

RETURNED
DEC 09 2009

When Recorded, Return to:

Parr Brown Gee & Loveless
Attention: Robert A. McConnell
185 S State St, Ste 800
Salt Lake City, UT 84111-1549

E 2498593 B 4917 P 1140-1149
RICHARD T. NAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/09/2009 03:26 PM
FEE \$104.00 Pgs: 10
DEF RT REC'D FOR GARDNER BTS OLD F
ARM LLC

Space Above for Recorder's Use

08-463-0301 thru 0374
08-435-0001, 0002, 0003

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
THE VILLAGE AT OLD FARM

This First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm ("Amendment") is entered into effective December 7th, 2009, by Gardner BTS Old Farm, LLC, a Utah limited liability company ("Declarant").

BACKGROUND

A. Declarant is the Declarant under the Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm, recorded December 31, 2007, as Entry No. 2331135 in Book 4439 at Pages 554-604 in the official records of Davis County, Utah ("Declaration"). Any capitalized term used but not defined in this Amendment will have the meaning attributed to it in the Declaration.

B. Prior to the effective date of this Amendment, the Declaration encumbered the real property located in Davis County, Utah, and legally described on Exhibit B to the Declaration.

C. Under Section 12.2 of the Declaration, the Declaration may be amended by an instrument executed by Owners representing at least 75% of the Units. Declarant currently is the Owner of at least 75% of the Units.

D. Declarant desires to amend the Declaration to remove a portion of the Premises ("Withdrawn Property") from the Development, such that the Withdrawn Property will no longer be subject to the Declaration (as amended).

In light of the foregoing, Declarant hereby declares as follows:

AMENDMENT

1. Amendment to Section 9.02. The second sentence of Section 9.02 of the Declaration, which reads as follows, is hereby deleted in its entirety:

Exhibit B may only be amended or supplemented pursuant to this Article to make portions of the Development Area part of Exhibit B and shall not be amended to reduce or remove any real estate which is described in Exhibit B immediately prior to the Recording of such Supplemental Declaration.

2. **Withdrawn Property.** The Withdrawn Property is hereby removed from the Development and is no longer subject to the Declaration (as amended). A legal description of the Withdrawn Property is attached to this Amendment as Exhibit A.

3. **Revised Exhibit B.** Exhibit B to the Declaration, containing a legal description of the Premises, is hereby replaced and superseded in its entirety by the revised legal description attached to this Amendment as Exhibit B, which revised legal description reflects the removal of the Withdrawn Property from the Premises.

Revised Exhibits A and C. Exhibits A and C to the Declaration, containing a map depicting the Development Area and map depicting the Site Plan, respectively, are hereby replaced and superseded in their entirety by the revised map attached to this Amendment as Exhibit A

Legal Description of the Withdrawn Property

All of Phase 1, The Village at Old Farm P.U.D., according to the official plat thereof on file in the Davis County Recorder's Office.

[For Reference Only: Affects Tax Parcel Serial Nos. 08-435-0001, 08-435-0002, and 08-435-0003]

4. Exhibit C.

5. **Miscellaneous.** Except as modified by this Amendment, the Declaration will remain in full force and effect. If there is any conflict between a provision of this Amendment and a provision of the Declaration, the provision of this Amendment will control. The invalidity or unenforceability of any portion of this Amendment will not affect the validity or enforceability of the remainder.

[Remainder of Page Intentionally Left Blank – Signature Page Immediately Follows]

Declarant has executed this Amendment to be effective as of the date first set forth above.

Gardner BTS Old Farm, LLC
a Utah limited liability company

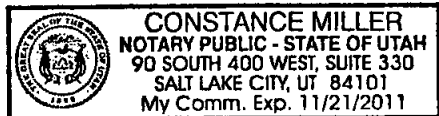
By: *Kem Gardner*

Name: KEM GARDNER

Title: Manager

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me on December 7, 2009, by Kem C. Gardner, a manager of Gardner BTS Old Farm, LLC.



