

**When Recorded Mail To:**

**D. R. Horton, Inc.  
11075 South State Street, Suite 30  
Sandy, Utah 84070**

14/7/04

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Book - 9026 Pg - 7950-7963  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
D R HORTON  
11075 S STATE ST STE 30  
SANDY UT 84070  
BY: SBM, DEPUTY - WI 14 P.

**AMENDMENT NO. 4 TO  
THE DECLARATION OF CONDOMINIUM  
FOR THE VILLAGES AT MILL CREEK**

THIS AMENDMENT NO. 4 TO THE DECLARATION OF CONDOMINIUM FOR THE VILLAGES AT MILL CREEK (this "Amendment No. 4") is made and executed this 17<sup>TH</sup> day of August, 2004 by D. R. HORTON, INC., a Delaware corporation (hereinafter referred to as "Declarant"), pursuant to the provisions of the Utah Condominium Ownership Act contained in Title 57, Chapter 8 of the Utah Code, as it may be amended from time to time (the "Act").

**RECITALS**

A. On January 9, 2004, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of The Villages at Mill Creek Phase 1, as Entry No. 8945561 in Book 2002P at Page 5.

B. On April 22, 2004, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of The Villages at Mill Creek Phase 3, as Entry No. 9011488 in Book 2004P at Page 95.

C. On May 11, 2004, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of The Villages at Mill Creek Phase 2, as Entry No. 9058778 in Book 2004P at Page 109.

D. On July 9, 2004, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of The Villages at Mill Creek Phase 4, as Entry No. 9116395 in Book 2004P at Page 177.

E. In connection with the development of The Villages at Mill Creek, Declarant executed that certain Declaration of Condominium for The Villages at Mill Creek dated January 8, 2004 (the "Initial Declaration"). The Initial Declaration was recorded in the Office of the Recorder of Salt Lake County, Utah on January 9, 2004 as Entry No. 8945562 in Book 8932 at Pages 4265-4326. The Initial Declaration pertains to and affects the real property described as Phase 1 in Section 3.1 of the Initial Declaration.

F. In connection with the recording of the Record of Survey Map of The Villages at Mill Creek Phase 3, Declarant executed that certain Amendment No. 1 to the Declaration of Condominium for The Villages at Mill Creek dated April 21, 2004 ("Amendment No. 1").

Amendment No. 1 was recorded in the Office of the Recorder of Salt Lake County, Utah on April 22, 2004 as Entry No. 9041489 in Book 8976 at Pages 8106-8115. The Initial Declaration, as supplemented and amended by Amendment No. 1, pertains to and affects the real property described as Phase 1 and Phase 3 in Section 3.1 of the Initial Declaration, as supplemented and amended by Amendment No. 1.

G. In connection with the recording of the Record of Survey Map of The Villages at Mill Creek Phase 2, Declarant executed that certain Amendment No. 2 to the Declaration of Condominium for The Villages at Mill Creek dated May 11, 2004 ("Amendment No. 2"). Amendment No. 2 was recorded in the Office of the Recorder of Salt Lake County, Utah on May 11, 2004 as Entry No. 9058779 in Book 8986 at Pages 7-21. The Initial Declaration, as supplemented and amended by Amendment No. 1 and Amendment No. 2, pertains to and affects the real property described as Phase 1, Phase 2 and Phase 3 in Section 3.1 of the Initial Declaration, as supplemented and amended by Amendment No. 1 and by Amendment No. 2.

H. In connection with the recording of the Record of Survey Map of The Villages at Mill Creek Phase 4, Declarant executed that certain Amendment No. 3 to the Declaration of Condominium for The Villages at Mill Creek dated July 9, 2004 ("Amendment No. 3"). Amendment No. 3 was recorded in the Office of the Recorder of Salt Lake County, Utah on July 9, 2004 as Entry No. 9116396 in Book 9012 at Pages 4702-4719. The Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, pertains to and affects the real property described as Phase 1, Phase 2, Phase 3 and Phase 4 in Section 3.1 of the Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3.

