

When Recorded, Mail To:

Heber Ranches, L.L.C.  
1132 South 500 West  
Salt Lake City, Utah 84101

742

00014016 BK 00423 Pg 00742-00756  
WASATCH CO RECORDER-ELIZABETH K PARCELL  
1999 MAY 13 15:03 PM FEE \$53.00 BY MWC  
REQUEST: PARK CITY TITLE COMPANY

**AMENDMENT NO. 1  
TO  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR WOLF CREEK RANCH**

THIS AMENDMENT NO. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WOLF CREEK RANCH (this "Amendment") is made to be effective the 29<sup>th</sup> day of April, 1999 by HEBER RANCHES, L.L.C., a Utah limited liability company ("Heber Ranches"), ASPEN RIDGE RANCHES, L.L.C., a Utah limited liability company ("Aspen"), WOLF CREEK RANCH HOMEOWNERS ASSOCIATION, INC., a Utah nonprofit corporation (the "Association"), GARY K. WANDSCHNEIDER, an individual ("Wandschneider"), TERENCE E. WHEATON, Trustee of the Elaine O. Wheaton Trust dated October 27, 1994 ("Wheaton"), ROBERT S. INSOLIA, an individual ("Insolia"), and WILLIAM B. WHITE, an individual ("White").

**RECITALS:**

A. Heber Ranches and Aspen Ridge Ranches previously executed a Declaration of Covenants, Conditions and Restrictions for Wolf Creek Ranch (the "Declaration") dated September 1, 1998, which was recorded in the Office of the Recorder of Wasatch County, Utah on September 8, 1998 as Entry No. 00206518 in Book 395 at Page 3, which Declaration affects and pertains to certain real property which is described on Exhibit "A" attached to the Declaration.

B. Subsequent to the date that the Declaration was recorded in the Office of the Recorder of Wasatch County, Utah, additional original section corner monuments were found, which affect the legal description of the real property described on Exhibit "A" attached to the Declaration.

C. Subsequent to the date of the recording of the Declaration, Wandschneider purchased Lot 4 of Wolf Creek Ranch, Plat A; Wheaton purchased Lot 5 of Wolf Creek Ranch, Plat A; Insolia purchased Lot 6 of Wolf Creek Ranch, Plat A; and White purchased Lot 9 of Wolf Creek Ranch, Plat A.

D. The parties to this Amendment desire to execute this Amendment for the purpose of amending and restating the legal description of the real property which is affected by the Declaration and which is referred to in the Declaration as the "Property."

265981.2

PAGE ( ) INDEX ( ) ABSTRACT ( ) PLAT ( ) CHECK ( )

## AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, Heber Ranches, Aspen Ridge Ranches, the Association, Wandschneider, Wheaton, Insolvia and White hereby covenant and agree that:

1. The "Property." The legal description of the "Property" described on Exhibit "A" attached to the Declaration is hereby amended and restated in its entirety to be that parcel of real property located in Wasatch County, State of Utah, more particularly described on Exhibit "A" attached to this Amendment and incorporated herein by this reference. Consequently, all references to the "Property" within the Declaration shall mean and shall be interpreted to be that real property described on Exhibit "A" attached to this Amendment and incorporated herein by this reference.

2. Amendment of Exhibit "B." The Map attached to the Declaration as Exhibit "B," which shows the approximate location of the Property and the approximate location of the "Additional Land" described in the Declaration is hereby amended and restated in its entirety to be the Map attached to this Amendment as Exhibit "B" and incorporated herein by this reference.

3. Constraints Map. The "Constraints Map" attached to the Declaration as Exhibit "C" is hereby amended and restated in its entirety to be that "Constraints Map" attached to this Amendment at Exhibit "C" and incorporated herein by this reference. Consequently, all references to the "Constraints Map" within the Declaration shall mean and shall be interpreted to be the "Constraints Map" attached to this Amendment as Exhibit "C" and incorporated herein by this reference.

4. Execution and Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall together constitute and be one and the same document.

5. Binding Effect. This Amendment shall be binding upon and inure to the benefit of the Association and all present and future owners of Parcels or Lots with Wolf Creek Ranch, Plat 1A, and the provisions of this Amendment shall run with the land.

