

THIRD AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS,  
OF WESTCOVE

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND BY RESTRICTIONS IS MADE THIS 6th day of April, by the persons signing below being owners of not less than sixty percent (60%) of the lots.

A. Original Declaration. On September 10, 1974, a Declaration of Covenants, Conditions and Restrictions was duly executed and acknowledged by the Breitling alliance, as developer, and Richards-Woodbury Mortgage Corp., a Utah Corporation, as declarant, and on September 11, 1974, said declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 2659345 in Book 3677 at pages 288 et. Seq. (hereinafter referred to as the "Declaration").

B. Original Map. On April 8, 1974, a Subdivision Plat of Westcove entitled "Westcove Phase I, A planned Unit Development" was recorded in the official records of Salt Lake County, State of Utah as Entry No. 2611711, in Book 74-4 at Page ~~45~~<sup>60</sup> (hereinafter referred to as the "Plat").

C. Amended Map. On January 28, 1975, a Subdivision Plat of Westcove entitled "Westcove Amended Phase I" was recorded in the official records of Salt Lake County, State of Utah, as Entry No. 2681009, in Book 75-1, at Page 15 (hereinafter referred to as the "First Amended Plat").

D. Second Amended Map. On October 26, 1984, a Subdivision Plat of Westcove entitled "Westcove Amended and Extended Phase I" was recorded in the official records of Salt Lake County, State of Utah as Entry No. 4008905, in Book 8410, at Page 164 (hereinafter referred to as the Second Amended Plat").

E. Third Amended Map. On March 9, 1988, a Subdivision Plat of Westcove entitled "Westcove Amended & Extended Phase I, Amended". was recorded in the official records of Salt Lake County, state of Utah as Entry No. 4504906, in Book 88-3, at Page 16.(hereinafter referred to as the Third Amended Plat).

F. First Amended Declaration. On March 24, 1988, a First Amendment to Declaration of Covenants, Conditions and Restrictions for Westcove was recorded in the official records of Salt Lake County as Entry No. 4601411, in Book 6013, at Page 2699.

G. Second Amended Declarations. On November 14, 1989, a Second Amendment to Declaration of Covenants, Conditions and Restrictions for Westcove was recorded in the

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official records of Salt Lake County as Entry No. 4848117, in book 6176, at Page 75.

H. Notice. On March 25, 1994, a Notice was recorded in the official records of Salt Lake County as Entry No. 5774353, in book 6901, at page 1224.

I. Original Description. The Declaration, the Plat, the First Amended Plat, the Second Amended plat, Third Amended Plat and the First Amendment to the Declaration of Covenants, Conditions and Restrictions, Second Amendment to the Declaration of Covenants and Restrictions for Westcove and the Notice affects the following described real property situate in Salt Lake County, State of Utah.

BEGINNING at a Point which is North 00°08'10" West 1275.26 feet along the Section line and North 89°51'30" East 33.00 feet from the Southwest Corner of Section 4, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North 00°08'10" West 101.93 feet; thence North 89°5'38" East 107.00 feet; thence North 00°08'10" West 111.82 feet; thence North 89°51'44" East 93.91 feet; thence North 89°51'51" East 162.17 feet; thence North 00°08'10" West 85.97 feet; thence North 89°51'51" East 131.92 feet; thence North 00°08'10" West 217.00 feet; thence East 120.00 feet; thence South 35.00 feet; thence East 640.79 feet; thence South 484.75 feet; thence North 89°51'30" East 30.08 feet; thence South 00°03'43" East 262.10 feet; thence South 89°51'30" West 968.14 feet; thence North 00°08'10" West 267.05 feet; thence South 89°51'30" West 316.15 feet to the point of beginning.

J. Section 5 of Article VII of the Declaration provides that the Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the lots during the first twenty years following the date of the recordation of the Declaration.

J(a). Section 5 of Article VII also provides that after the first twenty years, the Declarations may be amended by an instrument signed by the owners of not less than sixty (60%) of the lots. Any Amendment must be recorded.

K. The undersigned hereby certify that the undersigned constitute owners of no less than sixty percent (60%) of the lots.

