

After recording, return to:

D.R. Horton, Inc.  
12351 S. Gateway Park Place  
Suite D-100  
Draper, UT 84020  
Attn: Boyd Martin

08-463-0301 to 0374

RETURNED  
JAN 26 2010

E 2508011 B 4948 P 882-884  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
01/26/2010 02:52 PM  
FEE \$88.00 Pgs: 3  
DEP CA REC'D FOR GARDNER BTS OLD F  
ARM LLC

**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 ("First Amendment") is made and entered into as of this \_\_\_ day of January, 2010, by and among [**Gardner BTS Old Farm, LLC a Utah limited liability company** ("Declarant"),] D.R. Horton, Inc., a Delaware corporation ("D.R. Horton").

**RECITALS**

- A. Declarant previously caused that certain Declaration of Covenants, Conditions, Restrictions and Easements for the Village at Old Farm to be recorded on December 31, 2007 as Document No. 2007 2331135 in the records of Davis County, Utah (the "Declaration").
- B. Pursuant to Section 12.02 of the Declaration, the Declaration may be amended at any time by an instrument executed by Owners representing at least seventy-five percent (75%) of the Units.
- C. D.R. Horton and [**Declarant**] collectively own more than seventy-five percent (75%) of the Units and desire to amend the Declaration as set forth below.
- D. Capitalized terms not otherwise defined in this First Amendment shall have the meaning given in the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 4.12 is hereby amended and restated as follows:

4.12 Fencing. All fencing installed in the Community shall be of vinyl material and shall be tan in color. All fencing installed on a lot containing a Detached Home Dwelling Unit shall be located within the building pad of such lot and shall not extend beyond the front of the Detached Home Dwelling Unit on

*\* The Village at Old Farm PUD Phase 3*

such lot. Each Owner (all of lots 301-369 and parcel A,B,C,D, and E) of a lot containing a Detached Home Dwelling Unit shall be obligated to maintain all fencing located on such lot and to maintain and irrigate (with a separate irrigation system) all landscaping enclosed within such fencing.

- 2. Except as expressly amended hereby, the Declaration remains in full force and effect.

IN WITNESS HEREOF, the undersigned hereby executed this document as of the date first set forth above.

**DECLARANT:**

**GARDNER BTS OLD FARM, LLC**  
a Utah limited liability company

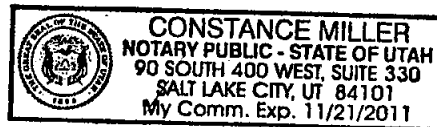
By: *Rulon Gardner*  
Rulon Gardner, Member

STATE OF UTAH                    )  
  ) ss.  
County of Salt Lake            )

The foregoing instrument was acknowledged before me this 25 day of January, 2010; by Rulon Gardner, Manager of Gardner BTS Old Farm, LLC, a Utah limited liability company, the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

My commission expires 11-21-2011 . Witness my hand and official seal.

*Constance Miller*  
Notary Public:



[Signatures Continued on Next Page]

**HORTON:**

**D.R. HORTON, INC.**  
a Delaware corporation

By: *Boyd A. Martin*  
Boyd A. Martin, VP and  
Division President

STATE OF UTAH Utah )  
County of Salt Lake Utah ) ss.

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of January, 2010, by Boyd A. Martin, VP and Division President of D.R. Horton, Inc., a Delaware corporation, the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

My commission expires 06/05/2013. Witness my hand and official seal.

*Debra Salas*  
Notary Public:

