

WHEN RECORDED, RETURN TO:

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10 East South Temple
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03/14/2001 04:57 PM 18.00
Book - 8434 Pg - 4409-4413
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CALLISTER NEBEKER & MCCULLOUGH
GATEWAY TOWER EAST STE. 900
SLC UT 84133
BY: KCC, DEPUTY - WI 5 P.

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

OF

**THE HAVENGROVE
PLANNED UNIT DEVELOPMENT PHASES I, II AND III**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HAVENGROVE PLANNED UNIT DEVELOPMENT PHASES I, II, AND III (the "Third Amendment") is made and executed by New Haven Homeowners' Association, Inc., a Utah nonprofit corporation, formerly known as the Havengrove Homeowners' Association, a Utah nonprofit corporation (the "Association").

RECITALS

A. On February 20, 1986 Wayne Pace Construction and Development Company, a Utah corporation executed the Declaration of Covenants, Conditions and Restrictions of The Havengrove Planned Unit Development Phases I, II and III as amended by an Amendment to Declaration of Covenants, Conditions, and Restrictions of The Havengrove Planned Unit Development Phases I, II, and III dated December 4, 1987, an Amendment to Declaration of Covenants, Conditions, and Restrictions of The Havengrove Planned Unit Development Phases I, II, and III dated September 15, 1992, and a Second Amendment to Declaration of Covenants, Conditions, and Restrictions of The Havengrove Planned Unit Development Phases I, II, and III dated May 13, 1999 (the "Declaration"). The Declaration affects the real property located in Salt Lake County, state of Utah, which is more particularly described on the attached Exhibit A, which is incorporated into this Third Amendment by this reference.

B. The Members, as such term is defined in the Declaration, now desire to amend the Declaration as set forth in this Third Amendment.

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AGREEMENT

In exchange for good and valuable consideration, the receipt of which is hereby acknowledged, the Association hereby states as follows:

1. Amendment to Declaration. A new section IV.4(d) is hereby added to the Declaration as follows:

The right of the Association to grant easements over all or any part of the Common Areas and to enter into agreements for the maintenance and use of Common Areas for purposes which are not inconsistent with the intended use of the Common Areas. Specifically, such easements may include easements for ingress and egress over all or any part of the Common Areas.

2. The President of the Association, by his execution of this instrument, does hereby certify, that the vote required in Article X, Section 3 of the Declaration for approval of this Third Amendment has occurred and that the Association has obtained the affirmative vote of at least two-thirds (2/3) of all Class A membership votes of members of the Association at a duly called meeting of the Association, as provided for in the Declaration, which members were present in person or represented by proxy at such meeting.

Dated: May 31, 2000.

THE NEW HAVEN HOMEOWNERS'
ASSOCIATION, a Utah nonprofit corporation

By John H. Rees

John H. Rees
President

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The forgoing instrument was acknowledged before me this 31st day of May, 2000 by John H. Rees, president of New Haven Homeowner's Association, Inc.

Janet H. Hancock

NOTARY PUBLIC
Residing At: _____
My Commission Expires _____



NOTARY PUBLIC
Janet H. Hancock
10 E. So. Temple, Ste. 900
Salt Lake City, Utah 84133
My Commission Expires
February 3, 2002
STATE OF UTAH

EXHIBIT A

II. PROPERTY DESCRIPTION

The Property which is and shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Declaration consists of the following-described real property situated in Salt Lake County, State of Utah.

Beginning at a point on the proposed South line of Vine Street, said point being North 562.829 feet and S 89° 15' 45" E 196.669 feet from the North 1/4 Corner of Section 21, T.2S., R.1E., S.L.B.&M., said Section Corner being S 23° 02' W 651.49 feet from a Salt Lake County Witness Monument in said Vine Street, said point of beginning also being N 89° 15' 45" W along the Vine Street Centerline 58.247 feet and S 0°00' 58" W 40.00 feet from said Witness Monument (Basis of bearing being N 89° 07' 18" W 3265.42 feet between said Witness Monument and a Salt Lake County Monument in the intersection of 1300 East Street and said Vine Street); Thence along said proposed South line S 89° 15' 45" E 58.253 feet and N 89° 15' 45" E 175.271 feet to a point on a fence line: Thence along said fence line S 0° 16' 05" E 125.664 feet and S 0° 05' 40" E 21.822 feet and S 88° 42' 14" W 109.194 feet and S 1° 00' 50" E 165.00 feet; Thence East 106.52 feet to a fence line; Thence along said fence line S 0° 05' 40" E 259.054 feet and S 0° 42' 20" E 40.624 feet; Thence West 22.788 feet; Thence S 1° 00' W 960.143 feet; Thence N 89° 57' 30" W 254.493 feet to a fence line; Thence S 0° 17' 47" E along said fence line 118.00 feet; Thence West 258.902 feet to a fence line; Thence N 0° 04' 43" W along said fence line 347.909 feet; Thence N 89° 30' W 220.324 feet; Thence N 0° 24' 53" E 689.35 feet to a point on the South line of Jamestown No. 4 Subdivision; Thence N 87° 02' 38" E along said South line 195.26 feet to the Southeast Corner of Lot 409, said Jamestown No. 4 Subdivision; Thence N 0° 01' 18" W along the East line of said Jamestown No. 4 Subdivision 405.64 feet; Thence East 131.608 feet to a fence line; Thence S 0° 01' 44" E along said fence line 402.068 feet; Thence N 88° 26' 45" E 9.494 feet; Thence East 81.95 feet; Thence N 34° 19' 01" E 42.07 feet; Thence East 90.814 feet; Thence N 0° 00' 58" E 603.098 feet to the point of beginning containing 19.681 acres. 22 - 21 - 203 - 001

EXCLUDING all presently existing or to be constructed or installed sewer lines, water mains, gas lines, electrical conduits, telephone lines, and related facilities to the extent that they are located outside the Lots included within the above-described tract.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across and through and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration) to improve the Common Areas with such facilities, including, but not limited to, roads, recreational facilities, walkways and various landscaped areas, designed for the use and enjoyment of all the Members as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservation, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line

shall exist. With the exception of such perpetual easements, the reservation hereby effected shall, unless sooner terminated in accordance with its terms, expire seven (7) years after the date on which this Declaration is filed for record in the office of the County Recorder of Salt Lake County, Utah.

ALL OF THE FOREGOING IS SUBJECT TO: All liens for current and future taxes, assessments and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights-of-way of record.