

When Recorded, Please Mail To:

Shaun L Peck
BEARNSON & PECK, L.C.
74 West 100 North
Logan, Utah 84323-0525
(435) 787-9700

Ent 902388 Bk 1378 Pg 121
Date 19-Oct-2005 4:29PM Fee \$16.00
Michael Gleed, Rec. - Filed By SP
Cache County, UT
For BEARNSON & PECK LC

**SUPPLEMENT TO DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS OF
PARK AVENUE PLANNED UNIT DEVELOPMENT PHASE I,**

An Expandable Planned Residential Unit Development Subdivision

THIS SUPPLEMENT ("Supplement"), made on the 19 day of October, 2005, supplements that certain Declaration of Protective Easements, Covenants, Conditions and Restrictions of Park Avenue Planned Unit Development, Phase I of an Expandable Planned Residential Unit Development Subdivision in Logan, Cache County, Utah, recorded on June 17, 2004, as Entry No. 864519 in the Cache County Recorder's Office (the "Declaration").

RECITALS

A. Declarant is the record title owner of the Phase II Property, which property is described in Exhibit "A" attached to this Supplement;

B. Declarant has completed or will complete construction of Park Avenue Planned Unit Development, which is Phase I of an Expandable Planned Residential Unit Development Subdivision (the "Development") in Logan, Cache County, Utah;

C. In accordance with Sections 3.03 through 3.07 of the Declaration, Declarant desires to expand the Development to include Phase II, which will be known as Park Avenue Planned Unit Development Phase II, and to make Phase II subject to all the terms and conditions of the Declaration;

D. Declarant will construct on the Phase II Property certain buildings and other improvements as shown more specifically on the Plat for Phase II, Park Avenue Planned Unit Development;

E. Declarant, by recording this Supplement and the Plat for Phase II, intends to create an expansion of an existing planned residential unit development subdivision, and to impose upon the Phase II Property mutually beneficial covenants, conditions and restrictions under a general plan of improvement for the benefit of all Lots in Phase I and Phase II of the Development as well as the Owners of such Lots;

F. The administration of Phase II of the Development will be governed by the Declaration and the Articles of Incorporation and Bylaws of the Park Avenue PUD Homeowners Association, Inc. as from time to time in effect;

NOW, THEREFORE, the Declaration is hereby supplemented as follows:

1. The above recitals are incorporated by this reference.

2. Declarant hereby submits the Phase II Property, described in Exhibit "A" attached to this Supplement, together with the buildings and all improvements, easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the Phase II Property, to be known as PARK AVENUE PLANNED UNIT DEVELOPMENT PHASE II, to the protective easements, covenants, conditions and restrictions described in the Declaration.

3. The Development is expanded to include Phase II. The total number of Lots in the Development is now 35.

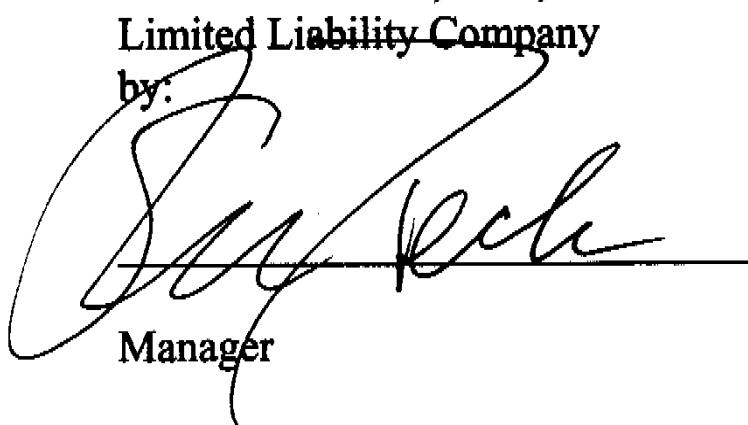
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4. Upon the filing of this Supplement in the Office of the County Recorder of Cache County, Utah, this Supplement will take effect and Phase II will be subject to the Declaration and all rights, privileges, covenants, conditions and restrictions contained in the Declaration, as if Phase II were a part of the Development at the date of its creation.

IN WITNESS WHEREOF, the undersigned has executed this instrument on this 19 day of October, 2005.