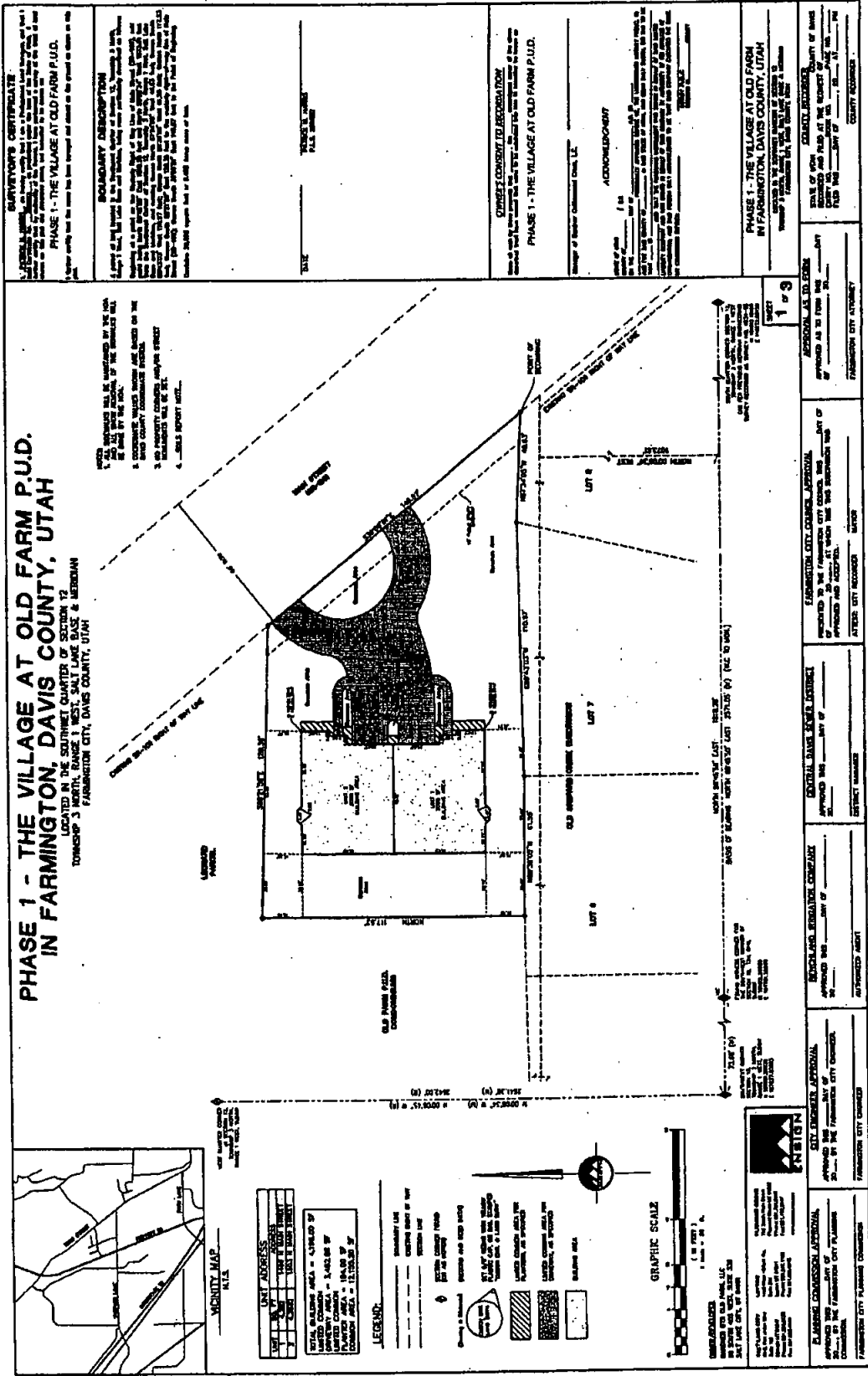
Constance Miller
Notary Public

Exhibit A

Legal Description of the Withdrawn Property

All of Phase 1, The Village at Old Farm P.U.D., according to the official plat thereof on file in the Davis County Recorder's Office.

[For Reference Only: Affects Tax Parcel Serial Nos. 08-435-0001, 08-435-0002, and 08-435-0003]



PHASE 1 - THE VILLAGE AT OLD FARM P.U.D.
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12
 TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
 FARMINGTON CITY, DAVIS COUNTY, UTAH

BOUNDARY DESCRIPTION
 A portion of the 1/4 section 12, Township 3 North, Range 1 West, Salt Lake Base & Meridian, Davis County, Utah, containing approximately 1.25 acres, more or less, as shown on the attached plat, is hereby described as follows: ...

OWNER'S CERTIFICATE
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same have been surveyed and shown on the attached plat in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Utah Code, and that the same are true and correct as shown thereon.

CONVEYANCE TO RECORDATION
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same have been surveyed and shown on the attached plat in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Utah Code, and that the same are true and correct as shown thereon.

ACKNOWLEDGMENT
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same have been surveyed and shown on the attached plat in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Utah Code, and that the same are true and correct as shown thereon.

PHASE 1 - THE VILLAGE AT OLD FARM
 IN FARMINGTON, DAVIS COUNTY, UTAH

PLANNING COMMISSION APPROVAL
 APPROVED BY THE FARMINGTON CITY PLANNING COMMISSION

CITY ENGINEER APPROVAL
 APPROVED BY THE FARMINGTON CITY ENGINEER

LOT NO.	AREA (AC)	OWNER
LOT 6	1.25	...
LOT 7	1.25	...
LOT 8	1.25	...

LEGEND
 - BOUNDARY LINE
 - CENTER POINT OF CURVE
 - POINT OF BEGINNING
 - POINT OF TANGENCY
 - POINT OF CURVATURE
 - POINT OF ENDING

GRAPHIC SCALE
 1" = 100'

NEIGHBORLY MAP
 A small map showing the location of the subject property within the larger context of the surrounding area.

