



W2041907



July 6, 2004

Declaration of Covenants, Conditions and Restrictions for The Highlands at Wolf Creek Phase 3 Subdivision, Eden, Utah.

Expanded from the Declaration of Covenants, Conditions and Restrictions for The Highlands at Wolf Creek Phase I Subdivision, Eden, Utah (see section 9.1 of recorded C, C & R's)

Entry: 1853135 Book Page 2448

Doug Crofts  
Weber County Recorder  
06-jun-2002 4:41 p.m.  
Fee \$83 DEP  
Rec for Steven Roberts

22. 214-0001 - 0010

E# 2041907 PG1 OF 6  
DOUG CROFTS, WEBER COUNTY RECORDER  
06-JUL-04 12:18 PM FEE \$29.00 DEP VO  
REC FOR: WOLF CREEK

3900 N. Wolf Creek Drive • P.O. Box 658 • Eden, Utah 84310  
PHONE 801.745.2218 • FAX 801.745.2433 • TOLL FREE 877.492.1061  
www.wolfcreekresort.com

N/A  
Weber County

N/A  
Date

Jeromy Williams  
Jeromy Williams  
Wolf Creek Properties

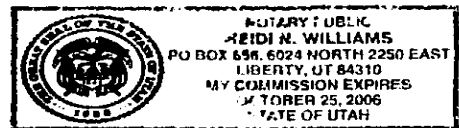
7/6/04  
Date

State of Utah  
County of Weber

On this 6 day of July, 2004, Jeromy Williams personally  
appeared before me,

- who is personally known to me.
- whose identity I verified on the basis of \_\_\_\_\_.
- whose identity I verified on the oath/affirmation of \_\_\_\_\_,  
a credible witness.

To be the signer of the foregoing document, and he/she acknowledged the he/she signed  
it.



Heidi N. Williams  
Notary Public

My Commission Expires: OCT 25, 2006

When Recorded, Return To:  
Bryan B. Todd, Esq.  
358 South Rio Grande, Suite 200  
Salt Lake City, Utah 84101

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR  
THE HIGHLANDS AT WOLF CREEK RESORT SUBDIVISION  
EDEN, UTAH**

**THIS SECOND AMENDMENT TO DECLARATION ("Amendment")** is made as of June 29, 2004, by **WOLF CREEK PROPERTIES, LC**, a Utah limited liability company ("**Declarant**"), who hereby amends that certain Declaration of Covenants, Conditions and Restrictions for The Highlands at Wolf Creek Resort Subdivision, Eden, Utah, which was recorded with the Weber County, Utah Recorder on October 18, 2002 as Entry No. 1882728 in Book No. 2275 beginning at Page No. 460, as previously amended (the "**Declaration**"), regarding the real property legally described in **Exhibit A** attached hereto, as set forth below. All capitalized terms used but not defined herein shall have the meanings given them in the Declaration.

1. The Property is hereby expanded to include the real property legally described on **Exhibit C** attached hereto.

2. The following **Section 4.22** is added to the Declaration:

**4.22. Rental Limitations.** The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot shall be for a period of less than 5 days. No Lot shall be subjected to time interval ownership.

3. **Exhibit B** to the Declaration is replaced with **Exhibit B** attached hereto.

4. Section 5.3 is amended to provide as follows:

**5.3. Building Size.** The sizes of the Lots within the Subdivision were intentionally varied. The variations in Lot sizes, Building Pad sizes and permitted building floor areas ("**Floor Areas**") within the Subdivision are intended to preserve view corridors, open space, and to cluster the structures, and to maintain an appropriate limit on Lot coverage. A range of maximum and minimum Floor Areas for each Lot has been established and is set forth on the attached **Exhibit B**. No Dwelling Unit may be constructed which is not in compliance with the limitations set forth in **Exhibit B**. Floor Areas include all habitable floor

area on all levels of the Dwelling Unit that is under roof, including porches, balconies and decks that are enclosed by walls on three or more sides. Only 50% of finished basement space shall be counted towards total Floor Area, and unfinished space shall not be counted. Garages are not counted in the Floor Area. Minimum total Floor Area for all Lots shall be 2,000 sq. ft. for single level and 2,500 sq. ft. for multi-level. The maximum main level Floor Area cannot exceed 50% of the maximum allowed sq. footage for that individual Lot. The upper level may not exceed 60% of the Floor Area of the main level. The maximum garage size shall be 1,000 sq. ft. for all homes.