L. The undersigned hereby Amend the declarations as follows:

(1) Section IV of Article I of the Declaration shall be and hereby is amended to include the present text plus the following language.

Section IV. There are a number of undeveloped lots on the official plat on file in the Salt Lake County Recorder's office, where new homes are to be built, that for architectural, water, sewer, power, and other reasons the lot would better serve the best interests of

BK 7191 PG 2522

Westcove if it were to deviate more than slightly beyond the boundaries of their respective lots. However, before any such deviation can be commenced, the developer must submit in writing their requests to alter or change the location of a lot to the Board of Directors. All such requests are subject to written approval from the Board of Directors, and the Architectural Committee and must meet FHA and VA standards. The developer will be assessed all costs incurred and the official plat must be Amended. Any and all deviations, inadvertently or otherwise shall not add square footage to the total square footage of the home and yard beyond the square footage shown on the original plat. No deviations shall be authorized if such a deviation were to encroach into park areas.

(2) Section I of Article II, (c) of the Declaration of Covenants, Conditions and Restrictions shall be and hereby is amended to include the present text plus the following language.

Section I. of Article II, (c). When in the best interest of the community of Westcove as a whole, for architectural or maintenance reasons, or to reduce Association liability, the Board of Directors may sell undeveloped Association owned common area to homeowners when the unnecessary or unusable common area; park area precluded, would be better served if it were available to enlarge a homeowners private property. All such common areas should be sold at fair market value. All such transactions would be subject to FHA and VA approval, and written approval from the Board of Directors, and must be recorded as an Amendment to the official Plat in the Salt Lake County Recorders office. Any and all fees or costs associated with such transaction's will by assessed to and paid in full by the member's whose lots are being enlarged. All revenues shall be applied to Westcove Capital Improvements so as to benefit the community and not any individual member or member's.

(3) Section III of Article V. of the Declaration of Covenants, Conditions and Restrictions shall be and hereby is amended to include the present text plus the following language:

Section III, Article V. The Architectural Committee as of the date this Amendment is recorded is Chris Dennison, whose address is 2977 Shadow Park Drive, WVC, UT 84119, Kathy Beach, whose address is 4517 Stonewood Drive, WVC, UT 84119, and Dianne West, whose address is 2986 Westcove Drive WVC, UT 84119.

(4) The Board of Directors and the Architectural Committee may approve of the plans and specifications of new homes that do not necessarily match the topography of the surrounding structures; However, the approval must be given exclusively in writing.

(5) No planned rental community shall be permitted at any time. The Board of Directors shall have the right to prevent at law, according to the laws of the State of Utah, any individual, developer, business, or organization from building, owning or operating more than two rental units.

(6) Section III of Article V. of the Declaration shall be and hereby is Amended to include the present text plus the following language:

BK 7191 PG 2523

Section III Article V. Homeowners may add siding and brick to their home without written consent from the Board; however; the color of the siding shall be submitted to the Architectural Committee for approval, offensive colors shall not be permitted. The townhomes should not be sided until all townhouse owners agree on a color or colors and are prepared to complete any siding projects at the same time. All improvements to exteriors of all homes in Westcove shall be commenced timely and not in any way adversely affect the value of Westcove or homes within Westcove.

(7) Section X of Article V of the Declaration shall be and hereby is amended to include the present text plus the following language.

Section X of Article V. No trash, ashes or any other refuse may be thrown or dumped on any common area hereinbefore described or any part of portion thereof.

(8) Section XI of Article V of the Declaration shall be and hereby is amended to include the present text plus the following language.

Section XI of Article V. Any excess material in excavation or the erection of a new home shall be left on the lots no longer than 30 days. No refuse shall be thrown or dumped on common areas.

M. Except as herein modified, all other terms of the Declaration shall remaining full force and effect.

Dated this 25 day of July, 1995

President

Its: Declarant


BK 7191 PG 2524

**WESTCOVE MEMBERSHIP INSTRUMENT**

**TO AMEND WESTCOVE**

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

It has come to the attention of the Board of Directors of Westcove Homeowners Association ("Board") that Miller and Co. ("Miller") is in the process of the purchasing, for the purpose of new home construction, the remaining 17 undeveloped lots. Miller will provide carports for six homes and a garage for Eleven Homes and Sidewalks where necessary.

