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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
LANDMARK TITLE  
BY: EHB, DEPUTY - WL 2 P.

**When Recorded Mail To:**  
Herriman Heights LC  
Patrick Moffat  
90 South 400 West #200  
SLC, UT 84101

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE  
COVENANTS, CONDITIONS & RESTRICTIONS  
FOR  
HERRIMAN HEIGHTS SUBDIVISION**

THIS FIRST AMENDMENT (the "First Amendment") is made and entered into this 6th day of July, 2004, by HERRIMAN HEIGHTS, L.C. (the "Declarant").

**RECITALS:**

- A. Declarant previously executed and recorded the following as part of the entire project:
  - (i) Herriman Heights Subdivision recorded April 5, 2004 as entry No. 9023753, in book number 2004P on page number 78 of the official records of the Salt Lake County, State of Utah (the "Plat").
  - (ii) A Declaration of Protective Covenants, Conditions and Restrictions for Herriman Heights Subdivision, dated April 5, 2004, which was recorded April 5, 2004, as entry No. 9023754 in book number 8968, at pages 5610-5622, of the official records of Salt Lake County, State of Utah (the "Declaration").
- B. Declarant desires to amend the Declaration in certain respects.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant agrees as follows:

- 1. The following sections of the Declaration shall be amended as follows:
  - (a) The existing Paragraph 2.5 of the Declaration shall replace the sentence that reads: "On corner lots which have side yards that border a street, no building shall be located on that lot nearer to the side lot line than thirty (30) feet" with two entirely new sentences to read as follows: "For lots 28 through 44 and lots 60 through 62, inclusive, on corner lots which have side yards that border a street, no building shall be located on that lot nearer to the side lot line than thirty (30) feet. For lots 1-28, inclusive and lots 45-49, inclusive, on corner lots which have side yards that border a street, no building shall be located on that lot nearer to the side lot line than twenty (20) feet."
- 2. In all other respects, the Declaration and Plat are ratified and affirmed.
- 3. The vote required for amendment of the Declaration of Covenants has occurred, in accordance with the Amendments portion of the Declaration.

Agreed to and approved by:

HERRIMAN HEIGHTS, L.C., a Utah limited liability company,

By Its Members,

Boyer Herriman Heights L.C., a Utah limited liability company

By [Signature]

Manager

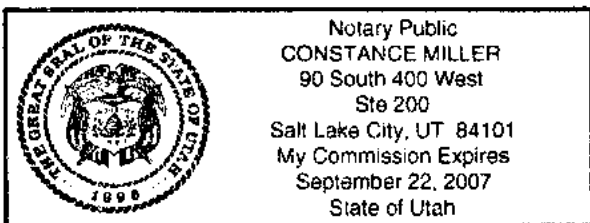
Plumb Development, L.C., a Utah limited liability company

By [Signature]

Walter J. Plumb  
Manager

STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )

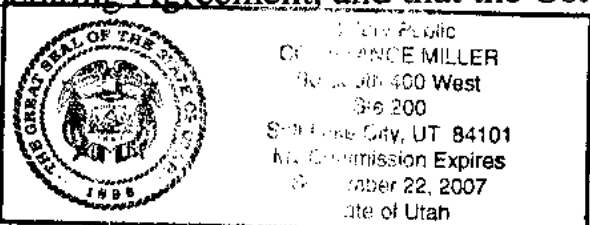
On the 6<sup>th</sup> day of July, 2004, personally appeared before me STEVEN B. OSTLER, who, being by me duly sworn, did say that he is the Manager of Boyer Herriman Heights., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of the Company by authority of its Operating Agreement, and that the Company executed the same.

[SEAL] 

[Signature]  
Notary Public

STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )

On the 6<sup>th</sup> day of July, 2004,, personally appeared before me Walter J. Plumb, who, being by me duly sworn, did say that he is the Manager of Plumb Development, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of the Company by authority of its Operating Agreement, and that the Company executed the same.

[SEAL] 

[Signature]  
Notary Public

NOTARY SEAL NOT LEGIBLE  
- CO RECORDER -