I. In Section 8 of the Initial Declaration, Declarant reserved, pursuant to Sections 57-8-10(4) and 57-8-13.6 of the Act, the option to expand the Project (the "Option to Expand"). The real property subject to the Option to Expand is described in Section 8.1.1 of the Initial Declaration. Such real property is described and referred to in the Initial Declaration as the "Additional Land." Declarant now desires to expand the Project to include that portion of the Additional Land referred to in Section 8.1.1 of the Initial Declaration as Phase 5, the revised and corrected legal description of which Phase 5 is set forth below.

J. Simultaneously with the recording of this Amendment. No. 4 in the Office of the Recorder of Salt Lake County, Utah, Declarant shall record the Record of Survey Map of The Villages at Mill Creek Phase 5.

NOW THEREFORE, Declarant hereby declares and provides as follows:

1. Initial Declaration Incorporated by Reference. The Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, in its entirety is hereby incorporated by reference and made a part of this Amendment. No. 4 as though it were set forth herein in its entirety. The Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, and as supplemented and amended by this Amendment. No. 4, shall herein collectively be referred to as "this Declaration."

2. Definitions. All the terms which are defined in the Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, shall continue to have the same meaning when used in this Declaration, except with respect to the following terms, which are hereby amended to have the following meanings:

(a) 2.6 "Common Areas and Facilities" shall mean all portions of the Project other than the Units, as described in Section 6.1 of this Declaration, including the Limited Common Areas and Facilities. The undivided interest in the Common Areas and Facilities appurtenant to each Unit is based upon the Par Value of such Unit, as described in 6.2 of this Declaration and is set forth in Exhibit A attached to Amendment. No. 4.

(b) 2.15 "Declaration" shall mean the Initial Declaration, as supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, and as supplemented and amended by this Amendment. No. 4, and all amendments, modifications and supplements hereto.

(c) 2.23 "Map" shall mean the Record of Survey Map of The Villages at Mill Creek Phase 1, the Record of Survey Map of The Villages at Mill Creek Phase 2, the Record of Survey Map of The Villages at Mill Creek Phase 3, the Record of Survey Map of The Villages at Mill Creek Phase 4 and the Record of Survey Map of The Villages at Mill Creek Phase 5, as recorded in the Office of the Recorder of Salt Lake County, Utah, a reduced copy of which is attached to this Amendment. No. 4 as Exhibit C, as it may be amended from time to time pursuant to this Declaration and the Act. It is contemplated that the Map may be amended at such time as the Buildings are constructed, in the event there are material changes in the Buildings' boundaries or elevations as constructed. Such an amendment to the Map is expressly authorized and may be undertaken by Declarant without the joinder or consent of any other Owners. It is also contemplated that the Map may be amended in the event that Declarant exercises the Option to Expand the Project in accordance with terms of Section 8 hereof.

(d) 2.30 "Property" shall mean that certain real property situated in the County of Salt Lake, State of Utah, more particularly described in Section 3 of this Declaration, on which the Units and other improvements are located.

3. Amendment of Section 3. Section 3 of the Initial Declaration is hereby amended and restated in its entirety to read as follows:

3. **DESCRIPTION OF THE PROPERTY AND THE IMPROVEMENTS**

3.1 The Property on which the Units and improvements are located is situated in Salt Lake County, Utah and is more particularly described as follows:

PHASE 1

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT IN THE CENTERLINE OF A COUNTY ROAD KNOWN AS 45TH SOUTH STREET, BEARING EAST AND WEST, 3.68 CHAINS SOUTH AND 16.45 CHAINS WEST FROM THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 SECTION 5, T.2S., R.1E., SLB&M., AND RUNNING THENCE SOUTH 13.62 CHAINS TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING IS MORE PARTICULARLY DESCRIBED AS BEING LOCATED S.89°51'30"W. 296.78 FEET ALONG THE MONUMENTED CENTERLINE OF SAID 4500 SOUTH STREET AND S.00°10'35"E. 898.91 FEET FROM THE BRASS CAP MONUMENT AT THE INTERSECTION OF 900 EAST STREET;

