

087732 Bk 0624 Pg 0900
LuAnn Adams, Box Elder County Recorder
05/30/1996 8:31am FEE: 72.00 Dep:LA
Rec'd For: PERRY CITY

72

**AMENDMENT TO DECLARATION
OF COVENANTS,
CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENTS FOR
HERITAGE ESTATES
A CLUSTER HOUSING DEVELOPMENT SUBDIVISION**

Pursuant to Section 5 of Article XVI of the Declaration recorded on the 11th day of May, 1995, in Book 596 at Page 762, as Entry Number 76649, in the office of the County Recorder of Box Elder County, State of Utah, and by the affirmative vote or written consent of the Owners holding not less than a majority of the voting power of each class of members, Section 2 of Article XV is amended to read as follows:

"ARTICLE XV

Expansion

Section 2. Reservation of Right to Expand. With the consent of the City of Perry, Declarant hereby reserves the right to expand the project, without the consent of the Lot owners, to include additional structures and Lots which shall be compatible with the structures and

lots of this present project in terms of quality of construction, the principal materials to be used and architectural style, to be constructed on the real property described above, or any portion thereto. The total number of homes which may be constructed on said additional property shall not exceed twelve (12) and the entire property, including this present project and all subsequent phases, shall not exceed a total of forty (40) Lots. The project shall consist of a minimum of twenty-eight (28) Lots and a possible maximum of forty (40) Lots."

The present Heritage Estates consists of the following described real property situate in Box Elder County, State of Utah, as follows:

PHASE I:

A part of the Southeast Quarter of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian described as: Beginning at a point located South 88 degrees 23'32" West along the South line of said Section as currently monumented 1146.92 feet and North 00 degrees 00'00" West 200.66 feet from the Southeast corner of said Southeast Quarter being a brass cap monument, said point of beginning being on the North line of the Freda P. Oyler et al., Tax No. 03-158-0026 property, also being grantors South property line; and running thence South 89 degrees 37'01" West 329.77 feet to Grantors Southwest property corner; thence North 00 degrees 34'14" West 195.03 feet along grantors West property line and the East line of Heritage Subdivision, the following six (6) courses: North 05 degrees 54'21" East 120.66 feet; thence to the left of a 180.00 foot radius curve a distance of 32.05 feet, chord bears South 86 degrees 54'44" East 32.01 feet; thence North 02

degrees 00'49" West 60.00 feet; thence North 87 degrees 59'11" East 113.33 feet; thence North 02' degrees 08'28" West 100.00 feet to grantors North property line; thence North 87 degrees 59'11" East along said property line 140.00 feet; thence South 02 degrees 00'49" East 100.00 feet; thence South 02 degrees 55'21" East 60.01 feet; thence South 00 degrees 00'00" East 178.78 feet; thence South 33 degrees 45'42" East 60.14 feet; thence South 00 degrees 0'00" East 91.26 feet to the point of beginning.

PHASE II:

A part of the Southeast Quarter of Section 35, Township 9 North, Range 2 West of the Salt Lake Base and Meridian described as: Beginning at a point located South 88 degrees 23'32" West along the South line of said Section as currently monumented 1146.92 feet and North 00 degrees 00'00" West 200.66 feet from the Southeast corner of said Southeast Quarter being a brass cap monument same as Phase I and running thence along the East boundary line of Phase I the following five (5) courses: North 00 degrees 00'00" East 91.26 feet; thence North 33 degrees 45'42" West 60.14 feet; thence North 00 degrees 00'00" East 178.78 feet; thence North 02 degrees 55'21" West 60.01 feet; thence North 02 degrees 00'49" West 100.00 feet to grantors North property line; thence North 87 degrees 59'11" East along said grantors North property line 303.27 feet; thence South 02 degrees 08'28" West 102.12 feet; thence South 32 degrees 15'55" West 70.76 feet; thence South 00 degrees 00'00" West 187.42 feet; thence South 22 degrees 41'09" East 54.19 feet; thence South 00 degrees 00'00" West 134.04 feet to grantors South property line; thence North 89 degrees 59'58" West 244.55 feet along said line to

the East line of the Freda P. Oyler property, Tax No. 03-158-0026; thence along the East and North lines of said property North 00 degrees 00'00" East 42.82 feet; thence North 89 degrees 37'01" East 5.47 feet to the point of beginning.

Provided, however, Lot 17 is not a part of the project and is not subject to the Declaration.

IN WITNESS WHEREOF, we have executed the foregoing as indicated.

DATED this 6 day of May, 1996.

HERITAGE ESTATES, L.L.C., a
Utah Limited Liability
Company

Frederic J. Keller
Paul B. Bess
By: *Paul B. Bess*

Declarant and Owner of
Lots 16, 18, 19, 20, 21,
22, 23, 24, 25, 27, 28,
and 29

DATED this 6 day of May, 1996.

Patricia R. Anderson
Patricia R. Anderson
Owner of Lot 1

DATED this 6 day of may, 1996.

