WHEN RECORDED RETURN TO:

Daniel W. Anderson, Esq. FABIAN & CLENDENIN P.O. Box 510210 Salt Lake City, Utah 84151-0210 10089466 05/04/2007 12:29 PM \$1.44.00 Book - 9460 Ps - 515-641 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTPH FABIAN & CLENDENIN 215 S STATE 12TH FLOOR SLC UT 84111 BY: EPM, DEPUTY - WI 27 P.

Parcel I.D. Nos. 22-01-126-004 22-01-127-006 through 016 22-01-128-008 through 016 22-01-129-001 through 004 22-01-130-001 through 006 22-01-131-001 through 004 22-01-131-011 22-01-131-012

AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS

This Amended and Restated Declaration of Protective Covenants (the "Amended Declaration") is made this <u>1774</u> day of <u>APRIL</u>, 2007 by the undersigned who are a majority of the owners of the Property (as hereafter defined) to replace and supercede the Original Declaration, as hereafter defined.

RECITALS:

WHEREAS, a declaration dated August 15, 1955, prepared by Bonnie Development Company was recorded November 16, 1955 as Entry No. 1456070 in Book 1258 beginning at Page 229 of the official records of the Salt Lake County Recorder, as amended by the Amendment to Restrictions recorded December 2, 1955 as Entry No. 1458689 in Book 1263, Page 426 and as further amended by the Amendment to Restrictive Covenants of Mount Olympus Acres No. 7, dated February 26, 1979 and recorded March 26, 1979 as Entry No. 3255243 in Book 4834 at Page 299, all in the official records of the Salt Lake County Recorder (the "Original Declaration"); and

WHEREAS, the Original Declaration pertained to and affected all of the following property located in Salt Lake County, Utah (the "Property"):

ALL OF LOTS 701 to 737, inclusive, MOUNT OLYMPUS ACRES, NO. 7, part of a subdivision, according to the official plat thereof on file and of record in the office of the Salt Lake County Recorder of the State of Utah.

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WHEREAS, the undersigned, representing a majority of the owners of the various lots in the Property, now desire to further clarify, supplement, restate and amend the Original Declaration, as herein provided.

NOW, THEREFORE, the undersigned hereby subject the Property to the following protective covenants, restrictions and conditions:

- 1. <u>Residential Lots</u>. All of the lots in the Property shall be known and described as residential lots. No structure shall be erected, altered, placed or permitted to remain on any residential building lot other than <u>one detached single-family dwelling</u>, not to exceed one story in height from the street elevation, and a private garage for no more than three (3) automobiles.
- 2. Set Back Requirements. No building shall be located on any residential building lot nearer than 30 feet from the front lot line or nearer than 30 feet from any side street or nearer than 12 feet from any interior lot line. The side yard interior minimums do not apply to a garage detached and located in the rear of any residence. No dwelling shall be erected, placed or constructed on any lot having a width of less than 100 feet at the minimum building setback line.
- 3. Out Buildings. No trailer, basement, motor home, recreational vehicle, tent, shack, garage or other out-building erected on any part of the Property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
- 4. <u>Design Review Committee</u>. A Design Review Committee (the "Committee") representing the owners of the Property shall exist, consisting of five (5) members. The initial Committee members shall be Jay Layton, Janet Hutchinson, Joyce Barnes, Daniel Liston and Anne Decker. The members of the Committee shall serve without compensation and shall serve until they have been replaced by a successor, moved away from the Property or become deceased. A Committee member must be a resident in the Property. In the event of any vacancy on the Committee, a replacement member of the Committee shall be made by unanimous appointment of the remaining Committee members. In the event no unanimous choice can be agreed upon, the new Committee member shall be selected by two-thirds (2/3) of the lot owners in the Property. The Committee shall be bound by the covenants set forth in this Amended Declaration and will not be allowed to approve material exceptions that are not in harmony with a majority of the existing structures in the Property.
- 5. <u>Voting</u>. For purposes of voting, there shall be one (1) vote per lot in the Property, regardless of the number of owners of said lot. In such event of multiple owners of a single lot, a majority of the ownership interest in the lot shall be entitled to cast the vote for said lot. If, during any vote, the majority of multiple owners of a lot cannot agree on how to vote, no vote will be cast on behalf of said lot for said vote.
- 6. <u>Moving Structures Onto Lots</u>. No structure shall be moved onto any lot unless it meets with the approval of the Committee. In the event the Committee should not be in