THENCE S.12°20'00"E. 35.58 FEET; THENCE S.77°40'00"W. 86.44 FEET; THENCE S.32°40'00"W. 19.18 FEET; THENCE S.12°20'00"E. 39.44 FEET TO A POINT OF CURVATURE OF A 364.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 78.35 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 12°20'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S.06°10'00" E. 78.20 FEET TO THE CURVES END; THENCE SOUTH 83.59 FEET; THENCE EAST 4.00 FEET; THENCE S.45°00'00"E. 33.94 FEET; THENCE EAST 62.75 FEET; THENCE NORTH 88.16 FEET; THENCE N.85°15'47"E. 18.55 FEET; THENCE N.05°04'32"W. 43.64 FEET TO A FOUND 5/8" IRON PIN LS# 3370; THENCE EAST 229.39 FEET TO THE WEST RIGHT-OF-WAY OF 900 EAST STREET; THENCE S.04°54'30"E. ALONG SAID RIGHT-OF-WAY 173.82 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 28.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 21.72 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 44°27'03" AND BEING SUBTENDED BY A CHORD THAT BEARS N.67°46'29"W. 21.18 FEET TO THE CURVES END; THENCE WEST 255.60 FEET; THENCE SOUTH 96.44 FEET; THENCE EAST 282.80 FEET; THENCE S.04°54'30"E. 27.66 FEET; THENCE WEST 189.23 FEET; THENCE N.12°20'00"W. 2.11 FEET; THENCE N.89°27'48"W. 234.49 FEET; THENCE N.18°27'12"W. 17.57 FEET; THENCE NORTH 11.16 FEET; THENCE EAST 98.46 FEET; THENCE NORTH 91.91 FEET; THENCE WEST 155.88 FEET TO A POINT OF CURVATURE OF A 286.00-FOOT RADIUS CURVE TO THE LEFT; THENCE WESTERLY 93.78 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 18°47'15" AND BEING SUBTENDED BY A CHORD THAT BEARS S.80°36'23"W. 93.36 FEET TO THE

CURVES END; THENCE S.50°56'39"W. 19.40 FEET; THENCE S.12°31'20"E. 101.56 FEET; THENCE S.80°37'48"W. 71.76 FEET; THENCE N.25°40'40"W. 118.30 FEET; THENCE N.64°19'20"E. 143.86 FEET; THENCE S.89°29'02"E. 44.39 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 318.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY 33.24 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 05°59'19" AND BEING SUBTENDED BY A CHORD THAT BEARS N.87°00'20"E. 33.22 FEET TO THE CURVES END; THENCE EAST 71.55 FEET; THENCE N.45°00'00"E. 33.94 FEET; THENCE NORTH 83.59 FEET TO A POINT OF CURVATURE OF A 332.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 71.47 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 12°20'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N.06°10'00"W. 71.33 FEET TO THE CURVES END; THENCE N.12°20'00"W. 106.67 FEET; THENCE S.77°40'00"W. 103.27 FEET TO A FOUND 5/8" IRON PIN LS# 3370; THENCE N.47°08'00"E. 100.00 FEET TO A FOUND 5/8" IRON PIN LS# 3370; THENCE N.88°31'00"E. 100.00 FEET TO A FOUND 5/8" IRON PIN LS# 3370; THENCE S.57°49'00"E. 71.42 FEET TO THE POINT OF BEGINNING. CONTAINS 2.31 ACRES OF LAND MORE OR LESS.

## PHASE 2

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE CENTERLINE INTERSECTION OF 4500 SOUTH STREET AND 900 EAST STREET, FROM WHICH THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, T.2S., R.1E., SLB&M., BEARS S.89°54'45"E. 788.92 FEET AND N.00°10'35"W. 242.38 FEET; THENCE S.89°51'30"W. ALONG THE CENTERLINE OF 4500 SOUTH STREET 14.75 FEET AND SOUTH 1232.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF 900 EAST STREET AND THE POINT OF BEGINNING;

THENCE S.04°54'30"E. 88.76 FEET ALONG SAID RIGHT-OF-WAY ; THENCE WEST 282.80 FEET; THENCE NORTH 96.44 FEET; THENCE EAST 255.60 FEET TO A POINT OF

CURVATURE OF A 28.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 21.72 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 44°27'03" AND BEING SUBTENDED BY A CHORD THAT BEARS S.67°46'29"E. 21.18 FEET TO THE CURVES END AND THE POINT OF BEGINNING. CONTAINS 0.62 ACRES OF LAND MORE OR LESS.