6. Governing Law. This Amendment shall be governed by and interpreted in accordance with the laws of the State of Utah.


7. Declaration Remains Effective. Except as herein expressly provided, the Declaration remains in all other respects unmodified and in full force and effect.

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IN WITNESS WHEREOF, the parties to this Amendment have caused this Amendment to be executed as of the date first above written by persons duly authorized to execute the same.

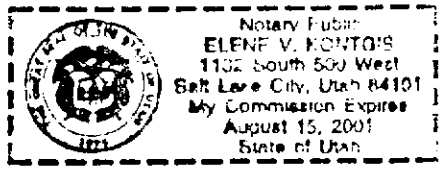
HEBER RANCHES, L.L.C., a Utah limited liability company

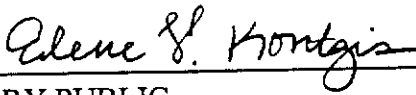
By: ASPEN RIDGE RANCHES, L.L.C., a Utah limited liability company  
Its: Manager

  
\_\_\_\_\_  
Douglas K. Anderson  
Title: Manager

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 1999 by Douglas K. Anderson in his capacity as a Manager of Aspen Ridge Ranches, L.L.C., a Utah limited liability company, which executed this instrument in its capacity as the Manager of Heber Ranches, L.L.C., a Utah limited liability company.

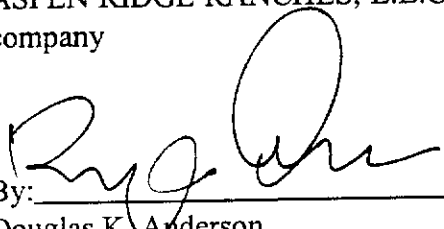


  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: S.L. County, Utah

My Commission Expires:  
8.15.01

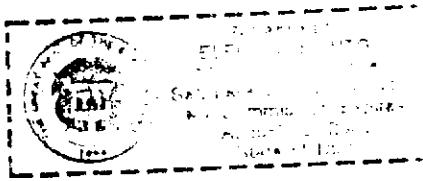
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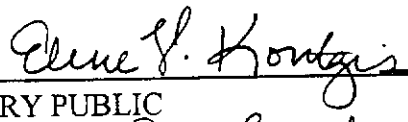
ASPEN RIDGE RANCHES, L.L.C., a Utah limited company

By:   
Douglas K. Anderson  
Title: Manager

STATE OF UTAH            )  
                                      : ss  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 1999 by Douglas K. Anderson in his capacity as a Manager of Aspen Ridge Ranches, L.L.C., a Utah limited liability company.



  
NOTARY PUBLIC  
Residing at: S.L. County, Utah

My Commission Expires:  
8-15-01

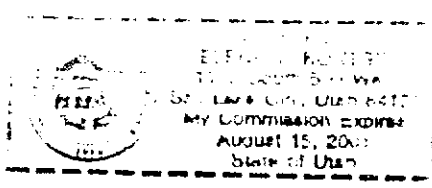
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WOLF CREEK RANCH HOMEOWNERS  
ASSOCIATION, INC., a Utah nonprofit  
corporation

By: *Douglas K. Anderson*  
Douglas K. Anderson  
Title: Secretary

STATE OF UTAH            )  
  : ss  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 1999 by Douglas K. Anderson in his capacity as the Secretary of Wolf Creek Ranch Homeowners Association, Inc., a Utah nonprofit corporation.



*Edene J. Kroutzis*  
NOTARY PUBLIC  
Residing at: *S.L. County, Utah*

My Commission Expires:  
*8.15.01*

00214016 BK 00423 P3 00746

Gary K. Wandschneider  
GARY K. WANDSCHNEIDER

STATE OF ~~CONNECTICUT~~ <sup>New York</sup> )  
: ss. Somers, New York  
COUNTY OF Dutchess )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 1999, by Gary K. Wandschneider.