The current Board of Directors of Westcove PUD are requesting this instrument be signed by 60% of the homeowners acknowledging their approval to Amend the Declarations for the reasons stated below.

(1) The Board is in agreement that for architectural, sewer, water, power, and other reasons, a few of the new homes will better serve the community as a whole if the lots deviate more than slightly from the official plat. (Lots 7, 8, 15, 30, 35, 45, 46, 48 and 49).

(2) Lots 8 and 15, require a slightly larger home. The lots will be slightly larger than the lots on the existing plat. The Board will sell the extra square footage to Miller at fair market value.

All lots as built upon by Miller will not exceed the total square footage of the lots on file at the Salt Lake County Recorder's Office according to the original plat, unless Miller pays Westcove fair market value for additional acreage.

(3) The Board also hopes to prevent developers from building and operating substandard rental units.

(4) The Board has authorized homeowners the opportunity of improving their homes by adding siding and paint to their homes without prior written approval from the Board, however: offensive colors shall not be permitted. Homeowners shall use colors approved by the architectural Committee. We also encourage clean and well groomed grounds to promote health and happiness for all residents.

Thank You

**The Board**

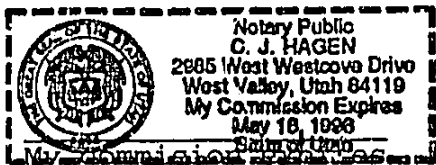
Chris Dennison - President  
Kathy Beach - Vice President  
Cris Hagen - Secretary  
Jim Short - Treasurer

**Board Members**

Robert Barron  
Ran MacDonald  
Shalair Jones

Linda Simons  
Diane West

I C.J. Hagen, Notary Public, witnessed the foregoing signatures of the members of Westcove Association. Who personally appeared before me on April 6th, 1995 and July 22, 1995.



*C. J. Hagen*  
\_\_\_\_\_  
Notary Public

BK 7191 PG 2526

Date: 4/06/95

Westcove Homeowner's Association  
Owner's Listing for Special Meeting  
Lot (Px) Signature

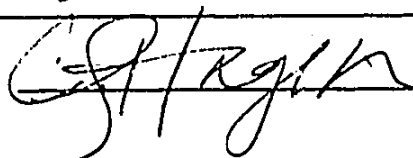
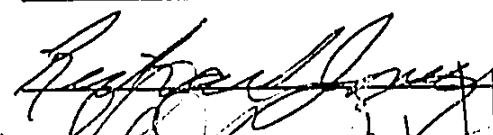


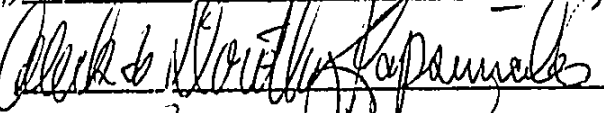

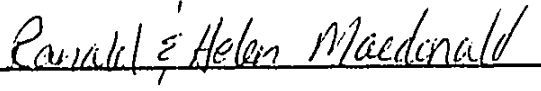
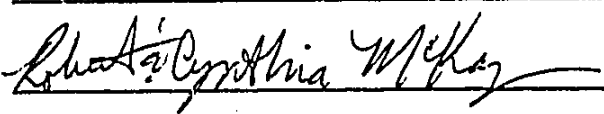

Page: 1

Mbr#	Name	Lot (Px)	Signature
00032	Allred, Manette	#33 ( )	
00013	<del>Arneson, Joe</del> Maxwell, Nancy	#13 ( )	Nancy Maxwell
00068	Baptista, Patricia	#63 ( )	
00079	Barron, Robert & DeAnne	#78 ( )	Robert & DeAnne Barron
00023	Beach, Kathy & Gary	#23 ( )	Kathy H Beach Gary H Beach
00056	Bennett, Eric & Kristy	#37 ( )	Eric Bennett
00007	Cano, Salvador & Kimberly	#10 ( )	K. Cano
00084	Cates, James	#77 ( )	
00070	Childs, Kenneth & Joanne	#11 ( )	Kenneth Joanne Childs
00026	Cunningham, Clara	#26 ( )	
00031	Dennison, Chris & Lisa	#31 ( )	Chris Dennison
00093	DeVries, Cameron & Tonya	#65 ( )	Cameron & Tonya DeVries
00014	Eyre, Terry & Candy	#14 ( )	
00037	Feild, Rosalyn	#40 ( )	Rosalyn J. Feild
00025	Gamonal, Sheila	#25 ( )	Sheila Gamonal
00063	Griffiths, Gary & Kristine	#19 ( )	Gary & Kristine Griffiths
00071	Gruber, Richard & Karie	#71 ( )	Richard & Karie Gruber
00018	Gunderson, Carrol	#18 ( )	Carrol Gunderson

