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ERNEST D ROWLEY, WEBER COUNTY RECORDER
29-MAR-07 8:29 AM FEE \$53.00 DEP SGC
REC FOR: FORESTAR USA REAL EST GRP INC

**NOTICE OF APPLICABILITY OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FORT BINGHAM SUBDIVISION
PHASE 5**

**THE STATE OF UTAH
COUNTY OF WEBER**

This Notice of Applicability is made and executed by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation formerly known as "Lumbermen's Investment Corporation" ("Declarant") and is as follows:

12-223-0001-0025
12-224-0001-0017

1. **Applicability of Master Covenant.** This Notice of Applicability is filed with respect Phase 5 of Fort Bingham Subdivision ("Phase 5") located in Ogden City, Weber County, Utah, according to the map or plat so named to be recorded in the Records of Weber County, Utah. Declarant is the owner of Phase 5. Pursuant to that certain "Declaration of Covenants, Conditions and Restrictions" recorded as Document # 2130178 on September 20, 2005, as amended by "Amendment of Restrictive Covenants Fort Bingham Subdivision" recorded at Document # 2147990 on December 12, 2005, (collectively, the "**Master Covenant**"), Declarant reserved the right to add areas to the "Property" subjected to the Master Covenant, upon the filing of appropriate notices of applicability from time to time, and thereby making the added areas subject to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant.

2. **Property Incorporated Into Development.** The provisions of the Master Covenant shall apply to Phase 5. Phase 5 is hereby included within and made a part of the "Property", and is hereby subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant.

Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Master Covenant.

EXECUTED to be effective as of the 12 day of January, 2007.

DECLARANT:
**FORESTAR (USA) REAL ESTATE
GROUP INC.,** formerly known as
Lumbermen's Investment Corporation

By: _____
Printed Name: Craig A. Knight
Title: Chief Real Estate Officer

STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 4th day of January, 2007, by Craig A. Knight, Chief Real Estate Officer of Forestar (USA) Real Estate Group Inc., formerly known as "Lumbermen's Investment Corporation", a Delaware corporation, on behalf of such corporation.

[seal]



Brian C. Rider

Notary Public, State of Texas