Christine M. Martin  
NOTARY PUBLIC  
Residing at: Somers, New York

My Commission Expires:

4-21-01

CHRISTINE M. MARTIN  
Notary Public, State of New York  
No. 01MA5076302  
Qualified in Dutchess County  
Commission Expires 4-21-01

00214016 Bk 00423 Pg 00747

*Terence E. Wheaton*

TERENCE E. WHEATON, Trustee of the Elaine O. Wheaton Trust dated October 27, 1994

STATE OF OHIO )  
: ss.  
COUNTY OF *Montgomery*

The foregoing instrument was acknowledged before me this *24<sup>th</sup>* day of April, 1999, by Terence E. Wheaton, Trustee of the Elaine O. Wheaton Trust dated October 27, 1994.

*Betty J. Curtis*

NOTARY PUBLIC  
Residing at: *4401 Fair Hill*  
*Kettering, OH 45429*

My Commission Expires:

**BETTY J. CURTIS, Notary Public**  
in and For the State of Ohio  
My Commission Expires May 3, 2001

00214016 BK 00423 Pg 00748

Robert S. Insolia  
ROBERT S. INSOLIA

STATE OF NEW YORK )  
COUNTY OF New York ) : ss.

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 1999, by Robert S. Insolia.

Lynn Anne Wiegelman  
NOTARY PUBLIC  
Residing at: 119 St. Pauls Ave. Staten Island  
NY 10301

My Commission Expires:  
May 9, 2000

LYNN ANNE WIEGELMAN  
Notary Public, State of New York  
No. 01W15027444  
Qualified in Richmond County  
Commission Expires May 9, 2000

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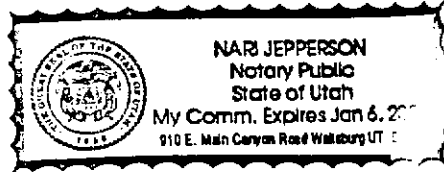
William B White  
WILLIAM B. WHITE

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 1999, by William B. White.

Nari Jepperson  
NOTARY PUBLIC  
Residing at: Wallsbury UT

My Commission Expires:  
1/6/2000



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EXHIBIT "A"  
TO  
AMENDMENT NO. 1 TO DECLARATION OF CONVENANTS,  
CONDITIONS AND RESTRICTIONS FOR WOLF CREEK RANCH

Legal Description of the Property

That certain real property located in Wasatch County, State of Utah described as follows:

Beginning at the Southeast corner of Section 33, Township 3 South, Range 6 East, Salt Lake Base & Meridian, and running thence along the Section line the following two calls South  $88^{\circ}45'48''$  West 155.530 feet and North  $89^{\circ}50'43''$  West 2474.800 feet to the South  $1/4$  corner of Section 33; thence along the  $1/4$  section line North  $00^{\circ}01'55''$  East 5356.439 feet to the South  $1/4$  of Section 28; thence along the section line South  $89^{\circ}33'57''$  East 342.305 feet; thence North  $00^{\circ}12'09''$  West 2258.443 feet; thence East 1691.756 feet; thence South  $15^{\circ}52'35''$  East 131.550 feet; thence