existence, such structure shall conform with all the covenants set forth in this Amended Declaration and be in harmony with a majority of the existing structures in the Property.

- 7. Committee Approval of Construction. No building or other improvements shall be erected on any lot until the design and location thereof have been approved in writing by the Committee. In any case, no dwelling shall be permitted in the Property with a total square foot area of more than 6,500 square feet not including garage. Additionally, no dwelling shall be permitted in the Property with the ground floor square foot area of less than 1500 feet, if the structure contains an attached garage, nor less than 1700 square feet if the structure does not contain an attached garage, provided, however, that with respect to lots 701 to 705, inclusive, 707, to 711, inclusive, lots 712, 719, 720, 731, and 732, no dwelling shall be permitted with a total square foot area of more than 5,200 square feet not including garage or with the ground floor square foot area of less than 1250 square feet if the structure includes an attached garage or less than 1350 square feet without such attached garage.
- 8. <u>No Lot Subdivisions</u>. No lot in the Property may be further subdivided. No boundary line adjustment of any lot in the Property may be made without the prior written approval of three-fourths (3/4) of the lot owners in the Property, on the basis of one vote per lot.
- 9. <u>Lot 722</u>. It is covenanted and understood that Lot 722 in the Property was previously zoned C-2 by the Salt Lake County Commission and the current owners and all future grantees of said lot accept title such that said zoning shall be a covenant running as a burden against said lot.
- 10. <u>No Livestock</u>. No provision shall be made on any dwelling lot for the raising of poultry or the housing of cows, horses or other livestock except with the prior written approval of the Committee.
- 11. <u>Covenants Run With the Land</u>. The covenants and restrictions herein shall run with the land and shall be binding on the parties hereto and all persons claiming under them.
- 12. <u>Duration and Renewal.</u> This Amended Declaration and every covenant contained herein shall be in effect for a period of twenty-five (25) years from and after the date hereof, and shall automatically be continued and renewed thereafter, for successive periods of ten (10) years each.
- 13. <u>Further Amendments</u>. Any further amendments to the covenants, conditions and restrictions set forth in this Amended Declaration shall require a three-fourths (3/4) vote of all of the lots in the Property, on the basis of one vote per lot.
- 14. Right of Enforcement. The owner of any lot in the Property shall have a right and standing, after ten (10) days prior written notice, to seek enforcement of this Amended Declaration in a court of competent jurisdiction. In such event, the owner of any lot that is found to be in violation of this Amended Declaration shall be obligated to pay all costs and reasonable attorneys' fees incurred by any lot owner(s) who shall seek enforcement of this Amended Declaration.

15. <u>Unauthorized Excavation and Disturbance</u>. In the event of any excavation or disturbance of the soil or other improvements on any lot, which is in violation of any condition, covenant or restriction of this Amended Declaration, the owner(s) of said lot shall be obligated to restore the said lot to the same condition said lot was in prior to such excavation or disturbance.

16. <u>Miscellaneous Provisions.</u>

- (a) <u>Invalidation and Severability</u>. Invalidation of any one of these covenants by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.
- (b) <u>Paragraph Headings</u>. Paragraph headings are inserted for convenience only and are not intended to be a part of this Amended Declaration or in any way to define, limit, or describe the scope or intent of the particular paragraph to which they refer.

WHEREFORE, the undersigned lot owners of the Property have executed this Amended Declaration as of the dates indicated below.

