

**RETURNED**

NOV 29 2006

WHEN RECORDED RETURN TO:

James Stout  
2960 So. Maple Cove Lane  
Bountiful, Utah 84010

E 2222943 B 4168 P 977-986  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
11/29/2006 01:54 PM  
FEE \$36.00 Pgs: 10  
DEP. RT REC'D FOR DEER RUN AT MAPLE  
HILLS A&B

05-107-0002-000b  
05-107-0001-000b

**FIRST AMENDMENT TO  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF DEER RUN AT MAPLE HILLS,  
PLATS A & B**

THIS AMENDMENT is made and entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by the Owners of all Lots in Plats A and B of the Deer Run at Maple Hills Subdivision (the "Subdivision"), acting by and through its duly authorized and organized Homeowners' Association.

Recitals:

A. The Subdivision is subject to that certain "Declaration of Covenants, Conditions and Restrictions of Deer Run at Maple Hills, Plats A & B" as recorded March 3, 1994 as Entry No. 1100965 in Book 1731 at Page(s) 88 et seq. of the Official Records of the Davis County, Utah Recorder (the "Declaration").

B. The Owners of the Lots in the Subdivision desire to amend the Declaration in certain respects, and have voted by the necessary seventy-five percent (75%) majority at a duly noticed and scheduled meeting to amend and modify the Declaration as set forth herein.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The terms and provisions of this Amendment amend and modify the Declaration to the extent inconsistent therewith, and supplement the Declaration. This Amendment shall be considered part of the Declaration.

2. Section 13.1 of the Declaration is amended to provide that the Homeowners' Association entity shall be Deer Run at Maple Hills, LLC, a Utah limited liability company (the "Association"). All references in the Declaration to the "Association" or the "Homeowners Association" shall mean Deer Run at Maple Hills, LLC

3. Section 12.2 provides for the creation and/or designation of Limited Common Area by the original Declarant, and the Owners of Lots platted from the Property have succeeded to the Declarants right to create and/or designate Limited Common Area under the Declaration. Therefore, the provisions of the Declaration regarding Limited Common Area are hereby amended as set forth in paragraphs 4, 5 and 6 below

4. **Description of Limited Common Area.** The Limited Common Area defined herein is for the continued use and benefit of a majority, but not all, of the Lots within the Property. Such Limited Common Area consists of an asphalt Access Road running through the Property, and two possible future entryways at the entrances/exits of the Access Road. The "center line" of this Access Road is within the 40 foot Right of Way and Public Utilities Easement as shown on Subdivision Plats A and B of Deer Run At Maple Hills, as filed with Office of the Davis County Recorder. Such Access Road is approximately 25 feet more or less in width and approximately 1,200 feet in length and was constructed by the Declarant in accordance with the Access Road Centerline shown on Plats A and B of the Subdivision. This Access Road traverses through the Property from the terminus of Cove Lane to the terminus of Maple Cove Lane, and vice versa. The Access Road, and any entryways that may be constructed in the future as the entrances/exits of the Access Road, are designated, accepted, and acknowledged to be a Limited Common Area by all Lot Owners of the Property, to be Limited Common Area for the benefit of those specific Lots described in paragraph 5 below.

