

**FIRST AMENDMENT TO SUBDIVISION AGREEMENT AND COVENANT RUNNING  
WITH THE LAND. (HEBER MEADOWS SUBDIVISION)  
NORTH**

**THIS FIRST AMENDMENT TO THE SUBDIVISION AGREEMENT AND  
COVENANT RUNNING WITH THE LAND** (this "Amendment") is made and entered into  
effective the 11 day of AUGUST 2020, by and between Heber City, hereinafter referred  
to as "City" and the undersigned as "Developer(s)."

**RECITALS:**

A. The City and Developer(s) have previously entered into a certain  
Subdivision Agreement and Covenant Running with the Land that was recorded against the  
property on July 20<sup>th</sup> day of July 2020 via entry number 481203 in the office of the county  
recorder for Wasatch County Utah.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements of the  
parties, and other good and valuable consideration, the receipt and adequacy of which is hereby  
acknowledged, the parties agree to amend the Subdivision Agreement and Covenant running  
with the land as follows:

1. Correction. Paragraph 6 of the subdivision agreement is hereby changed

**From:**

*Developer will install a 8-foot Privacy wall, approved by the City, between Commercial  
Parcel A and Residential Lots 10-15 and Lots 41 and 42 along the Mill Road Frontage  
and Portions of 2680 South and 2740 South Parcel A Wall will be required at the time  
of the Commercial parcel Development.*

**TO:**

*Developer will install a 8-foot Privacy wall, approved by the City, between Commercial  
Parcel A and Residential Lots 10-15 and Lots 40, and Twin Home Lots 3 and 4" along  
the Mill Road Frontage and Portions of 2680 South and 2740 South. Parcel A wall  
will be required at the time of the Commercial parcel Development.*

2. Force and Effect. Except as set forth in this Amendment, the terms and  
conditions of the Purchase Agreement shall remain unchanged and in full force and effect.

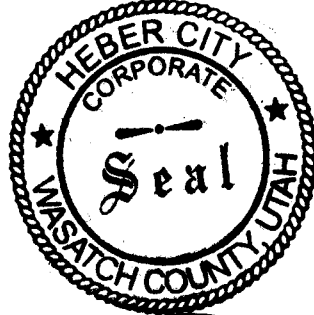
**IN WITNESS WHEREOF**, the undersigned have executed this Amendment as of the  
date and year set forth below their respective signatures.

HEBER CITY:

By: Kelleen Potter  
Kelleen Potter, Mayor

ATTEST:

Prima N. Cooke  
Heber City Recorder

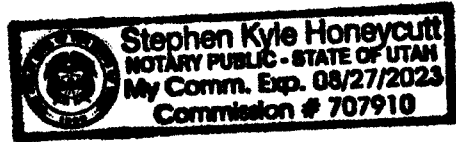


DEVELOPER / OWNER:

OWNER, [Signature]

By: [Signature]  
Name: Dave Nelson  
Title: Manager

STATE OF UTAH )  
                  :SS  
COUNTY OF WASATCH )



On this 5<sup>th</sup> day of August, 2020, personally appeared before me the above named owner, who duly acknowledged to me that he is one of the owners in fee and executed the same as such.

[Signature]  
NOTARY PUBLIC

**DEVELOPER / OWNER:**

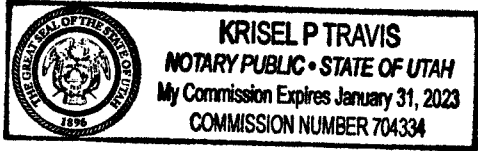
OWNER, DR Horton, Inc.

By: [Signature]  
Name: Adam R. Loser  
Title: Vice President

STATE OF UTAH )  
                  :SS  
COUNTY OF ~~WASATCH~~ )  
                  Salt Lake

On this 7 day of August, 2020, personally appeared before me the above named owner, who duly acknowledged to me that he is one of the owners in fee and executed the same as such.

[Signature]  
NOTARY PUBLIC



**EXHIBIT A: LEGAL DESCRIPTION**

**Heber Meadows North Legal Description**

**AS-SURVEYED DESCRIPTION:**

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 40, SAID POINT BEING SOUTH 538.36 FEET AND WEST 455.88 FEET FROM THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 37°52'23" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 665.26 FEET TO THE WEST RIGHT-OF-WAY LINE OF MILL ROAD; THENCE SOUTH 00°20'45" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 566.76 FEET TO THE NORTHEAST CORNER OF LOT 54, HEBER MEADOWS SUBDIVISION PHASE 1 SECOND AMENDMENT TO HEBER MEADOWS; THENCE SOUTH 89°39'15" WEST ALONG THE NORTH LINE OF SAID HEBER MEADOWS SUBDIVISION PHASE 1 SECOND AMENDMENT TO HEBER MEADOWS 498.54 FEET TO THE SOUTHEAST CORNER OF LOT 17, HEBER MEADOWS SUBDIVISION PHASE 2; THENCE NORTH 00°28'05" WEST 279.84 FEET ALONG THE EAST LINE OF SAID HEBER MEADOWS SUBDIVISION PHASE 2; THENCE WEST ALONG THE NORTH LINE OF SAID HEBER MEADOWS SUBDIVISION PHASE 2, A DISTANCE OF 860.36 FEET TO THE EAST LINE OF DANIEL ESTATES; THENCE NORTH 00°12'55" EAST ALONG A PORTION OF SAID EAST LINE OF DANIEL ESTATES 728.80 FEET; THENCE EAST 836.17 FEET; THENCE NORTH 52°00'06" EAST 140.14 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,060,382.09 SQ/FT OR 24.34 ACRES

