

EXHIBIT A

Description of the Additional Property

PHASE II

BEING all those Lots shown and designated as Lot Nos. 42 through and including 74 and the Common Area shown as "Common Area" on the Plate entitled, "WAVERLY STATION PHASE No. 2" recorded among the Recorder's Office of Salt Lake County on 4/12/2007 in Book #2007P on Page 167 Recorded #10064793.