

9040259

When recorded, please return to:

Forest Creek Cove Homeowners Assn.
c/o Todd J. Palmer
1956 East Forest Creek Lane
Salt Lake City, Utah 84121

9040259
04/21/2004 10:03 AM NO FEE
Book - 8976 Pg - 1505-1511
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: ZJM, DEPUTY - WI 7 P.

Space above for County Recorder's use only

Third Amendment to Declaration of Covenants, Conditions and Restrictions Forest Creek Cove

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, FOREST CREEK COVE (the "Third Amendment") is executed this 23 day of March 2004 by the Forest Creek Cove Homeowners Association, a Utah nonprofit corporation (the "Association").

RECITALS

A. Forest Creek Cove, a planned unit development, which includes certain real property located in Salt Lake County, State of Utah, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, was created by filing for record in the office of the Salt Lake County Recorder the following (collectively the "Declaration"):

(1) The Declaration of Covenants, Conditions and Restrictions, recorded February 1, 1979, as Entry No. 3232021, in Book 4808, at Page 1263,

(2) The Amended, Declaration of Covenants, Conditions and Restrictions, recorded February 5, 1979, as Entry No. 3233200, in Book 4810, at Page 150; and,

(3) The Second Amendment to Declaration of Covenants, Conditions and Restrictions, recorded April 12, 1985, as Entry No. 4073502, in Book 5845, at Page 1205.

B. The Association desires to amend the Declaration.

AMENDMENTS

NOW, THEREFORE, in accordance with the procedures and requirements set forth therein, the Declaration is hereby amended as follows:

1. Article I, Section (5) is hereby deleted in its entirety and replaced with the following new Article I, Section (5):

(5) "Common Area" shall mean the real property described in Exhibit "B" attached hereto and incorporated herein by this reference, less and excepting therefrom any portion being described as a "Lot" in Article I, Section (10), which is owned by the Association for the common use and enjoyment of the members of the Association.

2. Article I, Section (8) is hereby deleted in its entirety and replaced with the following new Article I, Section (8):

(8) "Development Property" shall mean and refer to all of the real property described in Exhibit "B" attached hereto and incorporated herein by this reference.

3. Other than as expressly modified by the provisions of this Third Amendment, all of the terms and provisions of the Declaration are hereby ratified and affirmed in their entirety.

EFFECTIVE DATE

This Third Amendment shall be effective as of the date of its recordation in the office of the Salt Lake County Recorder.

CERTIFICATION

Pursuant to the procedures set forth in the Declaration for implementing the amendments set forth above, the Association, by two of its duly elected officers, hereby certifies as follows:

1. All facts set forth in the "Recitals" portion of this Third Amendment are true and correct.

2. The requirement of Article XII, Section (2) of the Declaration that at least seventy-five percent (75%) of the Class A members of the Association vote in favor of those amendments to the Declaration embodied in this Third Amendment was fulfilled.

3. There are no Class B members of the Association.

This agreement may be executed in counterparts with the same force and effect as if one complete document. However, there is no effective agreement until each of the parties hereto has executed at least one counterpart.

IN WITNESS WHEREOF, this Declaration is executed as of the date first written above.

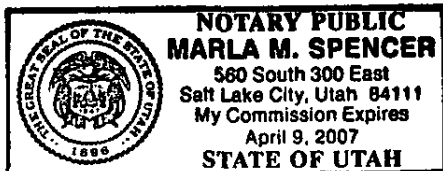
Forest Creek Cove Homeowners Association, a
Utah nonprofit corporation




Todd J. Palmer, its President

STATE OF UTAH)
):ss.
County of Salt Lake)

On this 23 day of March 2004, personally appeared before me Todd J. Palmer, who, being by me duly sworn, did say that he is the President of the Forest Creek Cove Homeowners Association, a Utah nonprofit corporation, did verify to me that the contents of the "Certification" portion of the foregoing Third Amendment are true and correct, did say that the foregoing Third Amendment was signed on behalf of the Association by authority of its bylaws or a resolution of its board of directors, as the case may be, and did acknowledge to me that the Association executed the same.





Notary Public
Residing at: SLC, Utah
My commission expires: 4-9-07

Forest Creek Cove Homeowners Association, a
Utah nonprofit corporation




Randy L. Shutt, its Secretary

STATE OF CALIFORNIA)
County of Orange) :ss.

On this 23 day of March 2004, personally appeared before me Randy L. Shutt, who, being by me duly sworn, did say that he is the Secretary of the Forest Creek Cove Homeowners Association, a Utah nonprofit corporation, did verify to me that the contents of the "Certification" portion of the foregoing Third Amendment are true and correct, did say that the foregoing Third Amendment was signed on behalf of the Association by authority of its bylaws or a resolution of its board of directors, as the case may be, and did acknowledge to me that the Association executed the same.