Michio Shiotani
Michio Shiotani
Owner of Lot 2

Kazuko Shiotani
Kazuko Shiotani
Owner of Lot 2

DATED this 6 day of may, 1996.

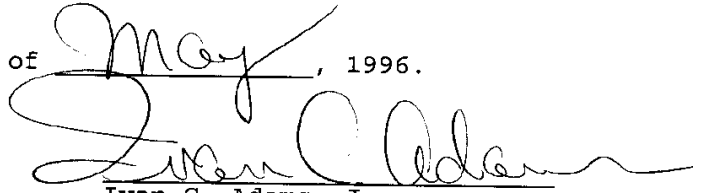
Karen I. Black
Karen I. Black
Owner of Lot 3

DATED this 6 day of may, 1996.

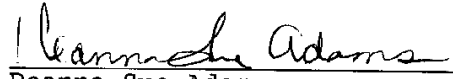
Philip Ellgen
Philip Ellgen
Owner of Lot 4

Faye S. Ellgen
Faye S. Ellgen
Owner of Lot 4

DATED this 6 day of May, 1996.

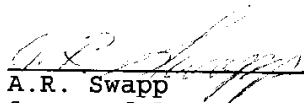


Ivan C. Adams, Jr.
Owner of Lot 5



Deanna Sue Adams
Owner of Lot 5

DATED this 6 day of May, 1996.

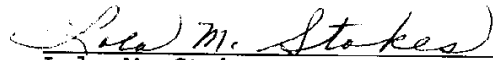


A.R. Swapp
Owner of Lot 6

DATED this 6 day of May, 1996.



Theron O. Stokes
Owner of Lot 7



Lola M. Stokes
Owner of Lot 7

DATED this 3 day of may, 1996.

Wynn C. Christensen
Wynn C. Christensen
Owner of Lot 8

Berneice S. Christensen
Berneice S. Christensen
Owner of Lot 8

DATED this 3 day of may, 1996.

Helen M. Felt
Helen M. Felt
Owner of Lot 9

DATED this 6 day of may, 1996.

Gerald D. Checketts
Gerald D. Checketts
Owner of Lot 10

Verla Jean Checketts
Verla Jean Checketts
Owner of Lot 10

DATED this 6 day of May, 1996.

Ivan R. Whitaker
Ivan R. Whitaker
Owner of Lot 11

Sharon M. Whitaker
Sharon M. Whitaker
Owner of Lot 11

DATED this 3 day of May, 1996.

Larry R. Hills
Larry R. Hills
Owner of Lot 12

Geri S. Hills
Geri S. Hills
Owner of Lot 12

DATED this 6 day of May, 1996.

Allan C. Johnson
Allan C. Johnson
Owner of Lot 13

Susan Johnson
Susan Johnson
Owner of Lot 13

DATED this 3 day of may, 1996.

Howard J. Oyler
Howard J. Oyler
Owner of Lot 14

Phyllis N. Oyler
Phyllis N. Oyler
Owner of Lot 14

DATED this 6 day of may, 1996.

Ardel H. Loveland
Ardel H. Loveland
Owner of Lot 15

Amy Y. Loveland
Amy Y. Loveland
Owner of Lot 15

DATED this 3 day of may, 1996.

Jack R. Kapp
Jack R. Kapp
Owner of Lot 26

Sue F. Kapp
Sue F. Kapp
Owner of Lot 26

STATE OF UTAH)
 :ss.
COUNTY OF BOX ELDER)

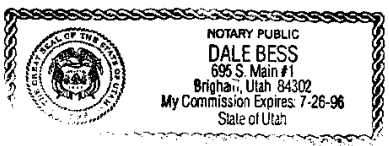
On the 6th day of May, 1996, personally appeared before me PRESTON L. KELLER, DALE B. BESS and NOEL R. BESS, who being by me duly sworn did say that they are the Managers of HERITAGE ESTATES, a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said limited liability company by authority of a resolution of its Managers, and the said Managers duly acknowledged to me that said company executed the same.



Kathy Love
NOTARY PUBLIC

STATE OF UTAH)
 :ss.
COUNTY OF BOX ELDER)

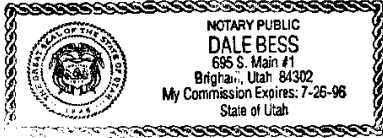
The foregoing instrument was acknowledged before me this 6 day of May, 1996, by PATRICIA R. ANDERSON, Owner of Lot 1.



Dale B. Bess
NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

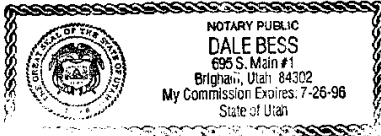
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by MICHIO SHIOTANI and
KAZUKO SHIOTANI, Owners of Lot 2.



Dale B. Bess
NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

The foregoing instrument was acknowledged before me this
6 day of May, 1996, by KAREN I. BLACK, Owner
of Lot 3.