5. **Control and Maintenance of the Access Road as Limited Common Area.** As noted on Subdivision Plat A of Deer Run At Maple Hills the "Right-of-Way is to be used by all lots in Deer Run At Maple Hills Subdivision Plats A and B." In addition, as expressly shown as Note 2 on Subdivision Plat B of Deer Run At Maple Hills "All Right of Ways shown on this Plat are for the service of all lots in Deer Run At Maple Hills Plat A and B." Such referenced Right of Way is the 40 foot Right of Way and Public Utilities Easement containing the Centerline of the Access Road. Accordingly, as of the effective date of this Amendment, it is specifically acknowledged, accepted and agreed upon by all Lot Owners of the Property that any and all matters regarding the control of ingress and egress, maintenance, replacement, repair and/or construction of the Access Road described above shall hereafter be the sole responsibility of only six (6) Lots within the Property. Such six Lots are Lots 2, 3, 4, and 5 of Subdivision Plat A and Lots 2 and 3 of Subdivision Plat B, of Deer Run At Maple Hills. These six Lots shall be known as the "Limited Common Area Lots" and the Access Road shall be for the exclusive and designated private use for ingress and egress by the Lot Owners and their temporary guests and invitees of these six Limited Common Area Lots, and their successors and assigns. Accordingly, any and all expenses and costs for maintenance, replacement, repair and/or construction of the Access Road as Limited Common Area shall be repaired promptly and the cost thereof charged equally to the Limited Common Area Lot Owners. In the event of an unresolved disagreement with respect to a particular management decision regarding the Access Road as Limited Common Area, in and between the Management Committee or between the Management Committee and any Limited Common Area Lot Owner, then the resolution of such disagreement associated with the Limited Common Area which strictly pertains to only the maintenance, replacement, repair and/or construction of the Limited Common Area, shall be determined by the Management Committee.

6. The Management Committee shall, if directed by a majority of the Owners of the Limited Common Area Lots, obtain public liability insurance with respect to use of the Access Road, the premium for which shall be allocated equitably with respect to any

other public liability insurance obtained for the benefit of the Association and the Lot Owners, and which allocable portion pertaining to the Access Road shall be assessed to and paid equally by the Owners of the Limited Common Area Lots.

7 Except as modified by this Amendment, all other provisions, terms, conditions and restrictions in the Declaration remain in full force and effect.

8. The undersigned constituting seventy-five percent (75%) of the Owners of Lots in the Property certify that this Amendment was duly adopted and approved by the necessary majority of Owners of Lots (e.g., not less than seven (7) Lot Owners) at a duly noticed and scheduled meeting.

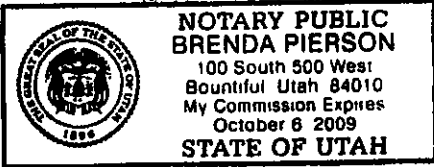
Executed to be effective as of the date first written above.

The "Association"

Deer Run at Maple Hills, LLC

COUNTY OF DAVIS } ss.  
STATE OF UTAH }  
On the 29<sup>th</sup> day of November 2006, personally  
appeared before me James Stout, who duly  
acknowledged to me that he executed the same.

Brenda Pierson

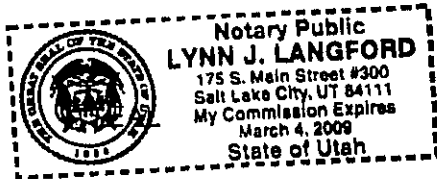


By Sheelene T Clark Dean  
Its: Member

By [Signature]  
Its: Member

STATE OF UTAH )  
Salt Lake : ss.  
COUNTY OF DAVIS )

On the 17<sup>th</sup> day of May, 2006, personally appeared before me  
Sheelene T Clark Dean and \_\_\_\_\_, who duly acknowledged to me that  
they executed the foregoing instrument as the duly appointed Member  
(title) and \_\_\_\_\_ (title) of Deer Run at Maple Hills, LLC, in its capacity  
as the Homeowners' Association for Plats A and B of the Deer Run at Maple Hills  
Subdivision



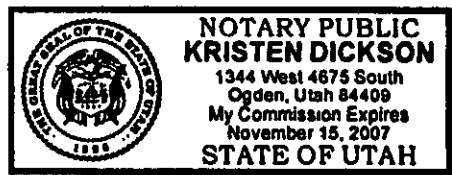
[Signature]  
Notary Public

Lot Owner(s) of Lot 4  
Clayton D. Killpack  
Carolyn D. Killpack

STATE OF UTAH          )  
                                  : ss.  
COUNTY OF DAVIS )

On the 15 day of September, 2006, personally appeared before me \_\_\_\_\_  
Clayton & Carolyn Killpack, who acknowledged to me that ~~he/she/they~~ are  
the Owners of record of Lot 4 Plat A, Deer Run at Maple Hills Subdivision,  
and that ~~he/she/they~~ voted in favor of the "First Amendment to Declaration" to which this  
acknowledgement is attached.