UNIT ADDRESS
 LOT 6, 7, 8, THE VILLAGE AT OLD FARM TRACT, FARMINGTON, UTAH

TOTAL BUILDING AREA - 1,250 SQ FT
IMPERVIOUS AREA - 1,250 SQ FT
PERMEABLE AREA - 1,250 SQ FT
TOTAL AREA - 1,250 SQ FT

PLANNING COMMISSION APPROVAL
 APPROVED BY THE FARMINGTON CITY PLANNING COMMISSION

CITY ENGINEER APPROVAL
 APPROVED BY THE FARMINGTON CITY ENGINEER

FARMINGTON CITY ATTORNEY
 APPROVED BY THE FARMINGTON CITY ATTORNEY

Exhibit B

Legal Description of the Premises

(Replaces Exhibit B to the Declaration)

A parcel of land located in the southwest quarter of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

BOUNDARY DESCRIPTION

Beginning at a point on the easterly right of way line of State Road No. 89, said point being North 0°06'34" West 1392.50 feet along the section line and East 437.58 feet from the Southwest Corner of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian, and running; Thence North 74°18'22" East 163.33 feet; Thence northeasterly 246.13 feet along the arc of a 375.00 foot radius curve to the left, (center bears North 15°41'38" West and long chord bears North 55°30'12" East 241.73 feet, with a central angle of 37°36'20"); Thence North 36°42'02" East 82.85 feet; Thence northeasterly 176.28 feet along the arc of a 200.00 foot radius curve to the left, (center bears North 53°17'58" West and long chord bears North 11°27'00" East 170.63 feet, with a central angle of 50°30'04"); Thence northeasterly 188.37 feet along the arc of a 180.00 foot radius curve to the right, (center bears North 76°11'58" East and long chord bears North 16°10'44" East 179.89 feet, with a central angle of 59°57'33"); Thence North 46°09'31" East 123.83 feet to the west line of State Road No. 106, (Main Street); Thence South 39°09'51" East 187.84 feet along the west line of State Road No. 106, (Main Street); Thence South 63°08'56" West 1.23 feet along the west line of State Road No. 106, (Main Street); Thence South 38°57'59" East 95.81 feet along the west line of State Road No. 106, (Main Street); Thence North 51°02'01" East 1.48 feet along the west line of State Road No. 106, (Main Street); Thence South 39°09'51" East 552.73 feet along the west line of State Road No. 106, (Main Street); Thence northwesterly 40.04 feet along the arc of a 26.50 foot radius curve to the left, (center bears South 50°50'09" West and long chord bears North 82°26'45" West 36.34 feet, with a central angle of 86°33'49"); Thence southwesterly 33.70 feet along the arc of a 180.00 foot radius curve to the right, (center bears North 35°43'40" West and long chord bears South 59°38'10" West 33.65 feet, with a central angle of 10°43'40"); Thence South 65°00'00" West 62.51 feet; Thence southwesterly 23.48 feet along the arc of a 15.00 foot radius curve to the left, (center bears South 25°00'00" East and long chord bears South 20°09'07" West 21.16 feet, with a central angle of 89°41'47"); Thence Southeasterly 52.51 feet along the arc of a 174.00 foot radius curve to the right, (center bears South 65°18'13" West and long chord bears South 16°03'06" East 52.31 feet, with a central angle of 17°17'22"); Thence South 7°24'25" East 6.26 feet; Thence southeasterly 24.89 feet along the arc of a 30.00 foot radius curve to the left, (center bears North 82°35'35" East and long chord bears South 31°10'48" East 24.19 feet, with a central angle of 47°32'45"); Thence southeasterly 75.46 feet along the arc of a 50.00 foot radius curve to the right, (center bears South 35°02'50" West and long chord bears South 11°43'04" East 68.50 feet, with a central angle of 86°28'13"); Thence South 83°00'56" East 129.48 feet; Thence South 88°21'56" East 11.70 feet to the Northwest Corner of The Village at Old Farm P.U.D. - Phase 1; Thence South 117.53 feet along the west line to the Southwest Corner of The Village at Old Farm P.U.D. - Phase 1; Thence North 89°36'05" West 26.20 feet; Thence South 88°49'40" West 97.31 feet; Thence South 88°26'50" West 114.93 feet to the northerly line of Old Shepard Creek Subdivision; Thence North 89°34'01" West 287.17 feet along the north line to the Northwest Corner of Old Shepard Creek Subdivision, said point also being the Northeast Corner of Old Shepard Commons Subdivision; Thence North 89°34'01" West 512.92 feet along the north line of said Old Shepard Commons to the easterly line of State Road No. 89; Thence North 21°25'49" West 333.31 feet along the easterly line of State Road No. 89 to the point of beginning.

Contains 623,822 square feet, 14.321 acres, 69 units.

Exhibit C

Map of Development Area and Site Plan

(Replaces Exhibits A and C to the Declaration)

(see attached)

