



W3385746

WHEN RECORDED MAIL TO:

Midtown Village Master Association
1351 S. Gateway Park Place #D100
Draper, Utah 84020
Attn: John Upchurch

E# 3385746 PG 1 OF 9
B. Rahimzadegan, WEBER COUNTY RECORDER
19-Sep-25 0340 PM FEE \$164.00 DEP JJ
REC FOR: COTTONWOOD TITLE INSURANCE AGENCY,
ELECTRONICALLY RECORDED

**FIRST AMENDMENT TO THE MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MIDTOWN VILLAGE**

SW

In Reference to Tax ID Number(s):

02-088-0001 through 02-088-0072, inclusive

COURTESY RECORDING ONLY

Cottonwood Title disclaims any
liability as to the condition of title
and as to the content, validity,
or effects of this document.

When Recorded Return To:

Midtown Village Master Owners Association
12351 South Gateway Park Place, Suite D-100
Draper, Utah 84020
Attention: John Upchurch

**FIRST AMENDMENT
TO THE MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
MIDTOWN VILLAGE**

THIS FIRST AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MIDTOWN VILLAGE (this “**First Amendment**”) is made as of September 19, 2025, by and between D.R. HORTON, INC., a Delaware corporation (“**Horton**”), MIDTOWN VILLAGE MASTER OWNERS ASSOCIATION, a Utah nonprofit corporation (the “**Master Association**”), HERITAGE LAND HOLDINGS, LLC, a Utah limited liability company (the “**Heritage**”), MIDTOWN VILLAGE TOWNHOMES OWNERS ASSOCIATION, a Utah nonprofit corporation (the “**Townhomes Association**”), and MIDTOWN VILLAGE MIXED-USE OWNERS ASSOCIATION, a Utah nonprofit corporation (the “**Mixed-Use Association**”). Horton, Heritage, the Master Association, the Townhomes Association and the Mixed-Use Association are sometimes referred to herein collectively as the “**Parties**” or separately as a “**Party**.”

RECITALS

A. On July 18, 2025, the Parties caused to be recorded as Entry No. 3377414 in the official records of the Office of the Recorder of Weber County, Utah (the “**Official Records**”), that certain Master Declaration of Covenants, Conditions and Restrictions for Midtown Village (the “**Original Master Declaration**”) pertaining to a master planned development known as Midtown Village located in Ogden City, Weber County, Utah. The real property comprising Midtown Village which is subject to the Original Master Declaration is described in **Exhibit A** attached hereto and incorporated herein by this reference (the “**Property**”).

B. Section 19 of the Original Master Declaration provides that the Parties shall have the right to amend the Original Master Declaration.

C. The Parties are executing and recording this First Amendment the purpose of amending certain provisions of the Original Master Declaration as hereinafter set forth.

FIRST AMENDMENT

NOW, THEREFORE, for the reasons recited above, the Parties hereby declare as follows:

1. Defined Terms. All defined terms as used in this First Amendment shall have the same meanings as those set forth in the Original Master Declaration, unless otherwise defined in this First Amendment.

2. Section 4(d) of the Master Declaration is hereby amended and restated in its entirety to read as follows:

(d) Located within the Property are approximately thirty-eight (38) parking spaces along the west side of the private road identified as 410 East (the “**West Parking Spaces**”). Notwithstanding any other provision in this Master Declaration to the contrary, the Parties hereby acknowledge and agree that thirteen (13) of the West Parking Spaces (the “**Mixed-Use Residential Spaces**”) shall be identified by the Mixed-Use Association from time to time exclusively for, and shall be restricted to the use thereof only by, the owners of the residential condominium units located within the Mixed-Use Building. The Mixed-Use Association shall be responsible to install, repair, maintain and replace from time to time signage identifying the location of the 13 Mixed-Use Residential Spaces and also any coverings desired by the Mixed-Use Association over the 13 Mixed-Use Residential Spaces. However, the asphalt surface of the parking area for all 13 Mixed-Use Residential Spaces shall constitute a part of the Shared Amenities. The remainder of the West Parking Spaces shall be restricted (the “**Restricted Parking Spaces**”), with appropriate signage installed by the Mixed-Use Association and by the Owner of the Commercial Building adjacent to the Restricted Parking Spaces, which signage shall provide notice that the Restricted Parking Spaces shall be available for use only by commercial tenants and commercial customers within Midtown Village on the days of Monday through Friday during the period beginning at 9:00 a.m. and ending at 5:00 p.m. on each such day. During all other hours, the Restricted Parking Spaces shall be available for use by the owners, tenants, guests and invitees of the Townhome Units, the Mixed-Use Building and the Commercial Building. Notwithstanding the limitations on the use of the Restricted Parking Spaces as provided in this Section 4(d), all of the Restricted Parking Spaces shall be deemed to be part of the Shared Amenities.

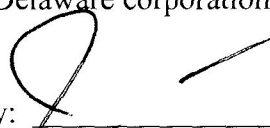
3. No Other Changes. Except as supplemented and amended by the provisions of this First Amendment, the Original Master Declaration shall remain unmodified and in full force and effect. The Original Master Declaration, as amended by this First Amendment, shall collectively be referred to as the “**Master Declaration.**”

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed by persons duly authorized to execute the same.

