

7940602

WHEN RECORDED, PLEASE MAIL TO:

W.L. Homes, LLC,
dba John Laing Homes - Utah Division
c/o David R. Prolo
3653 West 1987 South
Building 7
Salt Lake City, Utah 84104

7940602
07/05/2001 02:26 PM 70.00
Book - 8476 Pg - 2867-2875
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
W L HOMES LLC
ATTN: NEIL BLACKBURN
3653 W 1987 S BUILDING 7
SLC UT 84104
BY: SLH, DEPUTY - WI 9 P.

**FOURTH AMENDMENT
TO THE
DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
THE ESTATES AT ROSE CREEK**

Dated June 26, 2001

NOTE: Capitalized terms utilized throughout this instrument shall be defined to have the same meaning as in the Declaration.

A. That certain Declaration of Covenants, Conditions, Restrictions and Easements for the Estates at Rose Creek, dated August 28, 1997 (the "Original Declaration"), has been executed by Watt Residential Partners, a California Partnership, d.b.a. Watt Homes, Utah Division (the "Grantor"), and duly recorded in the office of the Salt Lake County Recorder, State of Utah, on August 29, 1997, as Entry No. 6727909, in Book 7746, at Page 2241 of Records.

B. In order to annex and bring additional property within the provisions of the Original Declaration, the Original Declaration has been amended pursuant to that certain First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for The Estates at Rose Creek, dated August 7, 1998, duly recorded in the office of the Salt Lake County Recorder, State of Utah, on August 12, 1998, as Entry No. 7054218, in Book 8062, at Page 2101 of Records (the "First Amendment"), that certain Second Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for The Estates at Rose Creek, dated August July 1, 1999, duly recorded in the office of the Salt Lake County Recorder, State of Utah, on July 8, 1999, as Entry No. 7407092, in Book 8292, at Page 6477 of Records (the "Second Amendment"), and that certain Third Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for The Estates at Rose Creek, dated October 4, 2000, duly recorded

BK 8476 PG 2867

in the office of the Salt Lake County Recorder, State of Utah, on November 6, 2000, as Entry No. 7754868, in Book 8399, at Page 5029 of Records (the "Third Amendment")

C. The real property more particularly described in the Original Declaration, as amended by the First Amendment, Second Amendment, and Third Amendment (the "Property"), is subject to the covenants, conditions, restrictions, easements, reservations, limitations and equitable servitudes as set forth therein, to: (i) insure the enhancement and preservation of property values, (ii) provide for the proper design, development, improvement and use of the Property by the Grantor and its successors-in-interest, and all other persons or entities who may subsequently acquire an interest in the Property consistent with a general master plan approach, and (iii) create a residential development of high quality;

D. Section 11.01 of the Original Declaration expressly provides that:

Additional property may be annexed and brought within the provisions of this Declaration by the Grantor, at any time, without the approval of any Owner or the Association. To annex additional property, the Grantor shall record an amendment to this Declaration which shall describe the additional property to be annexed, and the Grantor may supplement this Declaration with additional or different Covenants and Restrictions applicable to the annexed property, as the Grantor may deem appropriate, and the Grantor may delete or modify such covenants as are contained herein which the Grantor deems inappropriate for the annexed property. Upon such annexation, the Owners of the Lots within the annexed property shall become members of the Association with the same rights, privileges and obligations as all other members. The amendment of this Declaration as authorized by this Section, to annex additional property, shall be controlled by the provisions of this Section and shall be expressly excluded from the requirements of Section 12.02 of this Declaration. Notwithstanding the foregoing, it is anticipated that each annexed parcel shall be developed and platted as a separate and distinct subdivision and the annexation thereof shall not, by virtue of such annexation, be considered an alteration, amendment or change to the plat for any prior subdivision comprising the Property governed by the provisions of this Declaration.

E. W.L. Homes, LLC., a Delaware Limited Liability Company, d.b.a. John Laing Homes - Utah Division, as the legal successor-in-interest to the Grantor, at this time desires to annex and bring this additional Property owned by it as hereinafter described (the "Annexation Property"),

within the provisions of the Original Declaration, as amended, and to subject the Annexation Property to the covenants, conditions, restrictions, easements, reservations, limitations, and equitable servitudes set forth in the Original Declaration, as amended.