South  $31^{\circ}52'35''$  East 241.210 feet; thence South  $43^{\circ}22'35''$  East 311.400 feet; thence South  $23^{\circ}22'35''$  East 199.990 feet; thence South  $61^{\circ}36'22''$  East 178.50 feet; thence South  $59^{\circ}08'30''$  East 542.546 feet; thence South  $32^{\circ}07'20''$  East 855.200 feet; thence South  $71^{\circ}37'20''$  East 555.190 feet; thence South  $57^{\circ}07'20''$  East 277.210 feet; thence South  $70^{\circ}07'20''$  East 195.820 feet; thence South  $64^{\circ}52'20''$  East 140.003 feet to the section line; thence along the section line South  $89^{\circ}52'20''$  East 643.176 feet to the North  $1/4$  corner of Section 34; thence along the section line South  $89^{\circ}52'20''$  East 2630.475 feet to the Northwest corner of Section 35; thence along the section line North  $89^{\circ}37'32''$  East 1491.640 feet; thence South  $71^{\circ}54'09''$  East 3992.157 feet to the section line; thence along the section line South  $01^{\circ}00'45''$  West 584.755 feet; thence South  $30^{\circ}10'06''$  West 1533.976 feet to a point on a 300.000 foot radius curve to the left; thence along the arc of said curve 166.148 feet through a delta of  $31^{\circ}43'55''$  (chord bears South  $14^{\circ}18'09''$  West 164.033 feet); thence South  $01^{\circ}33'49''$  East 147.314 feet to a point on a non-tangent 900.000 foot radius curve to the left; thence along the arc of said curve 530.222 feet through a delta of  $33^{\circ}45'18''$  (chord bears South  $24^{\circ}15'53''$  West 522.589 feet); thence South  $07^{\circ}23'14''$  West 190.301 feet to a point on a 475.000 foot radius curve to the left; thence along the arc of said curve 263.577 feet through a delta of  $31^{\circ}47'36''$  (chord bears South  $08^{\circ}30'34''$  East 260.209 feet) to a point on a 1250.000 foot radius curve to the right; thence along the arc of said curve 179.254 feet through a delta of  $8^{\circ}12'59''$  (chord bears South  $20^{\circ}17'52''$  East 179.104 feet); thence South  $16^{\circ}11'13''$  East 174.568 feet to a point on a 100.000 foot radius curve to the right; thence along the arc of said curve 114.617 feet through a delta of  $65^{\circ}40'15''$  (chord bears South  $15^{\circ}56'08''$  West 108.445 feet); thence South  $48^{\circ}46'16''$  West 43.565 feet; thence to a point on a 100.000 foot radius curve to the left; thence along the arc of said curve 68.697 feet through a delta of  $39^{\circ}21'38''$  (chord bears South  $29^{\circ}05'27''$  West 67.354 feet); thence

