

WHEN RECORDED, MAIL TO:

Vertical Development, LLC  
295 W. Center Street  
Provo, UT 84601

ENT 73200:2017 PG 1 of 7  
**Jeffery Smith**  
**Utah County Recorder**  
2017 Jul 31 11:43 AM FEE 124.00 BY CS  
RECORDED FOR United West Title  
ELECTRONICALLY RECORDED

**FIRST AMENDMENT**  
**TO DECLARATION OF COVENANTS, CONDITIONS, AND**  
**RESTRICTIONS FOR EASTON PARK OWNERS' ASSOCIATION**  
**(a Community located in American Fork, Utah County, Utah)**

**FIRST AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
EASTON PARK OWNERS' ASSOCIATION**

*This First Amendment to Declaration of Covenants, Conditions, and Restrictions for the Easton Park Owners' Association*, hereinafter referred to as this "**Amendment**" is made and executed this 31 day of July, 2017, by Vertical Development, LLC, a Utah limited liability company, hereinafter referred to as the "**Declarant**."

1. RECITALS.

1.1. Declarant has previously executed a Declaration of Covenants, Conditions, and Restrictions (the "**Declaration**"), which was recorded in Utah County on June 30, 2016, as Entry No. 59862:2016.

1.2. The Declaration provides certain covenants, conditions, restrictions, and terms of use and encumbers that certain real property identified in the Declaration as the "Property." The Property is more particularly identified in Exhibit "A" hereto.

1.3. As set forth in Section 18.2 of the Declaration, Declarant has the right to unilaterally amend, modify, extend or revoke the Declaration during the Declarant Control Period. The Declarant Control Period means the period of time during which the Declarant has Class B Membership status. Under Section 2.17, Declarant remains a Class B Member until the later to occur of: (a) ninety (90) days following the date when Declarant transferred the last remaining Lot or Unit owned by Declarant, or (ii) ninety (90) days following the date when all of the Units within the Project have received a certificate of occupancy from the municipal authority having jurisdiction over the Project. The Project is therefore still within the Declarant Control Period and accordingly, Declarant is entitled to amend the Declaration.

1.4. Declarant desires to amend the Declaration as set forth below. This Amendment shall apply to the Project as it now exists as well and to any and all future phases and additional land and additional phases of the Project. The covenants, conditions and restrictions contained in this Amendment shall be enforceable equitable servitudes and shall run with the land.

NOW, THEREFORE, the Declarant hereby amends the Declaration for this Project as follows:

2. DEFINITIONS.

Unless the context clearly indicates otherwise, the capitalized terms in this Amendment shall have the meanings given to them in the Declaration.

### 3. AMENDMENTS.

The following provisions are incorporated into and made a part of the Declaration:

**Section 2.21** shall be replaced with the following:

Limited Common Areas and Facilities or Limited Common Areas means a portion of the Common Areas and Facilities, if any, allocated by the Declaration or the Act, as may be shown on the Plat or described in this Declaration, for the exclusive use of one or more, but fewer than all, of the Units. Limited Common Areas may include driveways, parking areas, porches, and balconies, but Declarant will have no obligation to include any of the foregoing features in the Project. Limited Common Area also includes the common stairwells and hallways that are not designated as Common Areas or Limited Common Areas on the Plat (but are located within a privately-owned Unit on the Plat) if such stairwells and hallways provide access to: two (2) or more Units, at least one Unit and at least one Commercial Space, or two (2) or more Commercial Spaces.

**Section 7.1** shall be replaced with the following:

Limited Common Areas and Facilities shall mean the portion of the Common Areas and Facilities, if any, shown as Limited Common Areas on the Plat or indicated in this Declaration as reserved for the use of certain Units or Buildings to the exclusion of other Units or Buildings in the Project. Limited Common Areas and Facilities may include any balconies, attics, driveways, entry areas or gardens, or other areas, if any, indicated by the Declaration or the Plat to be for the exclusive use of one or more but fewer than all of the Units or Buildings in the Project.

Notwithstanding any provision in the Declaration to the contrary, the Association shall be responsible to manage, maintain and repair – as a Common Expense of the Association – the common stairwells and hallways that are not designated as Common Areas or Limited Common Areas on the Plat (but are located within a privately-owned Unit on the Plat) if such stairwells and hallways provide access to: two (2) or more Units, at least one Unit and at least one Commercial Space, or two (2) or more Commercial Spaces. The stairwells and hallways that meet one of these criteria shall be treated as if they were Limited Common Areas for purposes of the maintenance and repair obligations of the Board and the Association.

Notwithstanding the foregoing, the Declarant shall have no obligation to construct any Limited Common Areas and Facilities within the Project. Owners may not reallocate Limited Common Areas and Facilities.

### 4. EFFECT OF AMENDMENT.

The Declaration, as amended by this Amendment, shall remain in full force and effect. This Amendment shall apply to the Project, as it now exists, and to any and all additional land or additional phases of the Project that may be developed in the future. This Amendment shall take

effect when recorded in the Utah County Recorder's Office. This Amendment shall be recorded against all of the same land currently encumbered by the Declaration.

IN WITNESS WHEREOF, the Declarant has executed this instrument this 31 day of July, 2017.