Notary Public
Residing at: Santa Ana - Orange County, CA.
My commission expires: 04-03-2005

EXHIBIT "A"

(Legal Description of original Record of Survey Map)

BEGINNING at the Southeast corner of the Crestview Estates Subdivision at a point South 988.80 feet and East 229.05 feet from the East quarter corner of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence along the south boundary of said Crestview Estates Subdivision for two courses as follows: South 84°25'00" West 412.91 feet; thence North 60°15'26" West 566.45 feet; thence leaving the subdivision boundary South 02°15'24" East 595.96 feet; thence South 77°40'00" East 182.81 feet; thence South 16°34'00" West 54.38 feet; thence South 44°19'00" East 93.86 feet; thence South 07°10'00" East 53.15 feet; thence South 74°49'00" East 734.97 feet; thence South 30°36'00" East 212.19 feet; thence South 42°42'00" East 356.98 feet to the west right of way line of 2000 East Street; thence along said right of way line for four courses as follows: along the arc of a 523.69 foot radius curve to the left 271.721 feet (the chord bears North 15°30'07" West 268.683 feet); thence North 30°21'58" West 161.00 feet; thence along the arc of a 1005.370 foot radius curve to the right 254.432 feet (the chord bears North 23°06'58" West 253.753 feet); thence North 15°51'58" West 594.65 feet to the point of BEGINNING.

Parcel Numbers 22-27-351-007, 22-27-351-008, 22-27-351-009, 22-27-351-010, 22-27-351-011, 22-27-352-001, 22-27-352-002, 22-28-429-034, 22-28-429-035, 22-28-429-036, 22-28-429-037, 22-28-429-038, 22-28-429-042, 22-28-429-043, 22-28-429-045, 22-28-477-003, 22-28-477-004, 22-28-477-005, 22-28-477-007, 22-28-477-010, 22-28-477-011, and 22-28-477-012

EXHIBIT "B"

(Legal Description of amended Record of Survey Map)

Part of the Southwest quarter of Section 27, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

BEGINNING at the most Southerly point of Forest Creek Lane roadway easement, as shown on that certain "2000 EAST STREET AGREEMENT OF CONVEYANCE TO SALT LAKE COUNTY", recorded on June 4, 1996 in Book 96-6P of Plats at Page 204 in the Office of the Salt Lake County Recorder, which point lies 480.00 feet South 89°08'53" East along the section line and 113.44 feet North 00°51'07" East from the Salt Lake County Monument found marking the Southwest corner of said Section 27, and running thence along the Southerly and Westerly lines of said Forest Creek Lane Roadway Easement the following thirteen (13) courses: (1) North 12°01'43" West 27.616 feet; (2) North 58°25'53" West 26.847 feet to a point of curvature with a 127.50 foot radius curve to the left (chord bearing North 70°25'35" West 52.997 feet); (3) Westerly 53.39 feet along the arc of said curve through a central angle of 23°59'26" to a point of compound curvature with a 20.00 foot radius curve to the left (chord bearing South 48°18'28" West 30.312 feet); (4) Southwesterly 34.40 feet along the arc of said curve through a central angle of 98°32'28"; (5) South 89°02'14" West 30.000 feet; (6) North 00°57'46" West 11.704 feet to a point of curvature with a 95.00 foot radius curve to the right (chord bearing North 05°25'37" East 21.15 feet); (7) Northerly 21.19 feet along the arc of said curve through a central angle of 12°46'48" to a point of reverse curvature with a 20.00 foot radius curve to the left (chord bearing North 19°10'00" West 20.592 feet); (8) Northerly 21.63 feet along the arc of said curve through a central angle of 61°58'05" to a point of reverse curvature with a 105.00 foot radius curve to the right (chord bearing North 25°49'17" West 86.51 feet); (9) Northerly 89.17 feet along the arc of said curve through a central angle of 48°39'29"; (10) North 01°29'33" West 151.056 feet to the point of curvature with a 115.00 foot radius curve to the right (chord bears North 09°26'30" East 43.63 feet); (11) Northeasterly 43.89 feet along the arc of said curve through a central angle of 21°52'05"; (12) North 20°22'32" East 153.302 feet to the point of curvature with an 85.00 foot radius curve to the left (chord bears North 10°41'52" East 28.578 feet); (13) Northeasterly 28.71 feet along the arc of said curve through a central angle of 19°21'20"; thence South 86°26'43" East 33.11 feet; thence North 85°01'03" East 179.92 feet to a point on the westerly right-of-way line of Highland Drive at a point of non-tangency with a 663.20 foot radius curve to the right (radius point bears South 75°33'55" West, chord bearing South 10°23'03" West 556.76 feet); thence Southerly 574.56 feet along the arc of said curve through a central angle of 49°38'17" to the point of beginning.

Parcel Numbers 22-27-351-007, 22-27-351-008, 22-27-351-009, 22-27-351-010, 22-27-351-011, 22-27-352-001, 22-27-352-002, 22-28-429-034, 22-28-429-035, 22-28-429-036, 22-28-429-037, 22-28-429-038, Part of 22-28-429-042, 22-28-429-043, 22-28-429-045, 22-28-477-003, 22-28-477-004, 22-28-477-005, 22-28-477-007, 22-28-477-010, 22-28-477-

011, and 22-28-477-012