<u>Date</u>	<u>Lot</u> No.	<u>Name</u>	<u>Address</u>	<u>Signature</u>
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4/17/07	729	Janet N. Hutchinson	3847 E. Lares Way	Jonet H. Hutchinton
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4/17/07	732	Robert R. Gaddie	1251 Neptre Drive	Allbulcki

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4/29	715	Ashby S. Decker	1170 Neptune Dr.	State Suffer
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4/29	720	DAVID W. FABER	3759 6 Adenis Dr	Somi W. Jelen
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4/29	718	Charlene Rider	3780 Adom's De	Charles Redi
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<u>Date</u>	<u>Lot</u> No.	Name	Address	Signature
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5/4/07	<u> 156</u> 1736	L. Laurine Mauss	38/4 Laves Way	Wordly Manne
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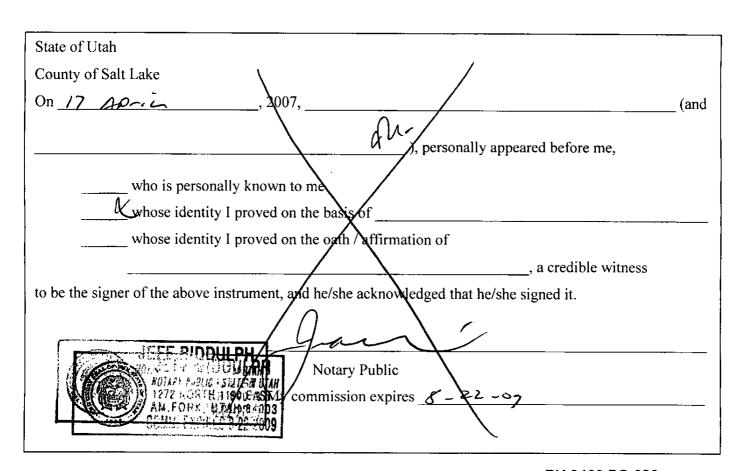
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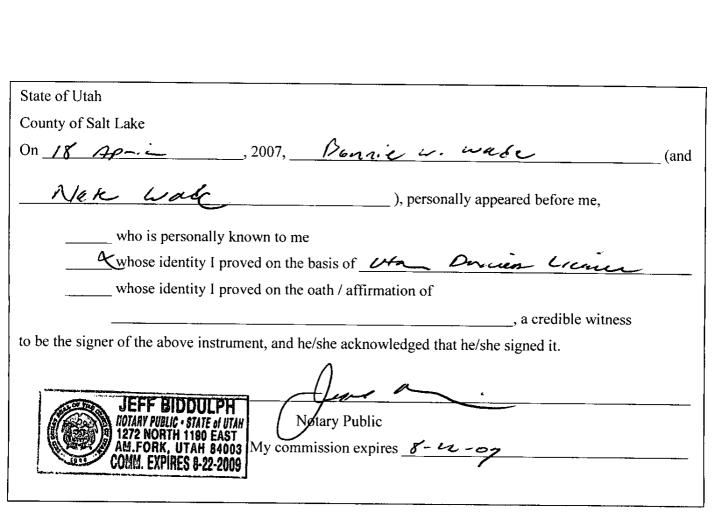


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MOTARY PUBLIC • STATE of UTAN Notary Public	_
AM.FORK, UTAH 84003 My commission expires 8-24-25	
COMM. EXPIRES 8-22-2009	_
State of Utah	
County of Salt Lake	
On all Ala	_
On 1 HPTIL , 2007, Milliant J. Inferrate (an	ıd
), personally appeared before me,	
who is personally known to me	
whose identity I proved on the basis of Drivers License	
whose identity I proved on the oath / affirmation of	
, a credible witness	
to be the signer of the above instrument, and he/she acknowledged that he/she signed it.	
JEFF BIDDULPH	
1272 NORTH 1190 EAST Notary Public	
COMM. EXPIRES 8-22-2009 My commission expires 8-L2-09	

