

10710855
05/26/2009 11:05 AM \$115.00
Book - 9726 Pg - 8247-8250
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BOYER CO
ATTN: PATRICK MOFFAT
90 S 400 W STE 200
SLC UT 84101
BY: ZJM, DEPUTY - WI 4 P.

WHEN RECORDED PLEASE RETURN TO:

The Boyer Company
Attn: Patrick Moffat
90 South 400 West, Suite 200
Salt Lake City, Utah 84101

Space Above for Recorder's Use

Affects Tax Parcel Nos.:

27-20-152-001 thru 27-20-152-009, 27-20-152-012 thru 27-20-152-017, 27-20-107-001 thru 27-20-107-018,
27-20-126-001 thru 27-20-126-015, 27-20-105-002 thru 27-20-105-007, 27-20-106-001 thru 27-20-106-
023, 27-20-151-001 thru 27-20-151-023

**SECOND AMENDMENT
TO
FIRST SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
JORDAN HEIGHTS SUBDIVISION PHASE 1 AND 2 (A PLANNED UNIT
DEVELOPMENT)
ADDING
JORDAN HEIGHTS SUBDIVISION PHASE 3 (A PLANNED UNIT DEVELOPMENT)**

THIS SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR JORDAN HEIGHTS SUBDIVISION PHASE 1 AND 2 ADDING JORDAN HEIGHTS SUBDIVISION PHASE 3 (the "Amendment") is made and executed this 26th day of May, 2009, by BOYER JORDAN HEIGHTS, L.C., a Utah limited liability company ("Declarant").

RECITALS

A, Declarant executed that certain Declaration of Protective Covenants, Conditions and Restrictions for Jordan Heights Subdivision Phase 1 and 2 PUD dated July 18, 2006, which was recorded in the official records of Salt Lake County, State of Utah, on August 16, 2006, as Entry Number 9812993 in Book 9336 at Page 3623 (the "Original Declaration").

B. Declarant subsequently executed that certain First Supplement to Declaration of Covenants, Conditions, and Restrictions for Jordan Heights Subdivision Phase 1 and 2 PUD Adding Jordan Heights Subdivision Phase 3 PUD (the "First Supplement"), which was recorded in the official records of Salt Lake County, State of Utah, on March 6, 2007, as Entry Number 10024306 in Book 9431 at Page 3797 (the Declaration and the First Supplement are collectively referred to as the "Declaration"), pursuant to which Declarant added Jordan Heights Phase 3 PUD as an additional phase of the Project in accordance with Article XI of the Declaration. Capitalized terms not specifically defined in this Amendment have the meanings ascribed to them in the Declaration.

C. Declarant subsequently executed an Amendment to First Supplement to Declaration of Covenants, Conditions, and Restrictions for Jordan Heights Subdivision Phases 1 and 2 PUD Adding Jordan Heights Phase 3 PUD (the "Amendment"), which was recorded in the official records of Salt Lake County, State of Utah, on April 21, 2009, as Entry Number 10680189 in Book 9712 at Page 4078-4080.

D. Article X, Section 10.2 of the Declaration provides that, with respect to a particular phase of the Project added pursuant to Article XI of the Declaration and the supplement pertaining thereto and the amendment of any "amendments, supplements, or replacements to or for the standards and restrictions set forth in Article VIII" of the Declaration that pertain to such phase and only such phase, the Declaration may be amended by an affirmative vote of the Owners of Lots within the applicable phase representing 67% of the votes attributable to such phase only.

E. Declarant, as the Owner of Lots within Phase 3, Declarant desires to amend the "amendments, supplements or replacements to or for the standards and restrictions set forth in Article VIII of the Declaration," as set forth in the First Supplement, that pertain to Phase 3 and only to Phase 3, as more particularly set forth below.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Declarant hereby declares that with respect to Jordan Heights Subdivision Phase 3 PUD only, the first sentence of Section 8.1 of the Declaration, as amended by the First Supplement, is further amended and restated in its entirety as follows:

Except for the HOA Real Property, which shall be used for the purposes set forth on or contemplated by the plat, no Lot shall be used except for single family residential purposes; provided, however, the foregoing shall not prohibit a homebuilder from using any one or more of Lots 3001 through 3006 and Lots 3007 through 3100 within Jordan Heights Subdivision Phase 3 PUD for the purpose of constructing and operating a model home, a sales office or both, or from using such model home, sales office or both for sales, marketing and other activities related to the sale and marketing of homes.

2. Except as otherwise set forth in this Amendment, the Declaration shall remain in full force and effect in accordance with its terms.

Executed by Declaration on this 20th day of May, 2009.

DECLARANT;

BOYER JORDAN HEIGHTS L.C., a
Utah limited liability company

By: THE BOYER COMPANY, L.C.,
a Utah limited liability company
its Manager

By: 
Steven B. Ostler, Manager

STATE OF UTAH)
COUNTY OF Salt Lake ; ss.

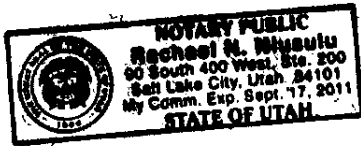
On this 20th day of May, 2009, personally appeared before me Steven B. Oster, who being by me duly sworn, did say that he is a MANAGER of THE BOYER COMPANY, L.C., a Utah limited liability company, the MANAGER of BOYER JORDAN HEIGHTS, L.C., that the foregoing First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Jordan Heights Subdivision Phases 1 and 2 PUD was signed on behalf of said limited liability company by proper authority, and did acknowledge to me that said limited liability company executed the same.

Witness my hand and official seal.

My commission
expires:

9.17.11

Rachael M. Muesulu
Notary Public



Residing at:

Salt Lake City

Exhibit

Legal Description of the Property

Lots 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, Jordan Heights Subdivision Phase 3, according to the official plat on file in the Salt Lake County Recorder's Office.