

AMENDMENT TO PROTECTIVE COVENANTS FOR RLINGTON HEIGHTS

THIS AMENDMENT TO THE PROTECTIVE COVENANTS of Rlington Heights is made pursuant to Section 5.2, and executed this 11th day of FEBRUARY, 1997, AND AMENDS THE PROTECTIVE COVENANTS OF RLINGTON HEIGHTS, recorded on the 30th day of JULY, 1996, as Entry No. 539483, in Book 1022, at Pages 277-305 et seq., records of Washington County, and any amendments thereto, and affects the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

Section 2.4, Subparagraph (b) shall be amended in its entirety to read as follows:

- (b) Commencement of Construction. The construction of the dwelling unit on any Lot shall be commenced within five (5) years after sale of a Lot by developer to a third-party. No external construction shall take place on Sundays or between the hours of 8:00 p.m. and 5:00 a.m. CARE AND MAINTENANCE OF THE LOT, in accordance with Section 1.3 will be required until commencement of construction of the dwelling unit on any Lot.

Section 2.4, Subparagraph (c) shall be amended in its entirety to read as follows:

- (c) Completion of Construction. The construction of any building on any portion of the Property shall be continuously and diligently pursued from and after the commencement of such construction, and in any event shall be substantially completed within eighteen (18) months after such commencement.

Section 2.4, Subparagraph (e) shall be amended in its entirety to read as follows:

- (e) Landscaping. Within two (2) years after sale of a Lot by Developer to a third-party, if construction of a dwelling has not yet commenced, the owner of such Lot must have substantially completed the landscaping of the entire frontage of such Lot to a depth of 30 feet, in accordance with the Landscape Plan submitted to and approved by the Architectural Control Committee. Within six (6) months after the completion of construction of any home upon a Lot, the owner of such Lot must have substantially completed the landscaping of such Lot, in accordance with the Landscape Plan submitted to and approved by the Architectural Control Committee.

Section 4.3, shall be amended in its entirety to read as follows:

4.3 **MAXIMUM ANNUAL ASSESSMENT** The Trustees may establish a maximum annual assessment per Lot. Said maximum annual assessment can be increased each year by five percent (5%) above the maximum assessment for the previous year, upon a vote of the membership. The Association may change the basis and maximum of the assessments fixed by this Section prospectively for any annual period provided that any such change shall have the assent of sixty percent (60%) of

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FOR: SOUTHERN UTAH TITLE CO

the votes of members, voting in person or by proxy, at a meeting duly called for this purpose.

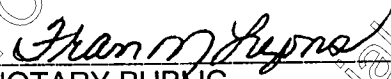
IN WITNESS WHEREOF, the undersigned has hereunto executed this document this 11th day of FEBRUARY 1997.

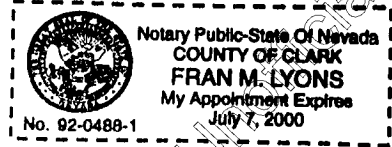
DEVELOPER:
L AND S LIMITED PARTNERSHIP,
a Nevada limited partnership

By 
Robert L. Mendenhall
General Partner

STATE OF NEVADA
COUNTY OF CLARK) ss.

On this 11th day of February, 1997, before me personally appeared Robert L. Mendenhall, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is a general partner of L and S Limited Partnership, a limited partnership and that the foregoing document was signed by him on behalf of that partnership by proper authority and he acknowledged before me that the partnership executed the document and the document was the act of the partnership for its stated purpose.


NOTARY PUBLIC
Address: 4420 So. Decatur Blvd. Las Vegas, NV
My Commission Expires: July 7, 2000



Data: M.Mendenhall 860501:FLINGTON HTS.sambows 020597 860501 dc.doc

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EXHIBIT A

TRACT OF RLINGTON HEIGHTS PHASE 1

ALL THAT PARCEL OF LAND LOCATED IN SECTION 32, T.41S., R.13W., SALT LAKE BASE AND MERIDIAN, WASHINGTON COUNTY, UTAH DESCRIBED AS: BEGINNING ON THE SOUTH LINE OF AND 304.56 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 32 THENCE THE FOLLOWING 10 COURSES:

1. N.89°46'45"W., ALONG SAID SOUTH LINE 1279.09 FEET;
2. N.00°13'03"E., 1572.13 FEET;
3. S.89°43'39"E., 697.21 FEET;
4. S.89°08'57"E., 174.38 FEET;
5. N.34°50'09"E., 293.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 34°23'56", A RADIUS OF 270.00 FEET AND A RADIAL BEARING OF N.55°09'51"W.;
6. ALONG THE LAST NAMED CURVE NORTHEASTERLY AN ARC DISTANCE OF 162.10 FEET TO A POINT OF TANGENCY;
7. N.00°26'13"E., 31.04 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 90°33'49", A RADIUS OF 25.00 FEET AND A RADIAL BEARING OF N.89°33'47"W.;
8. ALONG THE NAMED CURVE NORTHWESTERLY 39.52 FEET TO THE SOUTH RIGHT-OF-WAY OF UTAH STATE HIGHWAY U9 AND A POINT OF CUSP;
9. ALONG SAID SOUTH RIGHT-OF-WAY N.89°52'24"E., 210.94 FEET;
10. S.00°01'07"W., 2021.00 FEET TO THE POINT OF BEGINNING.

CONTAINS APPROXIMATELY 48.75 ACRES.
THIS DESCRIPTION IS BASED UPON A FIELD SURVEY.
END OF DESCRIPTION.

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