

**AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF
SPYGLASS HILL ESTATES**

THIS AMENDMENT TO THE DECLARATION of Covenants Conditions and Restrictions of Spyglass Hill Estates is made pursuant to Article X, Section 4, and executed this _____ day of _____, 1998, AND AMENDS THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF SPYGLASS HILL ESTATES, recorded April 1, 1996, as Entry No. 528143, in Book 988, at Pages 756 et seq., records of Washington County, and any amendments thereto, and affects the following described property:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 1400 EAST STREET, AND THE NORTHERLY BOUNDARY LINE OF THE TAMARACK RIDGE ESTATES PHASE NO. 2 BOTH BEING RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE SAID POINT BEING S 89° 56' 10" W 1321.545 FEET ALONG THE SECTION LINE AND N 00° 07' 58" W 1166.988 FEET ALONG THE 1/16 LINE AND N 79° 25' 44" W 115.29 FEET FROM THE SOUTHEAST CORNER OF SECTION 5 (BRASS CAP), TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND 1400 EAST STREET, SAID CURVE HAVING A RADIUS OF 469.00 FEET, ARC LENGTH OF 272.965 FEET, A CHORD BEARING OF N 29° 48' 32" E, AND A CHORD LENGTH OF 269.13 FEET TO THE SOUTHERLY BOUNDARY LINE OF FALCON POINT SUBDIVISION AS RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE; THENCE S 44° 56' 57" E, 75.91 FEET ALONG SAID SUBDIVISION; THENCE N 89° 59' 04" E, 501.76 FEET ALONG SAID SUBDIVISION AND ITS EXTENSION; THENCE S 16° 57' 06" E, 193.40 FEET; THENCE S 25° 58' 08" W, 199.17 FEET; THENCE S 39° 58' 08" W, 512.02 FEET; THENCE S 53° 58' 08" W, 272.97 FEET TO THE SAID 1/16 LINE; THENCE N 00° 07' 58" W, 718.89 FEET ALONG THE 1/16 LINE AND THE EAST LINE OF TAMARACK RIDGE ESTATES PHASES 3 AND 2; THENCE N 79° 25' 44" W, 115.29 FEET ALONG SAID PHASE NO. 2 TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 399,636 SQUARE FEET OR 9.174 ACRES MORE OR LESS

Article XII is hereby enacted to read as follows:

ARTICLE XII - PARTY WALLS

00609849 Book 1233 Pg 0767
RUSSELL SHIRTS & WASHINGTON CO RECORDER
1998 JUL 09 14:54 PM FEE \$37.00 BY RS
FOR: GUARDIAN TITLE CO

Section 1. General Rules of Law to Apply Rock Walls which separate the lots have been or may be constructed by the Declarant. Said walls are built as a part of the original construction upon the properties and may or may not be on precise lot lines. The rock walls shall constitute party walls between lots, and shall constitute the effective boundaries of area available for use of each owner. To the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Section 2. Sharing of Repair and Maintenance The cost of reasonable repair and maintenance of a party wall shall be shared by the owners who make use of the wall in proportion to such use. The Trustees may, however, in the default of an owner to perform maintenance which is the owner's responsibility, and after a two-thirds (2/3) vote, and after ten days written notice (which notice shall not be required in the event of emergency or threat to

life, health, property or safety), provide required repair and/or maintenance. The cost of such maintenance shall be assessed and become a lien against the lot and is the personal obligation of the owner.

Section 3. Destruction by Casualty If a party wall is destroyed or damaged by casualty, then, to the extent said destruction or damage is not covered by insurance and repaired out of the proceeds of the same, any owner who is responsible for the repair and maintenance of the wall may restore it, and the other owners who are responsible for the repair and maintenance of the wall shall contribute to the cost of restoration thereof in proportion to number of such owners, without prejudice, however, to the right of any such owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Section 4. Right to Contribution Runs with Land The right of any owner to contribution from any other owner under this article shall be appurtenant to the land and shall pass to such owner's successors-in-title.

Section 5. Arbitration In the event of any dispute arising concerning a party wall, or under the provisions of this article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator within ten (10) days of their selection, and the decision shall be by a majority of all the arbitrators. Should any party refuse to appoint an arbitrator within ten (10) days after written request to do so, the Trustees of the Association shall select an arbitrator for the refusing party.

DATED THIS 9th day of July, 1998

Declarant
ADLAR Developments, LLC

By *Jeff Adams*
Jeff Adams, Manager

STATE OF UTAH)
COUNTY OF WASHINGTON) ss.

On this 9th day of July, 1998, before me personally appeared Jeff Adams, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is manager of ADLAR Developments, LLC, a Utah limited liability company and that the foregoing document was signed by him on behalf of that Company by proper authority and he acknowledged before me that the Company executed the document and the document was the act of the Company for its stated purpose.

NOTARY PUBLIC
Address: _____
My Commission Expires: _____

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