

When Recorded, Please Return To:

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Heber City, Utah 84032

Ent 394388 Bk 1091 Pg 1001-1004
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Fee: \$25.00 Check Filed By: JP
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: WITT RUSS

Space above for Recorder's use

**FIRST AMENDMENT
TO
DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAST STAND SUBDIVISION**

This First Amendment to Declaration of Protective Easements, Covenants, Conditions and Restrictions for Last Stand Subdivision ("Amendment") is made this ____ day of October, 2013, by Russ Witt ("Declarant"), as the developer of Last Stand Subdivision, a residential subdivision located in Heber City, Wasatch County, State of Utah (the "Property"), the legal description of which is set forth on Exhibit "A" attached hereto.

Recitals

A. WHEREAS, The Property is subject to certain protective easements, covenants, conditions and restrictions, all of which arise under that certain Declaration of Protective Easements, Covenants, Conditions and Restrictions [for] Last Stand Subdivision recorded in the office of the Wasatch County Recorder as Entry No. 338068 in Book 971 at Page 130 on July 15, 2008 (the "Covenants"); and

B. WHEREAS, Declarant is developer of the Property and currently the owner of record of eight of the ten lots of the subdivision; and

C. WHEREAS, Section 3.4 of the Covenants provides that until at least seven of the lots in the subdivision have been conveyed by Declarant, Declarant alone shall have the right to amend the Covenants; and

D. WHEREAS, Declarant has determined that an amendment of the Covenants is

necessary and proper for the further development of the Property and to enhance and protect the Property's value, desirability, and attractiveness;

Amendment

NOW, THEREFORE, the Covenants are hereby amended and the following terms are incorporated into the Covenants:

1. **Section 1.4.3** is amended and restated in its entirety as follows:

1.4.3 Exterior and Roof Materials. All exterior colors and construction material must be pre-approved by the ALC. Exterior construction materials shall be stone, brick, stucco, natural wood siding, wood shingles, composite/concrete siding, or composite/concrete shingles. Vinyl siding or aluminum siding shall not be permitted. The ALC will, in its sole discretion, determine whether the color, quality and aesthetic value of any proposed exterior construction materials are appropriate and in harmony with existing structures in the subdivision. The ALC may, in its sole discretion, designate additional specific exterior materials requirements.

2. **Section 1.4.6** is added as follows:

1.4.6 Height and Finished Floor Elevation. The height of any dwelling shall not exceed two stories above ground. The finished floor elevation is subject to the written approval of the ALC and any restrictions that the ALC may impose. With respect to finished floor elevation approval, the ALC may consider any factor it determines that, in its sole discretion, will further the Property's value, desirability, and attractiveness, including without limitation: aesthetic effect of proposed finished floor elevation, the harmony of the dwelling's resulting roofline with the rooflines of other dwellings, the natural contours of the lot, lot drainage as it relates to surrounding lots, and the height of exposed foundation walls.

3. **Section 1.5** is amended and restated in its entirety as follows:

1.5 Landscape Plans. As part of the submission to the ALC of plans and specifications for improvements to be constructed on any lot, there shall be a landscape plan which shall include plans for sprinkler, drainage of surface water, and details of fencing. Chain link fencing shall not be permitted. Natural wood, vinyl, or pre-cast concrete fencing is permitted.

To the extent that the terms of this Amendment modify or conflict with any provisions of the Covenants, these terms shall control. All other terms of the Covenants not modified by this Amendment shall remain the same.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed as of the day and year first above written.

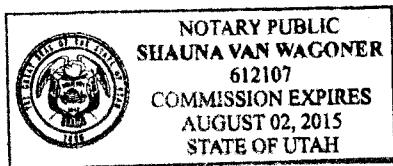
RUSS WITT

By: J. Russell Witt
J. Russell Witt

ACKNOWLEDGEMENT

STATE OF UTAH)
)
) SS:
COUNTY OF WASATCH)

On the 1st day of October, 2013, personally appeared before me J. Russell Witt, who being by me duly sworn did acknowledge to me he executed to foregoing document.



Shauna Van Wagoner
Notary Public

Exhibit A
to
First Amendment of Declaration of Protective Easements,
Covenants, Conditions and Restrictions
Last Stand Subdivision

All of Lots 1 through 10 of Last Stand Subdivision, Plat A, as recorded in the office of the Wasatch County Recorder, Wasatch County, Utah.