

76

85, Broadway # 425
SLC, UT 84111

6404940

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF THE SUNBROOK SUBDIVISION**
(the "First Amendment")

WHEREAS, Capitol City Development Company (herein called "Capitol City") is the Declarant as identified in the one certain document entitled "Declaration of Covenants, Conditions and Restrictions of the Sunbrook Subdivision" (herein called the "Declaration") filed for record at Book 7277 pages 0843-0846 in the Office of the Recorder, Salt Lake County, Utah;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Capitol City does hereby amend the Declaration as follows, to wit:

- 1. Article I, Section 3 - Easements - is hereby amended to add the following:

3.1 Single Family Residential Universal Easement. (the "Universal Easement") The Owner of each Lot within the Property is hereby declared to have an easement, and the same is hereby granted to Declarant, over all adjoining Lots for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, or any other cause. There shall be easements for the maintenance of said encroachment, settling or shifting; provided, however, that in no event shall an easement for encroachment be created in favor of an Owner or Owners if said encroachment occurred due to willful misconduct of said Owner or Owners. In the event a structure on any Lot is partially or totally destroyed, and then repaired or rebuilt, the Owners of each Lot agree that minor encroachments over adjoining Lots shall be permitted and there shall be easements for the maintenance of said encroachments so long as they shall exist. In addition, each Lot within the Property is hereby declared to have an easement for window wells, sprinkler pipes, overhanging roofs and eaves as originally constructed over each adjoining Lot for the maintenance thereof. Each of the easements hereinabove referred to shall be deemed to be established upon the recordation of this First Amendment and shall be appurtenant to the Lot being serviced and shall pass with each conveyance of said Lot. Said Universal Easement will continue so long as completed dwellings or dwellings under construction remain on any of the Lots.

- 2. In all other respects the Declaration is hereby ratified and affirmed as written.

IN WITNESS WHEREOF, Capitol City Development Company has executed this First Amendment to the Declaration of Covenants, Conditions and Restrictions of the Sunbrook Subdivision as of the 12th day of July, 1986.

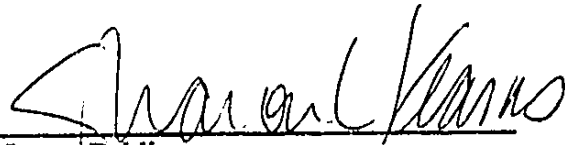
Capitol City Development Company

BY: Bruce J. Malcolm, President
Bruce J. Malcolm, President
BY: David H. Barry, Secretary/Treasurer
David H. Barry, Secretary/Treasurer

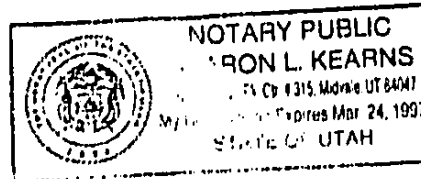
BK 7442 PG 2357

STATE OF UTAH)
 :SS
County of SALT LAKE)

On the 12th day of July, 1996 before me, the undersigned notary, personally appeared Bruce J. Malcolm and David H. Barry, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as President and Secretary/Treasurer for Capitol City Development Company and acknowledged to me that they executed it.



Notary Public



6404940
07/12/96 4:20 PM 76.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
MERIDIAN TITLE
REC BY: D KILPACK , DEPUTY - WI

BK 7442 PG 2358