5. Except as so amended, the Declaration shall remain as presently constituted.

**EXECUTED** as of the date stated above.

**WOLF CREEK PROPERTIES, LC,**  
a Utah limited liability company

By: [Signature]

Name: Steven Roberts

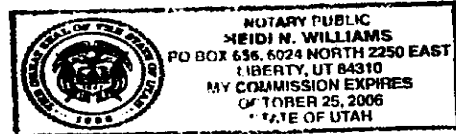
Its: authorized agent, managing member

STATE OF UTAH;

COUNTY OF Weber :

On July 6<sup>th</sup>, 2004, appeared before me Steven Roberts and acknowledged that he executed the foregoing instrument in the capacity indicated.

Notary Public: [Signature]



**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE ORIGINAL PROPERTY**

**PHASE III**

A portion of the Southwest Quarter of Section 23, Township 7 North, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located South 919.97 feet and East 3286.30 feet from Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing being North 89 deg. 14'39" West 2659.37 feet between said Section Center and the West Quarter Corner of said Section 22), said point being the Northeasterly Corner of Lot 1 of the Highlands at Wolf Creek Subdivision, Phase I and running thence following six (6) courses along Easterly Boundary of said Subdivision; 1) North 46 deg. 48'48" West 359.01 feet; thence 2) North 00 deg. 25'45" West 160.29 feet; thence 3) North 10 deg. 59'41" East 166.20 feet to a point of the Southerly Right-of-Way of Elk Ridge Trail; thence 4) North 16 deg. 27'44" West 63.37 feet (Record Distance 63.40 feet) to a point on the Northerly Right-of-Way of said Elk Ridge Trail, said point also being a non-tangent point of curvature of a 210.00-foot radius curve to the right, the center of which bears south 00 deg. 42'09" East, attended by a Chord bearing South 83 deg. 18'24" East 54.06 feet; thence 5) Southeasterly along the arc of said curve 54.21 feet through a central angle of 14 deg. 47'30"; thence 6) South 75 deg. 54'39" East 32.61 feet; thence continuing South 75 deg. 54'39" East 147.59 feet to a point of curvature of a 70.00-foot radius curve to the left, the center of which bears North 14 deg. 05'21" East, attended by a Chord bearing South 89 deg. 56'25" East 33.94 feet; thence Southeasterly along the arc of said curve 34.28 feet through a central angle of 28 deg. 03'32"; thence South 13 deg. 58'11" East 60.00 feet; thence North 76 deg. 01'49" East 68.99 feet; thence South 13 deg. 58'11" East 166.37 feet; thence North 84 deg. 01'41" East 113.96 feet; thence South 37 deg. 38'42" East 67.78 feet; thence South 32 deg. 34'03" East 123.19 feet; thence South 31 deg. 41'26" West 316.79 feet; thence North 78 deg. 30'32" West 193.29 feet to the POINT OF BEGINNING.

Containing 257,187 square feet of 5.904 acres of land more or less.

**EXHIBIT B  
PERMITTED FLOOR AREAS**

**PHASE III**

<b>LOT NO. (IN SQ FT)</b>	<b>MAXIMUM TOTAL FLOOR AREA (IN SQ FT)</b>
Lot 31	4,500
Lot 32	4,500
Lot 33	5,000
Lot 34	4,500
Lot 35	4,500
Lot 36	5,500
Lot 37	8,000
Lot 38	7,000
Lot 39	5,500
Lot 40	5,500