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South  $09^{\circ}24'38''$  West 234.885 feet to a point on a 456.558 foot radius curve to the right; thence along the arc of said curve 117.973 feet through a delta of  $14^{\circ}48'18''$  (chord bears South  $17^{\circ}13'28''$  West 117.646 feet) to a point on the South section line of Section 35; thence along the section line North  $88^{\circ}47'24''$  West 1396.693 feet to the South  $1/4$  of Section 35; thence along the section line South  $88^{\circ}20'42''$  West 2794.139 feet to the Southwest corner of Section 35; thence along the section line the following two calls South  $88^{\circ}20'42''$  West 61.188 feet and North  $89^{\circ}31'49''$  West 2587.864 feet to the South  $1/4$  corner of Section 34; thence along the section line the following two calls North  $89^{\circ}31'49''$  West 81.213 feet and South  $88^{\circ}45'48''$  West 2568.273 feet to the point of beginning.

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EXHIBIT "B"  
TO  
AMENDMENT NO. 1 TO DECLARATION OF CONVENANTS,  
CONDITIONS AND RESTRICTIONS FOR WOLF CREEK RANCH

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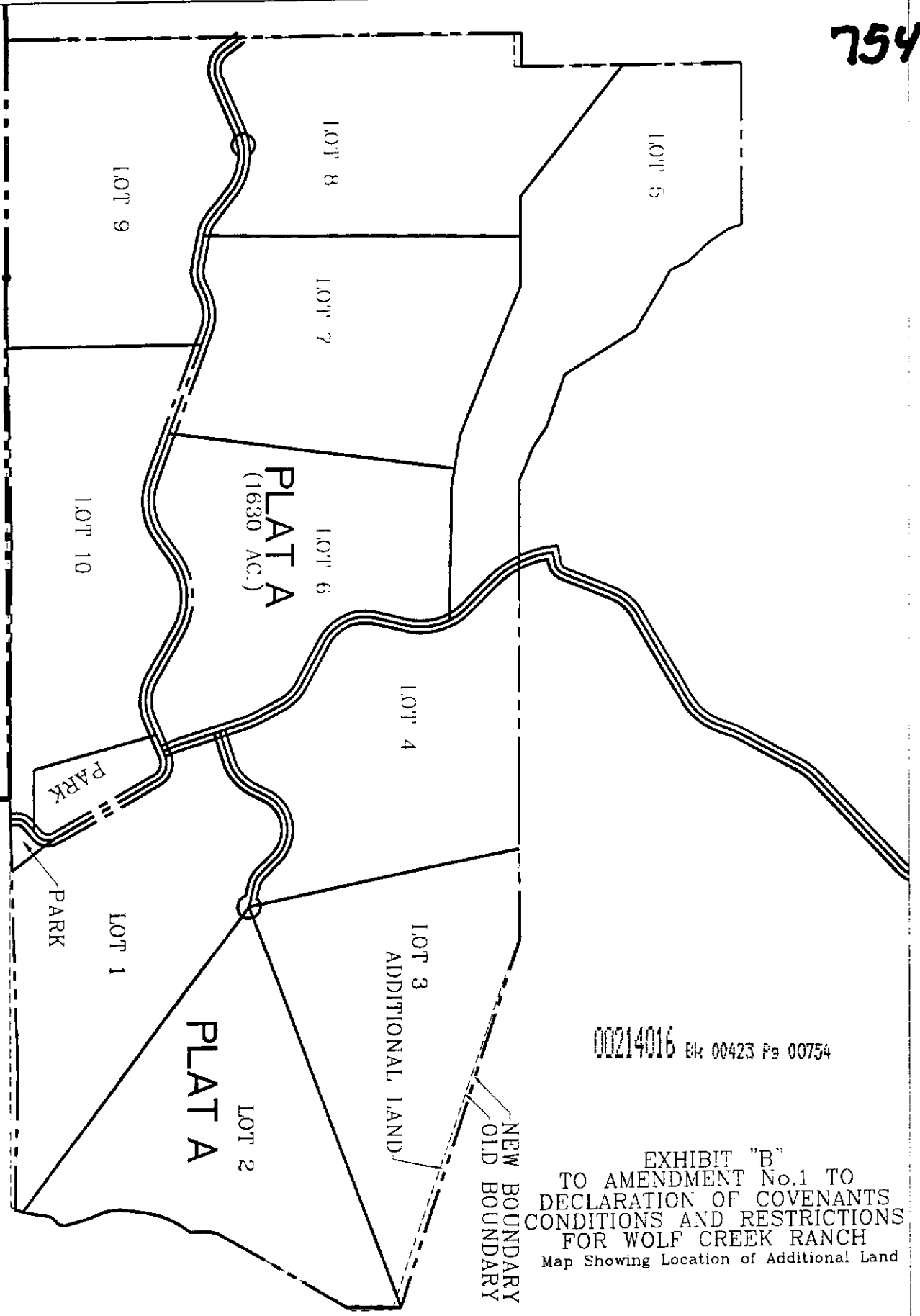
Map Showing Approximate Location of the Additional Land

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B-1

753



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EXHIBIT "B"  
 TO AMENDMENT No.1 TO  
 DECLARATION OF COVENANTS  
 CONDITIONS AND RESTRICTIONS  
 FOR WOLF CREEK RANCH  
 Map Showing Location of Additional Land

