

When Recorded Return To:  
Duck Creek Homeowners Association  
PO Box 5555  
Draper, UT 84020

ENT 51665:2012 PG 1 of 6  
Jeffery Smith  
Utah County Recorder  
2012 Jun 21 03:07 PM FEE 89.00 BY SS  
RECORDED FOR Jeffs and Jeffs, P.C.  
ELECTRONICALLY RECORDED

37:239:0001 to 37:239:0070 LOT 1 to 70, PLAT A, DUCK CREEK ESTATES SUBDV.

## FIRST AMENDMENT

to the

## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for

## DUCK CREEK ESTATES SUBDIVISION

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When Recorded Return To:  
Duck Creek Homeowners Association  
PO Box 5555  
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FIRST AMENDMENT  
TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
DUCK CREEK ESTATES SUBDIVISION

- 37:239:0001 LOT 1, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0002 LOT 2, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0003 LOT 3, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0004 LOT 4, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0005 LOT 5, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0006 LOT 6, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0007 LOT 7, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0008 LOT 8, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0009 LOT 9, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0010 LOT 10, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0011 LOT 11, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0012 LOT 12, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0013 LOT 13, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0014 LOT 14, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0015 LOT 15, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0016 LOT 16, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0017 LOT 17, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0018 LOT 18, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0019 LOT 19, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0020 LOT 20, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0021 LOT 21, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0022 LOT 22, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0023 LOT 23, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0024 LOT 24, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0025 LOT 25, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0026 LOT 26, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0027 LOT 27, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0028 LOT 28, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0029 LOT 29, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0030 LOT 30, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0031 LOT 31, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0032 LOT 32, PLAT A, DUCK CREEK ESTATES SUBDV.
- 37:239:0033 LOT 33, PLAT A, DUCK CREEK ESTATES SUBDV.

37:239:0034 LOT 34, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0035 LOT 35, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0036 LOT 36, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0037 LOT 37, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0038 LOT 38, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0039 LOT 39, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0040 LOT 40, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0041 LOT 41, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0042 LOT 42, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0043 LOT 43, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0044 LOT 44, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0045 LOT 45, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0046 LOT 46, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0047 LOT 47, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0048 LOT 48, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0049 LOT 49, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0050 LOT 50, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0051 LOT 51, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0052 LOT 52, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0053 LOT 53, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0054 LOT 54, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0055 LOT 55, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0056 LOT 56, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0057 LOT 57, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0058 LOT 58, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0059 LOT 59, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0060 LOT 60, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0061 LOT 61, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0062 LOT 62, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0063 LOT 63, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0064 LOT 64, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0065 LOT 65, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0066 LOT 66, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0067 LOT 67, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0068 LOT 68, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0069 LOT 69, PLAT A, DUCK CREEK ESTATES SUBDV.  
37:239:0070 LOT 70, PLAT A, DUCK CREEK ESTATES SUBDV.

FIRST AMENDMENT  
TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
DUCK CREEK ESTATES SUBDIVISION

THIS AMENDMENT (the "Amendment") is made this 18<sup>th</sup> day of June, 2012, by the Duck Creek Homeowners Association Inc ("Association") on behalf of the owners of lots in Duck Creek Subdivision.

RECITALS

A. As part of the development of Duck Creek Estates Subdivision (the "Subdivision"), the developer caused to be filed with the Utah County Recorder a declaration of covenants, conditions and restrictions ("Declaration"). The Declaration was recorded on December 12, 2005 as Entry No. 142914:2005.

B. As part of the development scheme of the Subdivision and as set forth in section 4.01 of the Declaration, the developer intended that only certain lots would hold membership in the Association.

C. Confusion has arisen as to which lot owners are members of the Association.

D. To clarify which lot owners are members of the Association and in accordance with Sections 14.02 and 14.03 of the Declaration, the undersigned hereby gives notice that the Declaration has been amended as set for hereinafter.

NOW THEREFORE in accordance with Sections 14.02 and 14.03 of the Declaration, the undersigned hereby makes the following amendments to the Declaration:

1. Voting For Amendment. Following the procedures established in Sections 14.02 and 14.03 of the Declaration, written consents by at least 67% of the Owners approving this Amendment, and authorizing the President and Secretary of the Association to sign this Amendment, have been gathered and are on file with the Association records.