#### PHASE 3

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE CENTERLINE INTERSECTION OF 4500 SOUTH STREET AND 900 EAST STREET, FROM WHICH THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, T.2S., R1E., SLB&M., BEARS S.89°54'45"E. 788.92 FEET AND N.00°10'35"W. 242.38 FEET; THENCE S.89°51'30"W. ALONG THE CENTERLINE OF 4500 SOUTH STREET 286.41 FEET AND SOUTH 933.69 FEET TO THE POINT OF BEGINNING;

THENCE S.12°20'00"E. 128.27 FEET TO A FOUND 5/8" IRON PIN LS# 3370; THENCE S.05°04'32"E. 43.64 FEET; THENCE S.85°15'47"W. 18.55 FEET; THENCE SOUTH 88.16 FEET; THENCE WEST 62.75 FEET; THENCE N.45°00'00"W. 33.94 FEET; THENCE WEST 4.00 FEET; THENCE NORTH 83.59 FEET TO A POINT OF CURVATURE OF A 364.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 78.35 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 12°20'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N.06°10'00"W. 78.20 FEET TO THE CURVES END; THENCE N.12°20'00"W. 39.44 FEET; THENCE N.32°40'00"E. 19.18 FEET; THENCE N.77°40'00"E. 86.44 FEET TO THE POINT OF BEGINNING. CONTAINS 0.55 ACRES OF LAND MORE OR LESS.

#### PHASE 4

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE CENTERLINE INTERSECTION OF 4500 SOUTH STREET AND 900 EAST STREET, FROM WHICH THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, T.2S., R.1E., SLB&M., BEARS S.89°54'45"E. 788.92 FEET AND N.00°10'35"W. 242.38 FEET; THENCE S.89°51'30"W. ALONG THE CENTERLINE OF 4500 SOUTH STREET 527.72 FEET AND SOUTH 930.92 FEET TO A FOUND 5/8" IRON PIN LS # 3370 AND THE POINT OF BEGINNING;

THENCE N.77°40'00"E. 103.27 FEET; THENCE S.12°20'00"E. 106.67 FEET TO A POINT OF CURVATURE OF A 332.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 71.47 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 12°20'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S.06°10'00"E. 71.33 FEET TO THE CURVES END; THENCE SOUTH 83.59 FEET; THENCE S.45°00'00"W. 33.94 FEET; THENCE WEST 71.55 FEET TO A POINT OF CURVATURE OF A 318.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY 33.24 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 5°59'19" AND BEING SUBTENDED BY A CHORD THAT BEARS S.87°00'20"W. 33.22 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE N 89°29'02" W 44.39 FEET; THENCE N.24°36'42"E. 34.56 FEET; THENCE N.20°23'18"W. 83.99 FEET; THENCE N.67°41'00"E. 11.49 FEET TO A FOUND 5/8" IRON PIN LS# 145787; THENCE N.64°55'00"E. 51.48 FEET TO A FOUND 5/8" IRON PIN LS # 145787; THENCE N.19°10'00"W. 72.50 FEET; THENCE N.22°05'00"E. 61.70 FEET TO THE POINT OF BEGINNING. CONTAINS 0.92 ACRES OF LAND MORE OR LESS.

#### PHASE 5

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE CENTERLINE INTERSECTION OF 4500 SOUTH STREET AND 900 EAST STREET, FROM WHICH THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, T.2S., R.1E., SLB&M., BEARS S.89°54'45"E. 788.92 FEET AND N.00°10'35"W. 242.38 FEET;

THENCE S.89°51'30"W. ALONG THE CENTERLINE OF 4500 SOUTH STREET 336.06 FEET AND SOUTH 1228.04 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 87.91 FEET; THENCE WEST 98.46 FEET; THENCE SOUTH 11.16 FEET; THENCE S.80°37'48"W. 144.51 FEET; THENCE N.12°31'20"W. 95.02 FEET; THENCE N.50°56'39"E. 26.45 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 282.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 86.57 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 17°35'20" AND BEING SUBTENDED BY A CHORD THAT BEARS N.81°12'20"E. 86.23 FEET TO THE CURVES END; THENCE EAST 155.88 FEET TO THE POINT OF BEGINNING. CONTAINS 0.58 ACRES OF LAND MORE OR LESS.

