

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR WHEELER PARK PHASE TWO
LOTS 92-173**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR WHEELER PARK SUBDIVISION PHASE TWO ("First Amendment") is made and entered into as of the 14th day of July, 2009, by WHEELER PARK DEVELOPMENT, INC., a Utah corporation ("Declarant").

RECITALS:

A. Declarant recorded the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR WHEELER PARK SUBDIVISION PHASE TWO, dated as of February 14, 2008 ("Declaration"), and recorded that February 25, 2008 as Entry # 332318, Book 0960 Pages 1999-2012 in the official records of Wasatch County, Utah. The land subject to the Declaration is located in Wasatch County, State of Utah and is more fully described on Exhibit "A" attached hereto.

B. Declarant owns Lots 92-109, 111, 112, 114, 116, 118-122, 124-129, 130, 132-139, 141-147, 149-151, 154-159, and 161-173.

C. Pursuant to Section 6.02 of the Declaration, Declarant desires to amend the Declaration to revise architectural requirements.

D. Declarant desires to update its contact information.

AGREEMENT:

NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

1. **Definitions.** Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Declaration.

2. **Amendment to Declaration Text.** Declarant does hereby amend the Declaration to include the following revised sections as if originally included in the Declaration:

2.1 Section 4.16(b) – the roof pitches must be within a range of 6/12 to a 12/12 slope.

2.2 Section 4.16(e) is hereby deleted and replaced with the following provision:

(e) House Size Requirements:

1) All ramblers must have a minimum on 1200 Sq. Ft. on the main floor;

2) All 2 story homes must have a minimum on 1000 Sq. Ft. on the main with a combined sq footage on the main and upper floors of 2000 Sq. Ft.

3) Split level homes must have a minimum of 1400 Sq. Ft. on the upper two levels.

2.3 Section 4.16(g) total minimum shall be 400 Sq. Ft.

3. The address for purposes of communication with the Declarant in Section 4.17 is as follows:

WHEELER PARK DEVELOPMENT, INC.
P.O. Box 185
Orem, Utah 84059
Attn: Michael Bingham

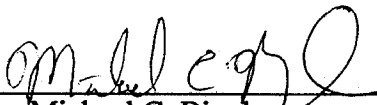
4. Survival of Remaining Terms of Declaration. Except as specifically amended herein, the Declaration and all of its terms and provisions remains in full force and effect.

5. Effective Date. This First Amendment shall be effective as of the date of recording in Wasatch County, Utah, of an original of this First Amendment properly executed and acknowledged hereto.

EXECUTED as of the date first set forth above.

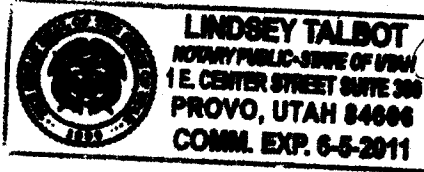
DECLARANT:

WHEELER PARK DEVELOPMENT, INC., a Utah corporation

By: 
Name: Michael C. Bingham
Title: CFO/Vice President

STATE OF UTAH)
)
:SS.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 15 day of July, 2009, by Michael C. Bingham, the CFO/Vice President of Wheeler Park Development, Inc., a Utah corporation.



Lindsey Talbot
NOTARY PUBLIC

Residing At: *Provo, Utah*

EXHIBIT A

[Legal Description of Property]

PHASE TWO:

ALL OF LOTS 92 THROUGH 173, WHEELER PARK SUBDIVISION PHASE 2, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

Tax Serial Numbers:	OWH-2-123	OWH-2-155
OWH-2-92	OWH-2-124	OWH-2-156
OWH-2-93	OWH-2-125	OWH-2-157
OWH-2-94	OWH-2-126	OWH-2-158
OWH-2-95	OWH-2-127	OWH-2-159
OWH-2-96	OWH-2-128	OWH-2-160
OWH-2-97	OWH-2-129	OWH-2-161
OWH-2-98	OWH-2-130	OWH-2-162
OWH-2-99	OWH-2-131	OWH-2-163
OWH-2-100	OWH-2-132	OWH-2-164
OWH-2-101	OWH-2-133	OWH-2-165
OWH-2-102	OWH-2-134	OWH-2-166
OWH-2-103	OWH-2-135	OWH-2-167
OWH-2-104	OWH-2-136	OWH-2-168
OWH-2-105	OWH-2-137	OWH-2-169
OWH-2-106	OWH-2-138	OWH-2-170
OWH-2-107	OWH-2-139	OWH-2-171
OWH-2-108	OWH-2-140	OWH-2-172
OWH-2-109	OWH-2-141	OWH-2-173
OWH-2-110	OWH-2-142	
OWH-2-111	OWH-2-143	
OWH-2-112	OWH-2-144	
OWH-2-113	OWH-2-145	
OWH-2-114	OWH-2-146	
OWH-2-115	OWH-2-147	
OWH-2-116	OWH-2-148	
OWH-2-117	OWH-2-149	
OWH-2-118	OWH-2-150	
OWH-2-119	OWH-2-151	
OWH-2-120	OWH-2-152	
OWH-2-121	OWH-2-153	
OWH-2-122	OWH-2-154	