State of Utah	
County of Salt Lake	
on 5/1/07, 2007, Dorothy Mauss	(and
K. LAWIE MUGS.), personally appeared before me,	
who is personally known to me	
whose identity I proved on the basis of DV IVEYS UCENSE	
whose identity I proved on the oath / affirmation of	
, a credible witnes	S
to be the signer of the above instrument, and he/she acknowledged that he/she signed it.	
7	
3 VENT	
Notary Public	
Avenon, UT 84065 Avy COMMISSION EXPIRES: 09-10-2011 Avy COMMISSI	
G. VENT MOTARY PUBLIC - STATE of UTAN 12182 South Margaret Rose Drive Reverters, UT 84065	
MOTANY PUBLIC - STATE of UTAN 12182 Bouth Margaret Rose Drive Physician, UT 84068 MY COMMISSION EXPIRER: 09-19-2019	
MOTANY PUBLIC - STATE of UTAN 12182 South Margaret Rose Dive Phronton, UT 84065 ser COMMISSION EXPIRES 08-18-218	(and
State of Utah County of Salt Lake	(and
State of Utah County of Salt Lake On, 2007,	(and
State of Utah County of Salt Lake On	
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State of Utah County of Salt Lake On, 2007,	
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State of Utah County of Salt Lake On	
State of Utah County of Salt Lake On	

State of Utah	
County of Şalt Lake .	
on 5/1/07, 2007, Dorothy Imperide	(and
, 2007, (5070) (100)	(and
), personally appeared before me,	
who is personally known to me	
who is personally known to the whose identity I proved on the basis of WIVEVS Wense	
whose identity I proved on the oath / affirmation of	
, a credible witness	
to be the signer of the above instrument, and he/she acknowledged that he/she signed it.	
G. VENT NOTANY PUBLIC - STATE OF UTAH NOTANY PUBLIC	
12152 South Margaret Rose Drive My commission expires 9.18.2010	
WY COMMISSION ENTIRES CO-10-000)	
,	
State of Utah	
County of Salt Lake On 511/07 2007. Shirlene May	
On 511/07, 2007, Shirlene May	
), personally appeared before me,	(and
	(and
who is personally known to me	(and
who is personally known to me	(and
who is personally known to me whose identity I proved on the basis of whose likense	(and
who is personally known to me whose identity I proved on the basis of whose identity I proved on the oath / affirmation of	(and
who is personally known to me whose identity I proved on the basis of whose identity I proved on the oath / affirmation of , a credible witness	(and
who is personally known to me whose identity I proved on the basis of whose identity I proved on the oath / affirmation of , a credible witness to be the signer of the above instrument, and he/she acknowledged that he/she signed it.	(and
who is personally known to me whose identity I proved on the basis of whose identity I proved on the oath / affirmation of , a credible witness	(and
whose identity I proved on the basis of	(and
who is personally known to me whose identity I proved on the basis of whose identity I proved on the oath / affirmation of , a credible witness to be the signer of the above instrument, and he/she acknowledged that he/she signed it.	(and

County of Sa		
On	13/2007, 2007, Ralph E. Cromar	(and
), personally appeared before me,	
	who is personally known to me whose identity I proved on the basis of	
to be the sign	, a credible witness ner of the above instrument, and he/she acknowledged that he/she signed it.	
	MOLTARY PUBLIC - STATE of UTAH 12152 South Margaret Rose Drive Riverton, UT 84065 IN COMMISSION EXPIRES: 09-18-2019 Commission-expires 1 1 2 3 10 30 10	
State of Utah		
County of Sa		(and
County of Sa	ılt Lake	(and
County of Sa	, 2007,	(and
County of Sa	, 2007,	(and
County of Sa		(and
County of Sa		(and

Notary Public

My commission expires ___

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