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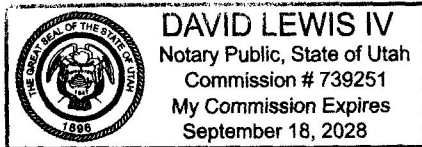
HORTON:

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

By: 
Name: Jonathan S. Thornley
Title: DVP of City operations
Date of Execution: September 18, 2025

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

The foregoing instrument was acknowledged before me this 18 day of September, 2025,
by Jonathan S. Thornley, in such person's capacity as the
DVP of City operations of D.R. HORTON, INC., a Delaware corporation.



David Lewis IV
NOTARY PUBLIC

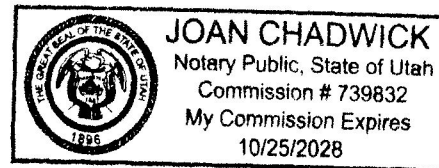
HERITAGE LAND HOLDINGS, LLC,
a Utah limited liability company

By: [Signature]
Name: L Boyd Carr
Title: CFO
Date of Execution: September 17, 2025

STATE OF UTAH)
COUNTY OF Box Elder) : ss.

The foregoing instrument was acknowledged before me this 17 day of September, 2025,
by L Boyd Carr in such person's capacity as the CFO of
HERITAGE LAND HOLDINGS, LLC, a Utah limited liability company.

[Signature]
Notary Public

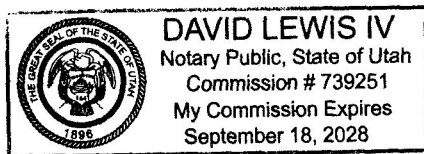


**MIDTOWN VILLAGE TOWNHOMES
OWNERS ASSOCIATION,**
a Utah nonprofit corporation

By: [Signature]
Name: John Upchurch
Title: President
Date of Execution: September 18, 2025

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

The foregoing instrument was acknowledged before me this 18 day of September, 2025,
by John Upchurch, in such person's capacity as the President of Midtown Village
Townhomes Owners Association, a Utah nonprofit corporation.



David Lewis IV
Notary Public

**MIDTOWN VILLAGE MIXED-USE OWNERS
ASSOCIATION,**

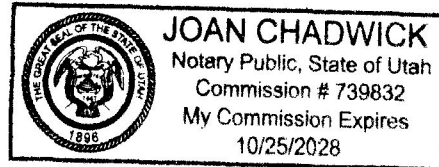
a Utah nonprofit corporation

By: [Signature]
Name: L Boyd Cook
Title: Board President
Date of Execution: September 17, 2025

STATE OF UTAH)
COUNTY OF Box Elder) : ss.

The foregoing instrument was acknowledged before me this 17 day of September, 2025 by L Boyd Cook, in such person's capacity as the CFO of MIDTOWN VILLAGE MIXED-USE OWNERS ASSOCIATION, a Utah nonprofit corporation.

[Signature]
Notary Public

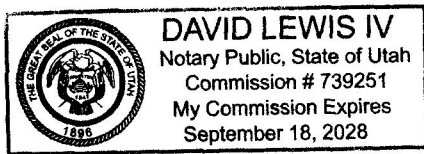


**MIDTOWN VILLAGE MASTER OWNERS
ASSOCIATION,**
a Utah nonprofit corporation

By: [Signature]
Name: John Upchurch
Title: President
Date of Execution: September 18, 2025

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

The foregoing instrument was acknowledged before me this 18 day of September, 2025
by John Upchurch, in such person's capacity as the President of MIDTOWN
VILLAGE MASTER OWNERS ASSOCIATION, a Utah nonprofit corporation.



David Lewis IV
Notary Public

**EXHIBIT A
TO
FIRST AMENDMENT TO THE MASTER
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
MIDTOWN VILLAGE**

Legal Description of the Property

The Property referenced in the Master Declaration consists of that certain real property located in Ogden City, Weber County, State of Utah, which is more particularly described as follows:

PART OF LOT 3, BLOCK 66, PLAT "C," OGDEN CITY SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 14TH STREET, SAID POINT BEING S00°58'00"W 29.70 FEET FROM THE NORTHEAST CORNER OF LOT 3, BLOCK 66, PLAT "C" AND SAID POINT ALSO BEING S00°58'00"W 21.30 FEET AND S89°02'00"E 66.00 FEET FROM A FOUND OGDEN CITY CENTERLINE MONUMENT IN THE INTERSECTION OF 14TH STREET AND WASHINGTON BOULEVARD (SAID MONUMENT BEING N00°58'00"E 540.39 FEET FROM A FOUND OGDEN CITY CENTERLINE MONUMENT IN THE INTERSECTION OF 15TH STREET AND WASHINGTON BOULEVARD); THENCE SOUTH 89°02'00" EAST 524.88 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 14TH STREET; THENCE SOUTH 00°40'31" WEST 128.98 FEET; THENCE SOUTH 01°45'58" WEST 109.89 FEET; THENCE SOUTH 00°32'45" EAST 59.94 FEET; THENCE SOUTH 01°02'47" WEST 93.16 FEET; THENCE NORTH 89°24'41" WEST 80.89 FEET; THENCE NORTH 87°51'09" WEST 81.41 FEET; THENCE SOUTH 87°57'31" WEST 34.19 FEET; THENCE SOUTH 00°31'31" WEST 21.17 FEET; THENCE NORTH 88°06'27" WEST 60.35 FEET; THENCE SOUTH 10°32'27" WEST 3.92 FEET; THENCE NORTH 88°50'25" WEST 268.20 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BOULEVARD; THENCE NORTH 00°58'00" EAST 415.75 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 213,601 SQUARE FEET OR 4.904 ACRES.