

**When Recorded, Return to:**

Parr Brown Gee & Loveless  
Attention: Lamont R. Richardson  
185 S State St, Ste 800  
Salt Lake City, UT 84111-1549

E 2666777 B 5540 P 199-204  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
06/11/2012 11:50 AM  
FEE \$93.00 Pgs: 6  
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**JUN 11 2012**

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0375

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

This Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm ("**Amendment**") is entered into effective June 8, 2012, by **The Village at Old Farm Community Association**, a Utah nonprofit corporation company ("**Community Association**").

**BACKGROUND**

A. This Amendment is an amendment to that certain 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, as amended by that certain First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm recorded December 9, 2009 as Entry No. 2498593, in Book 4917, at Page 1140, as further amended by that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm recorded on December 16, 2009 as Entry No. 2500086, in Book 4922, at Page 814, as further amended by that certain First [sic] Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Village Old Farm recorded January 26, 2010 as Entry No. 2508011, in Book 4948, at Page 882 (collectively, the "**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. 75% of the Owners have voted to amend the Declaration as set forth in this Amendment.

D. Under Section 3.01 of the Declaration, consent of at least two-thirds of the Owners (other than Declarant) is needed for the Community Association to convey Common

Areas. At least two-thirds of the Owners (other than Declarant) have voted to allow the Community Association to convey the Withdrawn Property (as defined below).

E. Pursuant to that certain First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Old Farm dated December 7, 2009 and recorded on December 9, 2009 as Entry No. 2498593, in Book 4917, at Page 1140, the following property was removed from the Premises and is no longer subject to the Declaration (as amended):

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.

F. On or around April 20, 2010, Declarant conveyed a portion of the Premises to Mason Rental Properties, LLC (the "**Withdrawn Property**"), which property is further described on Exhibit A attached hereto and is adjacent to the property described in Recital E above.

G. The Withdrawn Property constitutes Common Area.

H. The Community Association desires to amend the Declaration to remove the Withdrawn Property from the Premises, such that the Withdrawn Property will no longer be subject to the Declaration (as amended).

In light of the foregoing, the Community Association hereby declares as follows:

#### AMENDMENT

1. **Withdrawn Property.** The Withdrawn Property, including all areas within the Withdrawn Property constituting Common Area or Limited Common Area, is hereby removed from the Development and is no longer subject to the Declaration (as amended).

2. **Legal Description.** Exhibit B attached hereto hereby replaces Exhibit B to the Declaration. To the extent the legal description differs from the site plan depicted on Exhibits A and C to the Declaration, the site plan is hereby modified to reflect the Withdrawn Property.

3. **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]*

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

**The Village at Old Farm Community Association,**  
a Utah nonprofit corporation

By: [Signature]

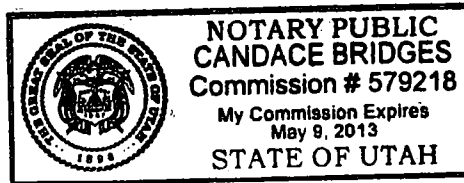
Name: Bernad VanSkiver

Title: President

State of Utah )  
County of DAVIS ) ss.

The foregoing instrument was acknowledged before me on June 08, 2012, by Bernad VanSkiver a Chair of The Village at Old Farm Community Association, a Utah nonprofit corporation.

[Signature]  
Notary Public



**Exhibit A**

**Legal Description of the Withdrawn Property**

A PORTION OF PARCEL E, THE VILLAGE AT OLD FARM PUD – PHASE 3, WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE VILLAGE AT OLD FARM PUD – PHASE 3, AND RUNNING THENCE NORTH 89°36'05" WEST 26.20 FEET ALONG THE SOUTH LINE OF THE VILLAGE AT OLD FARM PUD – PHASE 3; THENCE NORTH 06°09'12" EAST 118.58 FEET TO THE NORTH LINE OF THE VILLAGE AT OLD FARM PUD – PHASE 3; THENCE SOUTH 83°00'56" EAST 1.81 FEET ALONG THE NORTH LINE OF THE VILLAGE AT OLD FARM PUD – PHASE 3; THENCE SOUTH 88°21'56" EAST 11.70 FEET ALONG THE NORTH LINE TO THE NORTHEAST CORNER OF THE VILLAGE AT OLD FARM PUD – PHASE 3; THENCE SOUTH 117.53 FEET ALONG THE EAST LINE TO THE SOUTHEAST CORNER OF THE VILLAGE AT OLD FARM PUD – PHASE 3, BEING THE POINT OF BEGINNING.

## Exhibit B

### Legal Description of Premises

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.

### LESS AND EXCEPTING

A PORTION OF PARCEL E, THE VILLAGE AT OLD FARM PUD - PHASE 3, WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE VILLAGE AT OLD FARM PUD - PHASE 3, AND RUNNING THENCE NORTH 89°36'05" WEST 26.20 FEET ALONG THE SOUTH LINE OF THE VILLAGE AT OLD FARM PUD - PHASE 3; THENCE NORTH 06°09'12" EAST 118.58 FEET TO THE NORTH LINE OF THE VILLAGE AT OLD FARM PUD - PHASE 3; THENCE SOUTH 83°00'56" EAST 1.81 FEET ALONG THE NORTH LINE OF THE VILLAGE AT OLD FARM PUD - PHASE 3; THENCE

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