4P PROPERTIES, LLC, a Utah
Limited Liability Company

by:

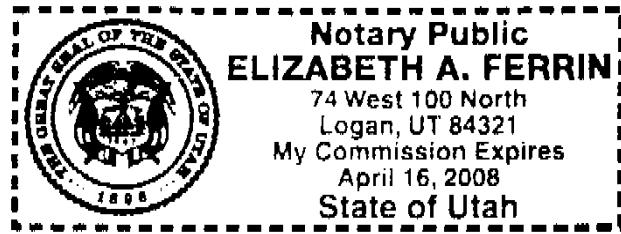


Jeff Reck

Manager

STATE OF UTAH)
:ss
County of Cache)

On the 10 day of October, 2005, personally appeared before me, SHAUN L PECK, who, being duly sworn, stated that he is manager of PARK AVENUE, LLC; that the foregoing instrument was signed on behalf of the company; and that he is vested with authority to execute this instrument on behalf of the company.



Elizabeth A. Ferrin
Notary Public

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EXHIBIT A – LEGAL DESCRIPTION OF PHASE II PROPERTY

PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BEING ALSO PART OF LOT 5 & LOT 6, PLAT "B", LOGAN ISLAND SURVEY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF SAID BLOCK 6, PLAT "B", LOGAN ISLAND SURVEY AS FOUND IN THE ACHE COUNTY RECORDER'S OFFICE, POINT ALSO LYING ON THE EAST LINE OF PARK AVENUE AND WHICH POINT LIES EAST 58.64 FEET AND SOUTH 11.54 FEET OF A FOUND LOGAN CITY GIS MONUMENT TO THE TRUE POINT OF BEGINNING;

RUNNING THENCE NORTH $01^{\circ}01'40''$ EAST ALONG SAID EAST LINE OF PARK AVENUE STREET, 51.00 FEET;

THENCE SOUTH $89^{\circ}04'41''$ EAST, 132.00 FEET;

THENCE NORTH $01^{\circ}01'40''$ EAST, 148.00 FEET;

THENCE SOUTH $89^{\circ}04'41''$ EAST, 284.26 FEET TO AN EXISTING FENCE LINE AND THE WEST LINE OF THE OREGON SHORT LINE RAILROAD RIGHT-OF-WAY;

THENCE ALONG SAID WEST LINE OF THE OREGON SHORT LINE RIGHT-OF-WAY THE FOLLOWING 3 COURSES;

(1) SOUTH $06^{\circ}30'00''$ EAST, 206.49 FEET;

(2) NORTH $88^{\circ}20'00''$ WEST, 50.51 FEET;

(3) SOUTH $06^{\circ}30'00''$ EAST, 395.95 FEET TO THE NORTHEAST CORNER OF SAID PARK AVENUE SUBDIVISION, PHASE 1;

THENCE ALONG SAID PHASE 1 BOUNDARY LINE THE FOLLOWING 12 COURSES;

(1) NORTH $75^{\circ}16'39''$ WEST, 55.40 FEET;

(2) SOUTH $81^{\circ}00'39''$ WEST, 39.31 FEET;

(3) SOUTH $86^{\circ}35'09''$ WEST, 60.09 FEET;

(4) NORTH $87^{\circ}44'12''$ WEST, 18.95 FEET;

(5) NORTH $45^{\circ}13'55''$ WEST, 66.25 FEET;

(6) NORTH $75^{\circ}44'53''$ WEST, 89.17 FEET;

(7) SOUTH $72^{\circ}57'55''$ WEST, 37.69 FEET;

(8) SOUTH $01^{\circ}01'44''$ WEST, 78.67 FEET;

(9) SOUTH $88^{\circ}29'59''$ EAST, 12.20 FEET;

(10) SOUTH $01^{\circ}01'40''$ WEST, 90.90 FEET;

(11) NORTH $88^{\circ}29'59''$ WEST, 98.00 FEET;

(12) NORTH $43^{\circ}44'10''$ WEST, 14.20 FEET;

(13) NORTH $88^{\circ}58'20''$ WEST, 7.00 FEET TO SAID EAST RIGHT-OF-WAY LINE OF PARK AVENUE;

THENCE NORTH $01^{\circ}01'40''$ EAST ALONG SAID RIGHT-OF-WAY LINE 499.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.41 ACRES +/- .