Date: 4/06/95

Westcove Homeowner's Association  
Owner's Listing for Special Meeting  
Lot (Px) Signature

Page: 2

Mbr#	Name	Lot (Px)	Signature
00085	Hagen, Todd & Chris	#81 ( )	
00052	Harmon City, Dama Barbour	17L ( )	
00016	Herndon, Doyle & Ervetta	#16 ( )	
00092	Isakson, Gerry	#64 ( )	
<del>00064</del>	<del>Jewkes, Robert &amp; Amie</del>	<u>#21</u> ( )	SEE Document B
00075	Jones, Richard	#60 ( )	
00047	Jones, Robert & Shalair	#56 ( )	
00035	Jones, Vernon & Edna	#38 ( )	
00022	Kapsimalis, Aleck & Dorothy	#22 ( )	
00004	Keys, Kris	#04 ( )	
<del>00094</del>	<del>Lee, Sherry</del>	#58 ( )	SEE Document B
00087	MacDonald, Ranald & Helen	#82 ( )	
00020	Manumaleauna, Isaako	#20 ( )	
00067	Martinez, Ramon & Juana	#24 ( )	
00069	Match/Petronie, Homeowners	#17 ( )	
00077	McKay, Robert & Cynthia	#76 ( )	
00005	Michel, Shaun & Ollie	#06 ( )	
00078	Mieu, Ton & Mai	#75 ( )	

BK7191PG2528



Date: 4/06/95

Westcove Homeowner's Association  
Owner's Listing for Special Meeting  
Lot (Px) Signature

Page: 3

Mbr# Name

Mbr#	Name	Lot (Px)	Signature
00088	Morlock, John & Karen	#74 ( )	John Morlock
00066	Nisbet, Mark & Loree	#02 ( )	Loree Nisbet
00055	Oldroyd, Chad & Valerie	#68 ( )	Valerie Oldroyd
00080	Paredes, Nancy Marie	#83 ( )	Nancy M Paredes
00083	Provost, Elizabeth	#73 ( )	Elizabeth Provost
00081	Saddler, Steve & Brenda	#62 ( )	Brenda R Saddler
00090	Schoenherr, Roy	#69 ( )	Roy M Schoenherr
00074	Sherman, Tony	#12 ( )	Tony Sherman
00003	Short, Jim & Lora	#03 ( )	Jim Short
00048	Short, Lora	#66 ( )	Lora Short
00089	Shponar, George & Teresa	#70 ( )	George Shponar
00076	Shumway, Sheldon & Kristen	#72 ( )	Sheldon Shumway
00038	Simons, Martin & Linda	#41 ( )	Linda Simons
00028	Smurthwaite, Linda	#27 ( )	
00086	Strickling, Cathrine	#47 ( )	Cathrine Strickling
00082	Suominen, Rauno & Kirsti	#59 ( )	Rauno Suominen
00091	Trice, Mark & Sherry	#80 ( )	Sherry Trice
00073	Tsuchida, Raymond & Debbie	#79 ( )	Debbie Tsuchida

Date: 4/06/95

Westcove Homeowner's Association  
Owner's Listing for Special Meeting  
Lot (Px) Signature

Page: 4

Mbr# Name

00050 Tupa, Pamela Rae

#67 ( )

*Pamela Rae Tupa*

00039 West, Terry & Diane

#44 ( )

*Diane West*

00041 White, Steve & Kelly

#61 ( )

*Kelly White*

~~00061 Wilkinson, Tim & Diane~~

#28 ( )

