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WHEN RECORDED, RETURN TO:

ALTA DEVELOPMENT COMPANY  
411 EAST 100 SOUTH  
SALT LAKE CITY, UTAH 84111

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28 NOVEMBER 89 02:52 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
METRO NATIONAL TITLE  
REC BY: DOROTHY SINFIELD, DEPUTY

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF THE FALLS AT SUGARPLUM, FORMERLY  
KNOWN AS COTTONWOOD CREEK SUBDIVISION

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE FALLS AT SUGARPLUM, FORMERLY KNOWN AS COTTONWOOD CREEK SUBDIVISION is executed pursuant to the original Declaration this 21<sup>ST</sup> day of November, 1989 by ALTA DEVELOPMENT COMPANY, a Utah corporation; and JAMES O. PACK CONSTRUCTION, INC. (hereinafter collectively referred to as "Sole Owners").

RECITALS

A. The original Declarant, Plumb Investment Company, has heretofore filed for record on October 1, 1987, a Declaration of Covenants, Conditions and Restrictions of Cottonwood Creek Subdivision ("Declaration") with the Salt Lake County Recorder, as Entry No. 4531664, Book 5967, Pages 1360-1374, together with a Survey Map or Plat, recorded as Entry No. 4531663, Book 87-10 of Plats, Page 123.

B. Alta Development Company is the purchaser of and successor in interest to all right, title and interest of Plumb Investment Company in and to the real property subject of the Declaration, and together with James O. Pack Construction, Inc., is the sole owner of such property.

C. On June 22, 1989, the First Amendment to Declaration of Covenants, Conditions and Restrictions of Cottonwood Creek Subdivision ("First Amendment") was filed for record with the Salt Lake County Recorder as Entry No. 4791557, Book 6137, Pages 2794-2795, changing the name of the subdivision to The Falls at Sugarplum.

D. Pursuant to the provisions of Section 23 of the Declaration, the Sole Owners desire to amend the Declaration, as authorized by resolutions of their Board of Directors.

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DECLARATION

1. Paragraph 3 on page 3 of the Declaration is hereby amended to read as follows:

"3. LAND USE AND BUILDING TYPE. No lot shall be used except for single-family residential and related purposes. No building shall be erected, altered, or permitted to remain on any lot other than one detached single-family dwelling not to exceed thirty-five (35) feet in height, a private garage for not more than three (3) vehicles, and such accessory buildings as may be approved by the Architectural and Structural Control Committee. Nothing contained herein, however, shall be construed to prevent a lot owner from leasing or renting any such single-family dwelling. The Architectural and Structural Control Committee shall have the power to further limit the number of stories and the height of structures as to all lots in its sole and exclusive discretion based upon, among other things, any recommendations of the Town with regard to avalanche concerns. Every detached single-family dwelling, exclusive of garages and open porches, erected on any of the above described residential lots shall have a minimum area above the ground of 1,500 square feet for a single level residence, and 1,000 square feet for each floor for a multi-level residence. Garages shall be required rather than carports. All construction shall be of new materials. Such accessory buildings as are approved by the Architectural and Structural Control Committee may also be permitted."

2. Paragraph 14.C.1. on page 9 of the Declaration is hereby amended to read as follows:

"1. Harmony in Building. The exterior material of all homes shall be either, wood, stucco, brick, stone or concrete. The roofing materials shall be either composition shingles, tile roofs, gravel roofs, concrete or approved metals. All exterior building materials shall be approved by the Town Fire Marshall and building officials."


3. Paragraph 14.C.3 on page 10 of the Declaration is hereby amended to read as follows:

"3. Color Harmony. Exterior colors must be approved by the Committee in order that harmony with the surrounding environment and with existing homes may be assured. The use of natural earth tones shall be encouraged, along with the use of wood and stone as materials."

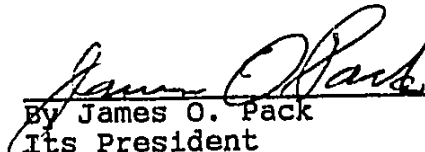
4. All other covenants, conditions, restrictions or terms of the original Declaration and the First Amendment thereto shall remain in full force and effect unless modified herein.

DATED the year and day first above written.

ALTA DEVELOPMENT COMPANY

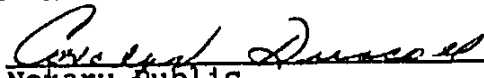
  
 By Walter J. Plumb, III  
 Its President

JAMES O. PACK CONSTRUCTION, INC.

  
 By James O. Pack  
 Its President

STATE OF UTAH )  
 ) : SS  
 COUNTY OF SALT LAKE )

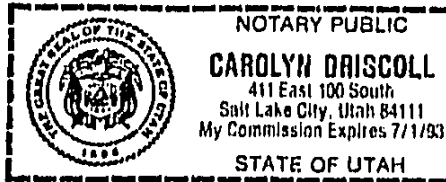
On this 21st day of November, 1989, personally appeared before me Walter J. Plumb, III, who being by me duly sworn, did say that he is the President of Alta Development Company, a Utah corporation, and the foregoing instrument was signed in behalf of such corporation by authority of a resolution of its Board of Directors, and the corporation executed the same.

My Commission Expires:   
 Notary Public

July 1, 1993

Residing In: Salt Lake City, Utah

STATE OF UTAH )  
 ) : SS  
 COUNTY OF SALT LAKE )



On this 24th day of November, 1989, personally appeared before me James O. Pack, who being by me duly sworn, did say that he is the President of James O. Pack Construction, Inc., a Utah corporation, and the foregoing instrument was signed in behalf of

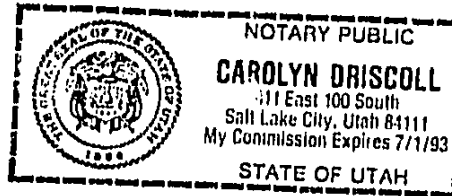
such corporation by authority of a resolution of its Board of Directors, and the corporation executed the same.

My Commission Expires:

July 1, 1993

Carolyn Driscoll  
Notary Public

Residing In: Salt Lake City, Utah



800/6178 ext 2657