LEGEND

	BOUNDARY LINES
	OLD BOUNDARY LINE

1	0.00
2	0.00
3	0.00
4	0.00
5	0.00
6	0.00
7	0.00
8	0.00
9	0.00
10	0.00

HEBER RANCHES, L.L.C.  
 1132 SOUTH 500 WEST  
 SALT LAKE CITY, UT 84101  
 (801)-886-2000

B-2

EXHIBIT "b"  
 WOLF CREEK RANCHES  
 BOUNDARY MAP

DATE	4-15-99
BY	4-15-99
SCALE	N.T.S.
PROJECT	147904

EXHIBIT "C"  
TO  
AMENDMENT NO. 1 TO DECLARATION OF CONVENANTS,  
CONDITIONS AND RESTRICTIONS FOR WOLF CREEK RANCH

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The Constraints Map

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C-1

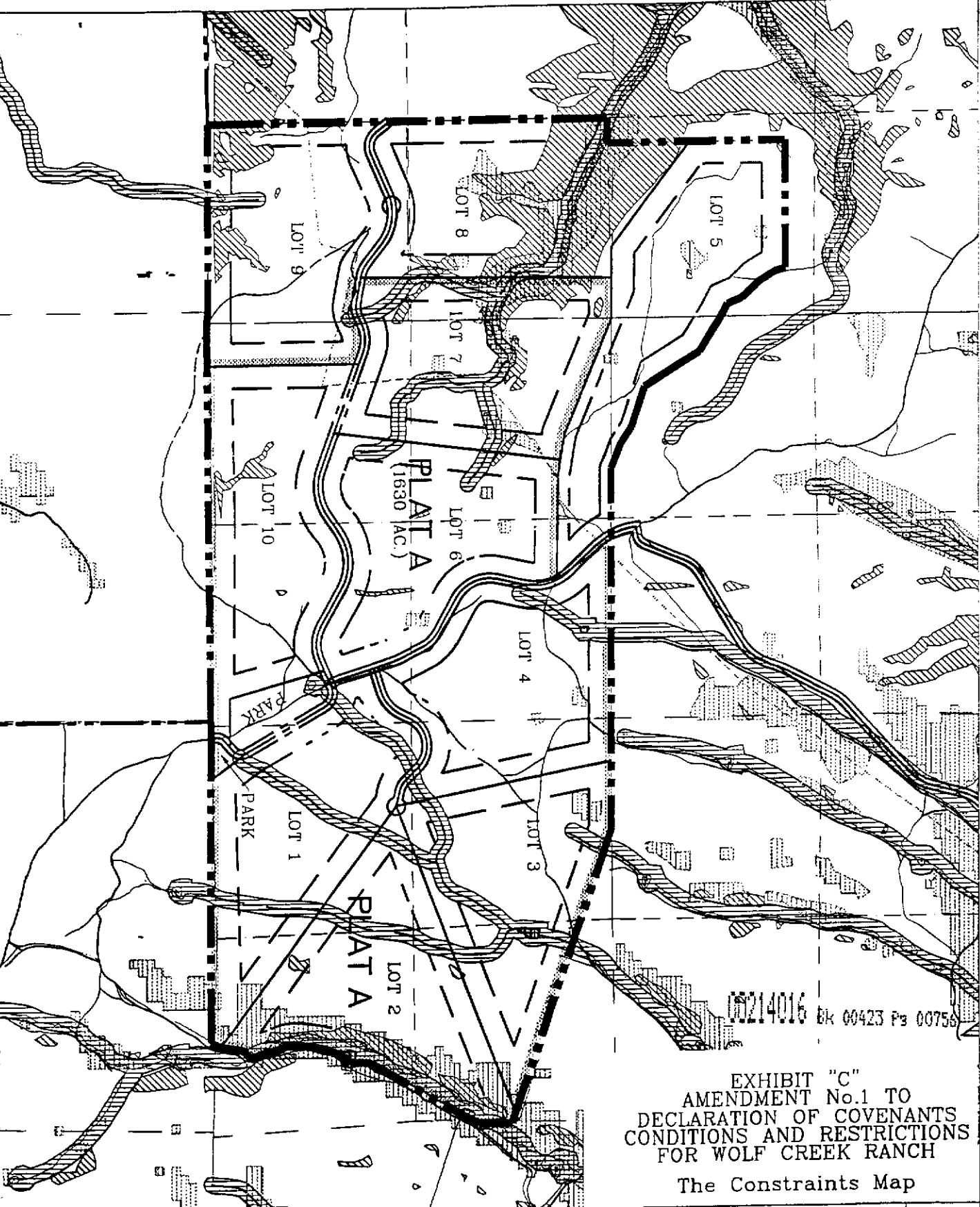


EXHIBIT "C"  
 AMENDMENT No.1 TO  
 DECLARATION OF COVENANTS  
 CONDITIONS AND RESTRICTIONS  
 FOR WOLF CREEK RANCH  
 The Constraints Map

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	BOUNDARY LINES
	SECTION LINES
	100' EASEMENT, EASEMENT, AND STREAM
	SCIENTIFIC RESOURCE (SENSITIVITY)
	200' SLOPE AND GREATER
	10' CONTOUR LINES
	ROAD
	BUILDING FOOTPRINT
	100' POWER LINE

1	1
2	2
3	3
4	4

HEBER RANCHES, LLC  
 1132 SOUTH 500 WEST  
 SALT LAKE CITY, UT 84101  
 (801) 536-2000

EXHIBIT "C"  
 WOLF CREEK RANCHES  
 PHASE 1 CONSTRAINTS MAP

DATE	6-19-08
REVISED	6-19-08
SCALE	1"=120'
PROJECT	WOLF CR