Kristen Dickson  
Notary Public



SEAN FIRTH AS COMMITTEE MEMBER

X yes  
     no

P. 05

Lot Owner(s) of Lot \_\_\_\_\_  
BENJAMIN TANNER  
PAMELA D. TANNER

STATE OF UTAH )  
                              : ss.  
COUNTY OF SALT LAKE

On the 1 day of August, 2006, personally appeared before me \_\_\_\_\_  
Benjamin Tanner, who acknowledged to me that ~~he/she/they~~ are  
the Owners of record of Lot 1 Plat B, Deer Run at Maple Hills Subdivision,  
and that ~~he/she/they~~ voted in favor of the "First Amendment to Declaration" to which this  
acknowledgement is attached.



Jean S. Brown  
Notary Public

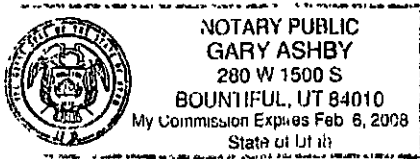
SEAN FIRTH AS COMMITTEE MEMBER

X yes  
\_\_\_\_\_ no

Lot Owner(s) of Lot #5  
Deer Run @ Maple Hills

STATE OF UTAH )  
 ) : ss.  
COUNTY OF )

On the 22 day of July, 2006, personally appeared before me \_\_\_\_\_  
Sean D. Firth, who acknowledged to me that he/she/they are  
the Owners of record of Lot 5 Plat A, Deer Run at Maple Hills Subdivision,  
and that he/she/they voted in favor of the "First Amendment to Declaration" to which this  
acknowledgement is attached.



[Signature]  
Notary Public

SEAN FIRTH AS COMMITTEE MEMBER X yes  
\_\_\_\_\_ no

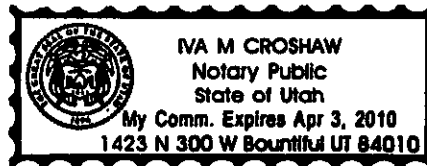
Lot Owner(s) of Lot 2  
PLAT B  
James & Rebecca Stout

STATE OF UTAH )  
COUNTY OF DAVIS ) : ss.

On the 11<sup>th</sup> day of October, 2006, personally appeared before me \_\_\_\_\_  
James Stout, who acknowledged to me that he/she/they are  
the Owners of record of Lot 2 Plat B, Deer Run at Maple Hills Subdivision,  
and that he/she/they voted in favor of the "First Amendment to Declaration" to which this  
acknowledgement is attached.

Iva M. Croshaw

Notary Public



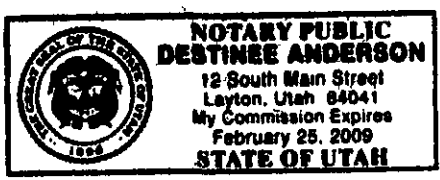
SEAN FIRTH AS MEMBER OF MANAGEMENT COMMITTEE

X yes      \_\_\_\_\_ no

PLAT A  
Lot Owner(s) of Lot 4  
Robert Roush, MANAGER  
ROUSH ENTERPRISES, LLC

STATE OF UTAH )  
COUNTY OF Davis ) : ss.

On the 6<sup>th</sup> day of OCTOBER, 2006, personally appeared before me ROBERT ROUSH, MANAGER  
ROUSH ENTERPRISES, LLC, who acknowledged to me that he/she/they are the Owners of record of Lot 4 Plat A, Dear Run at Maple Hills Subdivision, and that he/she/they voted in favor of the "First Amendment to Declaration" to which this acknowledgement is attached.



