

AMENDMENT TO THE  
DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
of  
TRAPPER'S POINTE  
(Planned Residential Unit Development)

This Amendment to the Declaration of Covenants, Conditions and Restrictions of Trapper's Pointe ("Amended Declaration") is made and executed this 27<sup>th</sup> day of May, 2008, by the Trapper's Pointe Homeowners Association. The purpose of this Amended Declaration is to amend various provisions of the previously recorded amended and original Declarations ("Prior CC&Rs") recorded in the Morgan County Recorder's Office.

**RECITALS**

WHEREAS, the planned residential unit development that is the subject of this Amended Declaration is situated in and upon that certain real property located in Morgan County, State of Utah, as specifically described in Exhibit "A" attached hereto and incorporated herein by this reference, and including the common area that is appurtenant to each lot as shown on the plat maps for Trapper's Pointe PRUD, Plat "A" and Plat "B", as recorded in the office of the County Recorder for Morgan County, State of Utah. There are 68 lots in two phases of Trapper's Pointe PRUD (24 Lots in Plat "A" and 44 Lots in Plat "B"); and

WHEREAS, On November 29, 2006, an "Amended Declaration of Covenants, Conditions and Restrictions of Trapper's Pointe" ("2006 Amendment") was recorded in the Morgan County Recorder's Office as entry number 105435, in Book 239, beginning on Page 4. Attached as Exhibit "E" to the 2006 Amendment was a copy of the original Declaration that created Trapper's Pointe Homeowners Association; and

WHEREAS, It is the desire and intent of the members of the Trapper's Pointe Homeowners Association to amend various portions of the 2006 Amendment as stated herein.

NOW THEREFORE, the Trapper's Pointe 2006 Amendment and the Prior CC&Rs are hereby amended as follows:

**AMENDMENT**

1. Section VI, paragraph 6, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Nuisances" is hereby repealed and replaced with the following paragraph 6:

6. Nuisances No rubbish or debris of any kind shall be placed or permitted to accumulate upon any property within Trappers Pointe and no odors shall be permitted to arise therefrom so as to render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to the occupants of any property. Without limiting the generality of any of the foregoing

provisions, no loud or disruptive noises or behavior shall be allowed on such property without the prior written approval of the Board.

- 2. Section VI, paragraph 18, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Park-strip Landscaping" is hereby repealed and replaced with the following paragraph 18:

18. Park-strip Landscaping All park-strips are to be landscaped and maintained with appropriate ground cover (lawn).

- 3. Section VI, paragraph 19, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Mail Boxes" is hereby repealed and replaced with the following paragraph 19:

19. Mail Boxes All mail boxes and posts will be installed and constructed of material in harmony with the family dwelling unit or be the standard mailbox provided by the association.

- 4. Section V, paragraph 4, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Temporary Snow Removal" is hereby repealed. Morgan County currently provides all snow removal for Trapper's Pointe.

- 5. This Amended Declaration shall become effective upon recording.

**CERTIFICATION**

It is hereby certified that owners holding at least 75 % of the total votes in the Trapper's Pointe Homeowners Association have voted to approve this Amended Declaration

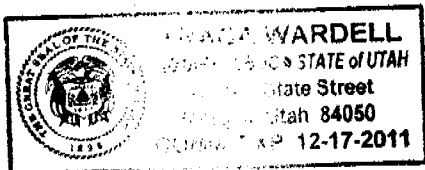
IN WITNESS WHEREOF, this 21<sup>st</sup> day of May, 2008.

TRAPPER'S POINTE HOMEOWNERS ASSOCIATION

By: Tina Cannon  
As: President

STATE OF UTAH )  
 )  
 ) ss.  
COUNTY OF MORGAN )

On this 21 day of May, 2008, personally appeared before me Tina Cannon who, being by me duly sworn, did say that she is President of the Trapper's Pointe Homeowners Association and that the within and foregoing instrument was signed in behalf of said Owners Association and she duly acknowledged to me she executed the same.



Tara Wardell  
Notary Public

## Exhibit "B"

### Legal Description of Lots in Phase 2 (Plat "B")

Lots 25 through 68, Trapper's Pointe PRUD- Plat "B", a Planned Residential Unit Development, according to the official Plat thereof, on file and of Record in the Office of the Morgan County Recorder, together with that percentage of interest of the subdivision's common area associated with the lot, but excluding those lots whose owners have not signed an Acknowledgment which is attached hereto.

## Exhibit "A"

### Legal Description of Lots in Phase 1 (Plat "A")

Lots 1 through 24, Trapper's Pointe PRUD- Plat "A", a Planned Residential Unit Development, according to the official Plat thereof, on file and of Record in the Office of the Morgan County Recorder, together with that percentage of interest of the subdivision's common area associated with the lot.