SEE Document B

*Jones, Robert & Shalair*

#57

*[Large signature scribble]*

Owner Count 58

Westcove Homeowner's Association  
Owner's Approval for 1995 Amendment

Document B

Mbr#	Name	Lot	Signature
00032	Allred, Manette	#33	_____
00013	Arneson, Joe	#13	_____
00068	Baptista, Patricia	#63	_____
00079	Barron, Robert & DeAnne	#78	_____
00023	Beach, Kathy & Gary	#23	_____
00056	Bennett, Eric & Kristy	#37	_____
00007	Cano, Salvador & Kimberly	#10	_____
00084	Cates, James	#77	_____
00070	Childs, Kenneth & Joanne	#11	_____
00026	Cunningham, Clara	#26	_____
00031	Dennison, Chris & Lisa	#31	_____
00093	DeVries, Cameron & Tonya	#65	_____
00014	Eyre, Terry & Candy	#14	_____
00037	Feild, Rosalyn	#40	_____
00025	Gamonal, Sheila	#25	_____
00063	Griffiths, Gary & Kristine	#19	_____
00071	Gruber, Richard & Karie	#71	_____

Westcove Homeowner's Association  
 Owner's Approval for 1995 Ammendment

Docum.

Mbr#	Name	Lot	Signature
00018	Gunderson, Carrol	#18	_____
00085	Hagen, Todd & Cris	#81	_____
00052	Harmon City, Dama Barbour	17L	_____
00016	Herndon, Doyle & Erveta	#16	_____
00092	Isakson, Gerry & Teresa	#64	_____
00075	Jones, Richard	#60	_____
00047	Jones, Robert & Shalair	#56	_____
00035	Jones, Vernon & Edna	#38	_____
00022	Kapsimais, Aleck & Dorothy	#22	_____
00004	Keys, Kris	#04	_____
00094	Lee, Richard & Cherie	#58	_____
00087	MacDonald, Ranald & Helen	#82	_____
00020	Manumaleauna, Isaako	#20	_____
00067	Martinez, Ramon & Juana	#24	_____
00069	Match/Petronie, Homeowners	#17	_____
00077	McKay, Robert & Cynthia	#76	_____
00095	Mejia, Carlos & Lisa	#21	<i>Carlos &amp; Lisa Mejia</i>

Westcove Homeowner's Association  
 Owner's Approval for 1995 Amendment

Document B

Mbr# Name	Lot	Signature
00005 Michel, Shaun & Ollie	#06	_____
00078 Mieu, Ton & Mai	#75	_____
00088 Morlock, John & Karen	#74	_____
00066 Nisbet, LoRee	#02	_____
00055 Oldroyd, Chad & Valerie	#68	_____
00080 Paredes, Nancy Marie	#83	_____
00083 Provost, Elizabeth	#73	_____
00096 Regouski, Dean J & Dayna C	#28	<i>Dean J. Regouski Dayna C. Regouski</i>
00081 Saddler, Steve & Brenda	#62	_____
00090 Schoenherr, Roy	#69	_____
00074 Sherman, Tony	#12	_____
00003 Short, Jim & Lora	#03	_____
00048 Short, Lora	#66	_____
00089 Shponar, George & Teresa	#70	_____
00076 Shamway, Sheldon & Kristen	#72	_____
00038 Simons, Martin & Linda	#41	_____
00028 Smurthwaite, Linda	#27	_____

Westcove Homeowner's Association  
Owner's Approval for 1995 Ammendment

Document B

Mbr#	Name	Lot	Signature
00086	Strickling, Cathrine	#47	_____
00082	Suominen, Rauno & Kirsti	#59	_____
00091	Trice, Mark & Sherry	#80	_____
00073	Tsuchida, Raymond & Debbie	#79	_____
00050	Tupa, Pamela Rae	#67	_____
00039	West, Terry & Diane	#44	_____
00041	White, Steve & Kelly	#61	_____

Owner Count 58

6125935  
07/25/95 4:21 PM 171.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
ROBERT BARRON  
3015 W WESTCOVE DR WVC UT  
84119  
REC BY: S WEST DEPUTY - WI

BK 7191 PG 2534