2. New Section 2.17—Townhome Lots. Townhome Lot shall mean and refer to any of the following lots in the Subdivision located in Utah County, State of Utah:

Lots 33 through 62, Plat "A", DUCK CREEK ESTATES  
SUBDIVISION, according to the official plat thereof on file and of  
record in the office of the Utah County Recorder.

3. New Section 2.18—Townhome Owner. Townhome owner shall mean and refer to any person who is the owner of record (as reflected by the records in the office

of the County Recorder of Utah County, Utah) of a fee or undivided fee interest in any Townhome Lot, and any contract purchaser of any Townhome Lot. Notwithstanding any applicable theory relating to mortgages, no Mortgagee nor any trustee or beneficiary of a deed of trust or trust deed shall be deemed an owner unless such party acquires fee title pursuant to foreclosure or sale or conveyance in lieu thereof of a Townhome Lot.

4. Change of Owner to Townhome Owner in Certain Sections and Articles. All references to owner or owners in Sections 2.02, 2.05, 2.15, 6.02, 6.03, 7.06, 8.01, 8.03 through 8.05, and 9.06, 13.02 through 13.04, and 14.01 and in Articles IV and V and VII and XI and XII are hereby changed to Townhome Owner or Townhome owners.
5. Change of Lot to Townhome Lot in Certain Sections and Articles. All references to Lot or Lots in Sections 2.02, 2.05, 2.15, 6.02, 6.03, 7.06, 8.01, 8.03 through 8.06, and 9.01, 13.02 through 13.04, and in Articles IV and V and VII and XI and XII are hereby changed to Townhome Lot or Townhome Lots.
6. Amendment to Section 8.02—Form of Conveyancing. Any deed, lease, mortgage, deed of trust, purchase contract or other instrument conveying or encumbering title to a Lot may describe the interest or estate involved as follows:

Lot \_\_\_\_, Plat "A", Duck Creek Estates Subdivision, according to the official plat thereof on file and of record in the office of the Utah County Recorder.

All provisions of this Declaration shall be binding upon and shall inure to the benefit of any party who acquires any interest in a Lot even if the description employed in any such transfer instrument is not in the above specified form. Whether mentioned or not, the interest in the Common Areas associated with any Townhome Lot shall transfer automatically to the grantee on a conveyance that describes the Townhome Lot.

7. Voting Rights and Procedures. Notwithstanding anything to the contrary in this Amendment, all owners shall have the right to vote upon non-Association decisions affecting the Subdivision. Voting and amendment procedures established in the Declaration shall be followed.
7. Modification to Article V. Whenever the word "Property" appears in Article V it is hereby changed to Townhome Lots.
9. Modification to Section 2.05. Section 2.05 is hereby amended to read as follows:

Common Areas shall mean all of the land described in Section 4.01, except the Townhome Lots, and shall include all property (including the Rigtrip Property defined in Section 2.16) managed by the Association for the common use and

enjoyment of the Townhome Lot Owners who are members of the Association. The Common Areas shall include such as all private, undedicated roadways, driveways, parking, undedicated sidewalks, open spaces, together with all easements appurtenant thereto, as reflected on the applicable Plats.

- 10. Enforceability. The Lots shall be held, transferred, sold, conveyed, and occupied, subject to the provisions of the Declaration and this Amendment. Except for this Amendment, there are no other changes to the Declaration.

IN WITNESS WHEREOF, the undersigned have executed this Declaration the day and year first above written.

DUCK CREEK HOMEOWNERS ASSOCIATION, INC.

Attest:

By Brooke Jensen  
Name Brooke Jensen  
Its Secretary

By [Signature]  
Name JASON WATERS  
Its President

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 18 day of June, 2012, by Brooke Jensen and Jason Waters, the President and Secretary respectively of Duck Creek Homeowners Association, Inc.

My Commission Expires: 11-18-13  
Notary Public Cristy Reeves  
Residing at: Orem, UT

