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AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
ROXBOROUGH PLANNED UNIT DEVELOPMENT

36
819
REF. 2
MAGNIE LAND TITLE CO.
SEP
Katie L. Dixon

SEP 28 3 21 PM '79
KATIE L. DIXON
RECORDER
SALT LAKE COUNTY,
UTAH

THIS AMENDMENT, made on the date hereinafter set forth, to amend the Declaration of Covenants, Conditions and Restrictions of Roxborough Planned Unit Development, dated the 13th day of September, 1978, and recorded the 8th day of May, 1979, Entry 3276203, Book 4858, Page 1101, Salt Lake County Recorder, Salt Lake County, Utah.

WHEREAS the above stated Declaration provides for the amendment thereof by an instrument signed by the owners of not less than ninety per cent of the lots recorded:

153883

WHEREAS Midwest Realty & Finance, a Utah corporation, Prize Homes, Inc., a Utah corporation, and Kappa Corp., a Colorado corporation, collectively own in excess of ninety percent of the lots recorded in Roxborough Planned Unit Development, Phase I, which description is as follows:

Beginning at a point which is N. 0° 08' 10" W. 2041.55 feet and N. 89° 51' 50" E. 1320.00 feet from the Southwest corner of Section 4, T. 2 S., R. 1 W., Salt Lake Base and Meridian, and running thence N. 0° 08' 10" W. 609.00 feet, thence N. 89° 51' 50" E. 659.13 feet, thence S. 0° 01' 27" E. 609.00 feet, thence S. 89° 51' 50" W. 657.94 feet to the point of beginning.

Now THEREFORE, the undersigned owners hereby amend the above stated Declaration with the following addendum:

ARTICLE II
PROPERTY RIGHTS

ADDENDUM:

Section 3. Encroachment. If any part of the Common Areas encroaches or shall hereafter encroach upon a Lot, or if any part of a Lot or improvements thereon encroaches or shall hereafter encroach upon the Common Areas, or upon an adjoining Lot, an easement for such encroachment and for the maintenance thereof shall and does exist. Such encroachment shall not be considered to be encumbrances either to the Common Areas or the Lots. Encroachments referred to herein include encroachments caused by error in the original construction of the buildings on the Properties, by error in

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the original plat thereof, by settling, rising or shifting of the earth, or by changes in position caused by repair or reconstruction of the project or any part thereof.

Section 4. Maintenance Easements. All easements on the official recorded plat of Roxborough P.U.D. of five feet in width, and parallel to adjoining Lots are established as maintenance easements exclusively for the adjoining owner thereof, or his agents, for the maintenance, repair, or replacement of any improvement located therein or accessible therefrom, during such reasonable hours as may be necessary. Within such easements, no structure, appurtenance, machinery, or materials of a combustible nature shall be placed excepting live plant materials or improvements placed therein by the Declarant, his agents or assigns.

Dated this 8th day of August, 1979.

Midwest Realty

By Jack L. Green

Prize Homes, Inc.

By [Signature]

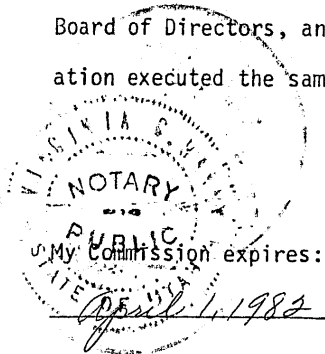
Kappa Corp.

By [Signature]

(seal)

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On this 8th day of August, 1979, personally appeared before me, JACK L. GREEN who, being by me duly sworn, did say that he is the Sec/Treas. of Midwest Realty & Finance, Inc., and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said Jack L. Green acknowledged to me that said corporation executed the same.

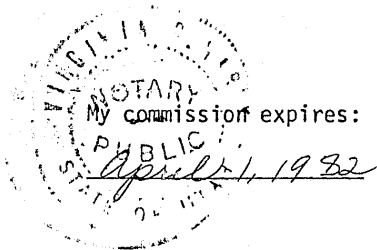


Virginia S. Harry
NOTARY PUBLIC

Residing in Salt Lake City, Utah

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

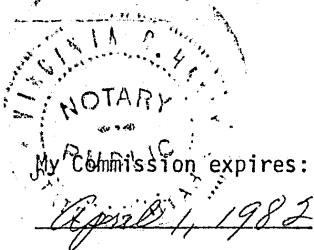
On this 24th day of August, 1979, personally appeared before me R. L. YERGENSEN, who being duly sworn, did say that he is the President of Prize Homes, Inc., and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said R. L. Yergensen acknowledged to me that said corporation executed the same.



Virginia S. Harry
NOTARY PUBLIC
Residing in Salt Lake City, Utah

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

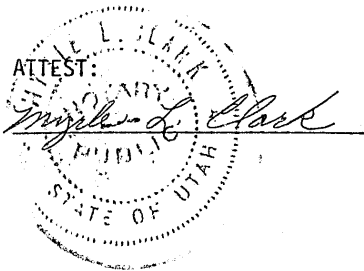
On this 8th day of August 1979, personally appeared before me T. L. LYNN, who being duly sworn, did say that he is the President of Kappa Corp., and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said T. L. Lynn acknowledged to me that said corporation executed the same.



Virginia S. Harry
NOTARY PUBLIC
Residing in Salt Lake City, Utah

Pursuant to the provisions of Article VI, Section 6, approval of this amendment is hereby granted by the Federal Housing Administration, Department of Housing and Urban Development.

Dated this 17th day of September, 1979.



HUD-FHA
By [Signature]
Title Supervisor