F. The Annexation Property, situated immediately adjacent to the Property in Salt Lake County, State of Utah, is being developed and platted as separate and distinct subdivisions and is more particularly described as follows:

THE ESTATES AT ROSE CREEK PHASE 6C, PLAT 1 (EXCLUDING LOT "A")

Beginning at a point that is S 00°16'38" W 64.927 feet and West 16.500 feet from the Northeast Quarter Corner of Section 2, Township 4 South, Range 2 West, Salt Lake Base and Meridian; running thence S 00°16'38" W 1451.614 feet; thence N 89°43'22" W 316.500 feet to a point on the east boundary line of the Estates of Rose Creek Subdivision Plat 1 recorded as No. 6726198 of Book 97-8P Page 264 in the Salt Lake County Recorder's Office; thence continuing along said boundary line of said subdivision N 00°16'38" E 1476.582 feet to a point on the easterly boundary line of said Estates of Rose Creek Plat 1; thence S 89°43'46" E 274.997 feet to a point on a 25.000 foot radius curve to the right; thence continuing along the arc of said curve a distance of 39.272 feet (center bears S 00°16'14" W, chord bears S 44°43'34" E 35.357 feet) through a central angle of 90°00'24"; thence continuing along the boundary line of said Rose Creek Plat 1 S 89°43'22" E 16.500 feet to said point of beginning.

Contains 10.716 acres or 18 lots (excluding Lot "A").

THE ESTATES AT ROSE CREEK PLAT 4-A

Beginning at a point that is N 89°42'16" W 215.361 feet and South 1213.953 feet from the North quarter corner of Section 2, Township 4 South Range 2 West, Salt Lake Base and Meridian, said point also being the northwest corner of the Estates at Rose Creek Plat 5-B, recorded as entry No. 7731618, Book 2000P, Page 270, found in the office of the Salt Lake County Recorder, thence along the west line of said Rose Creek Plat 5-B west line the following four (4) courses, distances or curve calls: S 05°38'05" W 130.312 feet; thence S 09°51'33" W 50.287 feet; thence S 00°36'55" W 125.552 feet; thence S 34°58'08" W 472.669 feet to

the north line of Mirabella Drive; thence N 49°00'34" W 77.679 feet to a point of a 686.00 foot radius curve to the right (bearing to the center of curve bears N 40°59'26" E - central angle of 02°13'00"), thence northwesterly 26.539 feet along the arc of said curve to a point of a 25.00 foot radius curve to the right (bearing to the center of curve bears N 43°12'26" E - central angle of 81°45'42"), thence northwesterly 35.675 feet along the arc of said curve; thence N 34°58'08" E 22.509 feet; thence N 55°01'52" W 50.000 feet to a point of a 25.000 foot radius curve to the right (bearing to the center of curve bears N 55°01'52" W central angle of 107°07'55"); thence northwesterly 46.745 feet along the arc of said curve to a point of a 686.00 foot radius curve to the right (bearing to the center of curve bears N 52°06'04" E - central angle of 58°40'55"), thence northwesterly 702.595 feet along the arc of said curve to a point of a 25.00 foot radius curve to the right (bearing to the center of curve bears S 69°13'02" E - central angle of 94°20'17"), thence northeasterly 41.163 feet along the arc of said curve; thence N 25°07'16" E 50.000 feet to a point of 25.00 foot radius curve to the right (bearing to the center of curve bears N 25°07'16" E - central angle of 94°20'17"), thence Northwesterly 41.163 feet along the arc of said curve to the east line of Mirabella Drive as shown in the recorded plat of the Estates at Rose Creek Plat 3, said point being a point of a 686.00 foot radius curve to the right (bearing to center of curve bears S 60°32'27" E - central angle of 09°25'56"), thence northeasterly 112.931 feet along the arc of said curve; thence continuing along the south line of said the Estates at Rose Creek, Plat 3; thence S 55°01'47" E 77.753 feet; thence S 62°49'00" E 81.831 feet; thence S 54°09'16" E 92.346 feet; thence S 47°26'00" E 83.855 feet; thence S 45°28'07" E 80.603 feet; thence S 55°49'57" E 64.483 feet; thence S 67°19'24" E 56.707 feet to the point of beginning.

Contains 8.719 acres equal to 27 lots

NOW, THEREFORE, pursuant to and in conformance with the provisions of Section 11.01 of the Original Declaration, W.L. Homes, LLC., a Delaware Limited Liability Company, d.b.a. John Laing Homes - Utah Division, as the legal successor-in-interest to the Grantor, hereby amends the Original Declaration, as amended, and declares that:

1. The Annexation Property as described above, and each lot, tract or parcel thereof, is and shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to and in conformance with all of the covenants, conditions, restrictions, easements, reservations, limitations and equitable servitudes ("Covenants and Restrictions") set forth in the Original Declaration, as amended, the terms and provisions of which are incorporated herein by this reference as though fully set forth herein.