[Signature]  
Notary Public

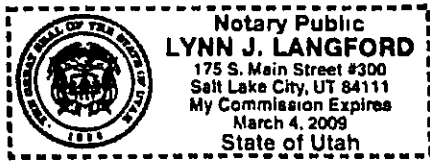
SEAN FIRTH AS COMMITTEE MEMBER X yes  
       no



Lot Owner(s) of Lot 2, 3  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF UTAH )  
  ) : ss.  
COUNTY OF Salt Lake )

On the 17 day of May, 2006, personally appeared before me \_\_\_\_\_  
Sherlene T. Clark Dean, who acknowledged to me that he/she/they are  
the Owners of record of Lot 2 & 3 Plat A, Deer Run at Maple Hills Subdivision,  
and that he/she/they voted in favor of the "First Amendment to Declaration" to which this  
acknowledgement is attached.



[Signature]  
\_\_\_\_\_  
Notary Public

SEAN FIRTH AS COMMITTEE MEMBER ✓ yes  
\_\_\_\_\_ no

EXHIBIT ADEER RUN PLAT A ~~E-1100965 & 17317 106~~

Beginning at a point which is North  $88^{\circ}48'04''$  West 1,193.33 ft. along the Section Line from the South Quarter Corner of Section 33, Township 2 North, Range 1 East, S.L.B. & M., and running thence North  $88^{\circ}48'04''$  West 902.07 ft. along said Section Line; thence North 731.28 ft.; thence South  $80^{\circ}15'00''$  East 84.72 ft.; thence North  $1^{\circ}00'00''$  East 290.00 ft.; thence South  $83^{\circ}10'10''$  East 340.00 ft. to the Westerly corner of Lot 9 of Maple Cove Subdivision No. 1, Plat A; thence along the boundary of said Plat A in the following three courses: South  $40^{\circ}54'52''$  East 198.50 ft., South  $73^{\circ}18'08''$  East 156.61 ft., North  $27^{\circ}08'59''$  East 61.94 ft.; thence along the boundary of Maple Hills Subdivision No. 4, Plat A, in the following six courses: North  $80^{\circ}00'00''$  East 135.98 ft., South  $30^{\circ}01'28''$  East 203.80 ft., South  $15^{\circ}44'58''$  East 54.00 ft., Northeasterly 181.00 ft. along the arc of a 334.00 ft. radius curve to the left through a central angle of  $31^{\circ}02'59''$  (radius point bears North  $15^{\circ}44'58''$  West from the beginning of the curve), South  $54^{\circ}26'23''$  East 165.64 ft., North  $63^{\circ}42'52''$  East 56.57 ft.; thence South  $18^{\circ}17'14''$  West 189.09 ft.; South  $82^{\circ}49'17''$  West 364.90 ft.; thence South 437.02 ft. to the Point of Beginning.

Containing: 20.5095 Acres.

## DEER RUN PLAT B

Beginning at the Southwest Corner of Lot 21 of Maple Hills Subdivision No. 4, Plat A, in Bountiful City, Davis County, Utah, which point is North  $88^{\circ}48'04''$  West 321.03 ft. along the Section Line from the South Quarter Corner of Section 33, Township 2 North, Range 1 East, S.L.B. & M., and running thence North  $88^{\circ}48'04''$  West 872.30 ft. along said Section Line to the Southeast Corner of Lot 4 of Deer Run At Maple Hills Subdivision Plat A; thence along the boundary of said Deer Run At Maple Hills Subdivision Plat A in the following three courses to the East corner of Lot 10 of said Maple Hills No. 4, Plat A: North 437.02 ft., North  $82^{\circ}49'17''$  East 364.90 ft., North  $18^{\circ}17'14''$  East 189.09 ft.; thence along the boundary of said Plat A in the following five courses to the Point of Beginning: North  $78^{\circ}39'52''$  East 146.35 ft., South  $86^{\circ}15'40''$  East 276.23 ft., Southwesterly 158.22 ft. along the arc of a 183.00 ft. radius curve to the right through a central angle of  $49^{\circ}32'12''$  (radius point bears North  $69^{\circ}08'59''$  West from the beginning of the curve), South  $19^{\circ}36'47''$  East 54.00 ft., South  $13^{\circ}00'$  East 547.06 ft.

Containing: 10.7359 Acres