Dale B. Bess
NOTARY PUBLIC

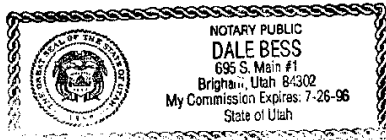
STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

The foregoing instrument was acknowledged before me this
_____ day of _____, 1996, by PHILIP ELLGEN and FAY
S. ELLGEN, Owners of Lot 4.

NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

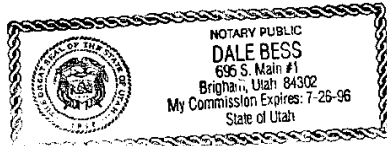
The foregoing instrument was acknowledged before me this
6 day of may, 1996, by IVAN C. ADAMS, JR. and
DEANNA SUE ADAMS, Owners of Lot 5.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF BOX ELDER)

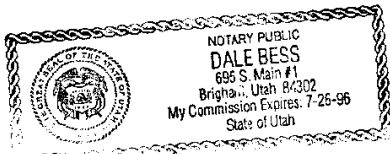
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by A.R. SWAPP, Owner of
Lot 6.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF BOX ELDER)

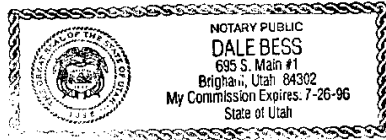
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by THERON O. STOKES and
LOLA M. STOKES, Owners of Lot 7.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF BOX ELDER)

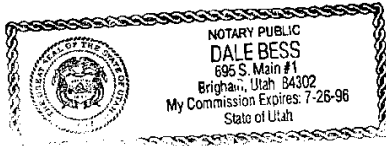
The foregoing instrument was acknowledged before me this
3 day of May, 1996, by WYNN C. CHRISTENSEN
and BERNEICE S. CHRISTENSEN, Owners of Lot 8.



Dale B Bess
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF BOX ELDER)

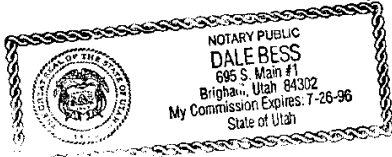
The foregoing instrument was acknowledged before me this
3 day of May, 1996, by HELEN M. FELT, Owner
of Lot 9.



Dale B Bess
NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

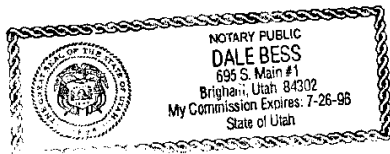
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by GERALD D. CHECKETTS
and VERLA JEAN CHECKETTS, Owners of Lot 10.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

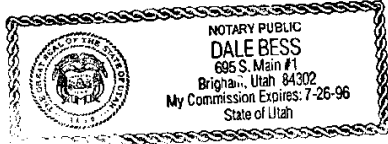
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by IVAN R. WHITAKER and
SHARON M. WHITAKER, Owners of Lot 11.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
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COUNTY OF BOX ELDER)

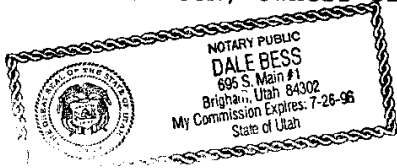
The foregoing instrument was acknowledged before me this
3 day of may, 1996, by LARRY R. HILLS and
CERI S. HILLS, Owners of Lot 12.



Dale Bess
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STATE OF UTAH)
 :ss.
COUNTY OF BOX ELDER)

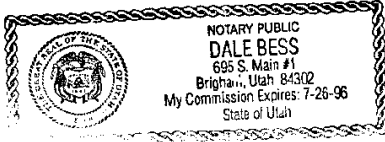
The foregoing instrument was acknowledged before me this
6 day of may, 1996, by ALLAN C. JOHNSON and
SUSAN JOHNSON, Owners of Lot 13.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF BOX ELDER)

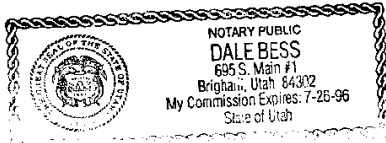
The foregoing instrument was acknowledged before me this
3 day of May, 1996, by HOWARD J. OYLER and
PHYLLIS N. OYLER, Owners of Lot 14.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF BOX ELDER)

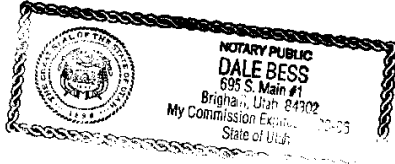
The foregoing instrument was acknowledged before me this
6 day of May, 1996, by ARDEL H. LOVELAND and
AMY Y. LOVELAND, Owners of Lot 15.



Dale Bess
NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF BOX ELDER)

The foregoing instrument was acknowledged before me this
3 day of May, 1996, by JACK R. KAPP and SUE
F. KAPP, Owners of Lot 26.



Dale Bess
NOTARY PUBLIC