2. There shall be no additional or different Covenants and Restrictions imposed by this Amendment which are applicable to the Annexation Property, nor shall any of the Covenants and Restrictions set forth in the Original Declaration, as amended, be deleted or modified with respect to the Annexation Property.

3. The Owners of Lots within the Annexation Property shall become members of the Association with the same rights, privileges and obligations as all other Members.

4. The annexation of the Annexation Property hereto shall not, by virtue of such annexation, be considered an alteration, amendment or change to the plats for the Property.

5. This amendment to the Original Declaration, as amended, is made pursuant to an in conformance with the provisions of Section 11.01 of the Original Declaration, as amended, and is expressly excluded from the requirements of Section 12.02 of the Original Declaration, as amended. Except for the amendment provided herein with respect to the annexation of the Annexation Property, the Original Declaration, as amended, remains in full force and effect and otherwise operates and is enforceable in accordance with its terms.

IN WITNESS WHEREOF, W.L. Homes, LLC., a Delaware Limited Liability Company, d.b.a. John Laing Homes - Utah Division, has executed this Fourth Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for The Estates at Rose Creek as of the date first above written.

W.L. HOMES, a Delaware Limited
Liability Company, d.b.a., John Laing Homes -
Utah Division

By: 

David R. Prolo
Division President

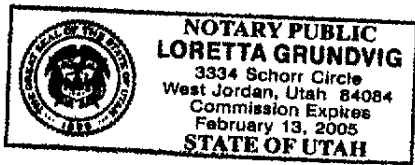
ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

County of Salt Lake)

On the 5th day of July, 2001, personally appeared before me David R. Prolo, Division President, known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument on behalf of the limited liability company therein named, and who acknowledged to me that the company executed the same.



Loretta Grundvig
NOTARY PUBLIC

RXLP, ESTATES AT ROSE CREEK PH 6C PL 1				BLK, LOT-QUAR		
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL	NUMBER	OBSOLETE?
		L	A	32-02-230-035-0000		NO
		L	1	32-02-230-038-0000		NO
		L	2	32-02-230-037-0000		NO
		L	3	32-02-230-036-0000		NO
		L	4	32-02-230-039-0000		NO
		L	5	32-02-230-040-0000		NO
		L	6	32-02-230-041-0000		NO
		L	7	32-02-230-044-0000		NO
		L	8	32-02-230-043-0000		NO
		L	9	32-02-230-042-0000		NO
		L	10	32-02-230-045-0000		NO
		L	11	32-02-230-046-0000		NO
		L	12	32-02-230-047-0000		NO
		L	13	32-02-230-050-0000		NO
		L	14	32-02-230-049-0000		NO
		L	15	32-02-230-048-0000		NO
		L	16	32-02-278-021-0000		NO
		L	17	32-02-278-022-0000		NO
		L	18	32-02-278-023-0000		NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

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RXLP ESTATES AT ROSE CREEK PL 4A

B' FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	A	32-02-178-006-0000	NO
		L	B	32-02-178-008-0000	NO
		L	420	32-02-178-003-0000	NO
		L	421	32-02-178-004-0000	NO
		L	422	32-02-178-005-0000	NO
		L	423	32-02-178-007-0000	NO
		L	424	32-02-178-012-0000	NO
		L	425	32-02-178-011-0000	NO
		L	426	32-02-178-010-0000	NO
		L	427	32-02-178-009-0000	NO
		L	428	32-02-178-013-0000	NO
		L	429	32-02-178-014-0000	NO
		L	430	32-02-178-015-0000	NO
		L	431	32-02-178-016-0000	NO
		L	432	32-02-178-017-0000	NO
		L	433	32-02-178-018-0000	NO
		L	434	32-02-177-015-0000	NO
		L	435	32-02-177-014-0000	NO
		L	436	32-02-177-013-0000	NO
		L	437	32-02-177-012-0000	NO

PF1=VTDI PF5=RKPK PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

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RXLP ESTATES AT ROSE CREEK PL 4A

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	BLK, LOT-QUAR PARCEL NUMBER	OBSOLETE?
		L	438	32-02-177-011-0000	NO
		L	439	32-02-177-010-0000	NO
		L	440	32-02-130-019-0000	NO
		L	441	32-02-130-018-0000	NO
		L	442	32-02-130-017-0000	NO
		L	443	32-02-130-016-0000	NO
		L	444	32-02-130-015-0000	NO
		L	445	32-02-130-014-0000	NO
		L	446	32-02-130-013-0000	NO

PF1=VTDI PF5=RKKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

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