**DECLARANT:**

Vertical Development, LLC  
a Utah limited liability company

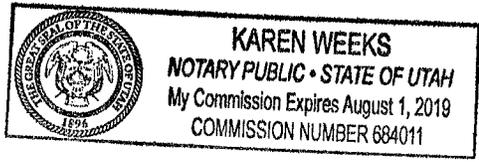
By: *Mike Miller*  
Mike Miller, Manager

STATE OF UTAH                    )  
  : ss.  
COUNTY OF UTAH                )

The foregoing instrument was acknowledged before me this 31 day of July, 2017, by Mike Miller, as an authorized manager of Vertical Development, LLC, a Utah limited liability company.

*Karen Weeks*  
NOTIARY PUBLIC

SEAL:



**EXHIBIT "A"**BOUNDARY DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point North 0°15'27" West 1010.98 feet along the section line and South 89°44'33" West 391.38 feet from the Southeast Corner of said Section 24 and running;

thence North 89°26'06" West 53.02 feet;

thence North 0°53'55" West 283.81 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 45°53'55" West 21.21 feet);

thence South 89°06'05" West 208.96 feet to a point of curvature;

thence 185.30 feet along the arc of a 367.00 foot radius curve to the left through a central of 28°55'44" (Long Chord Bears South 74°38'13" West 183.34 feet);

thence South 60°10'21" West 91.71 feet to a point of curvature;

thence 461.48 feet along the arc of a 435.00 foot radius curve to the right through a central angle of 60°47'02" (Long Chord Bears North 89°26'08" West 440.14 feet) to a point of reverse curvature;

thence 94.15 feet along the arc of a 177.50 foot radius curve to the left through a central angle of 30°23'31" (Long Chord Bears North 74°14'23" West 93.05 feet);

thence North 89°26'08" West 141.61 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears South 45°33'52" West 21.21 feet);

thence North 89°26'08" West 66.00 feet;

thence North 0°33'52" East 9.50 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 44°26'08" West 21.21 feet);

thence North 0°33'52" East 47.00 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (Long Chord Bears North 45°33'52" East 21.21 feet);

thence North 0°33'52" East 55.78 feet to a point of curvature;

thence 6.79 feet along the arc of a 967.00 foot radius curve to the right through a central angle of 0°24'07" (Long Chord Bears North 0°21'48" East 6.79 feet);

thence North 0°09'45" East 204.97 feet to a point of curvature;

thence 22.52 feet along the arc of a 308.00 foot radius curve to the right through a central angle of 04°11'21" (Long Chord Bears North 02°15'25" East 22.51 feet);

thence North 04°21'06" East 101.85 feet to a point of curvature;

thence 13.82 feet along the arc of a 242.00 foot radius curve to the left through a central angle of 03°16'16" (Long Chord Bears North 02°42'58" East 13.81 feet);

thence North 01°04'50" East 1.27 feet;

thence South 89°51'40" East 1267.93 feet;

thence South 0°56'14" East 68.70 feet;

thence South 0°53'55" East 639.85 feet to the point of beginning.

Parcel contains 634,555 sq. ft. 14.567 acres.

**EXHIBIT "A" continued**BOUNDARY DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point North 0°15'27" West 1005.37 feet along the section line and North 89°26'08" West 1683.91 feet from the Southeast Corner of said Section 24 and running;

thence North 89°26'08" West 454.62 feet;

thence North 0°20'59" East 695.46 feet;

thence South 89°51'41" East 463.70 feet;

thence South 01°04'50" West 1.27 feet to a point of curvature;

thence 13.82 feet along the arc of a 242.00 foot radius curve to the right through a central angle of 03°16'16" (Long Chord Bears South 02°42'58" West 13.81 feet);

thence South 04°21'06" West 101.85 feet to a point of curvature;

thence 22.52 feet along the arc of a 308.00 foot radius curve to the left through a central angle of 04°11'21" (Long Chord Bears South 02°15'25" West 22.51 feet);

thence South 0°09'45" West 204.97 feet to a point of curvature;

thence 6.79 feet along the arc of a 967.00 foot radius curve to the left through a central angle of 0°24'07" (Long Chord Bears South 0°21'48" West 6.79 feet);

thence South 0°33'52" West 55.78 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears South 45°33'52" West 21.21 feet);

thence South 0°33'52" West 47.00 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears South 44°26'08" East 21.21 feet);

thence South 0°33'52" West 215.18 feet to the point of beginning.

Parcel contains 317,222 sq. ft. 7.282 acres.

BOUNDARY DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point North 0°15'27" West 1010.98 feet along the section line and South 89°50'26" West 444.40 feet from the Southeast Corner of said Section 24 and running;

thence North 89°26'08" West 1239.47 feet;

thence North 0°33'52" East 205.68 feet;

thence South 89°26'08" East 66.00 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 45°33'52" East 21.21 feet);

thence South 89°26'08" East 141.61 feet to a point of curvature;

thence 94.15 feet along the arc of a 177.50 foot radius curve to the right through a central angle of 30°23'31" (Long Chord Bears South 74°14'23" East 93.05 feet) to a point of reverse curvature;

thence 461.48 feet along the arc of a 435.00 foot radius curve to the left through a central angle of 60°47'02" (Long Chord Bears South 89°26'08" East 440.14 feet);

thence North 60°10'21" East 91.71 feet to a point of curvature;

thence 185.30 feet along the arc of a 367.00 foot radius curve to the right through a central angle of 28°55'44" (Long Chord Bears North 74°38'13" East 183.34 feet);

thence North 89°06'05" East 208.96 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears South 45°53'55" East 21.21 feet);

thence South 0°53'55" East 283.81 feet to the point of beginning.

Parcel contains 269,129 sq. ft. 6.178 acres.