3.2 With the addition to the Project of Phase 2, Phase 3, Phase 4 and Phase 5 of the Additional Land, so that the Project consists of Phase 1, Phase 2, Phase 3, Phase 4 and Phase 5, the improvements within the Project will consist of sixteen (16) buildings (which together with any other buildings constructed on the Additional Land shall collectively be referred to herein as the "Buildings"). With the Project consisting of Phase 1, Phase 2, Phase 3, Phase 4 and Phase 5, the completed Buildings are designated on the Map as Buildings A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B-1, B-2, B-3, B-4, B-5, B-6, B-7 and C-1. Each Building shall have two (2) floors above ground and a ground-level parking area. Building A-1 shall contain six (6) Units, Building A-2 shall contain six (6) Units, Building A-3 shall contain six (6) Units, Building A-4 shall contain six (6) Units, Building A-5 shall contain six (6) Units, Building A-6 shall contain six (6) Units, Building A-7 shall contain six (6) Units, Building A-8 shall contain six (6) Units, Building B-1 shall contain three (3) Units, Building B-2 shall contain three (3) Units, Building B-3 shall contain three (3) Units, Building B-4 shall contain three (3) Units, Building B-5 shall contain three (3) Units, Building B-6 shall contain three (3) Units, Building B-7 shall contain three (3) Units and Building C-1 shall contain three (3) Units. The Buildings shall be principally constructed of: concrete footings and foundation; steel and concrete frame below ground; wood frame above ground; cultured stone, stucco or brick exteriors; sheetrock interiors; asphalt shingle roofs; and such other materials as allowed by current building codes. The Buildings will be supplied with telephone, cable television, electricity, natural gas, water, and sewer service. The Project also includes the Common Areas and Facilities described herein, which Common Areas and Facilities shall include an outdoor play area for children, the landscaped areas, private roads, private driveways and parking areas in the locations identified on the Map.

4. Submission to the Act. Declarant hereby submits the Phase 5 portion of the Property and all Buildings and other improvements located thereon to the provisions of the Act.



Consequently, the Property described in Section 3 of this Declaration, consisting of the Phase 1 portion of the Property, the Phase 2 portion of the Property, the Phase 3 portion of the Property, the Phase 4 portion of the Property and the Phase 5 portion of the Property, together with all Buildings and all other improvements located thereon have been submitted to the provisions of the Act by Declarant. All of said Project is and shall be held, conveyed, hypothecated, encumbered, leased, subleased, rented, used and improved as a condominium project. All of the Project is and shall be subject to the covenants, conditions, restrictions, uses, limitations and obligations set forth herein, each and all of which are declared and agreed to be for the benefit of the Project and in furtherance of a plan for improvement of the Project and the division thereof into Units; further, each and all of the provisions hereof shall be deemed to run with the land and shall be a burden and a benefit to the Declarant, the successors and assigns of the Declarant, and any person acquiring, leasing, subleasing or owning an interest in the real property and improvements comprising the Project, their assigns, lessees, sublessees, heirs, executors, administrators, devisees and successors. The Declarant and the Owners Association are each hereby granted a limited license to use the name "The Villages at Mill Creek" in connection with the administration, sale and operation of their respective interests in the Project.

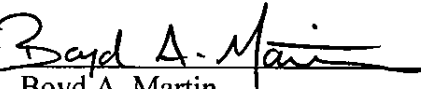
5. Section 8.1.1 of the Declaration is hereby amended to delete from the description of the Additional Land contained therein the real property described as Phase 2, Phase 3, Phase 4 and Phase 5. With the deletion of Phase 2, Phase 3, Phase 4 and Phase 5 from the description of the Additional Land, there is no more Additional Land described in this Declaration.

6. Pursuant to Section 8.1.6 of the Declaration, the ownership interest in the Common Area and Facilities for all Units in the Project is hereby amended and restated to be as set forth in Exhibit A attached to this Amendment. No. 4 and incorporated herein by this reference.

7. Except as expressly provided in this Amendment. No. 4, all other terms and conditions of the Initial Declaration, as previously supplemented and amended by Amendment No. 1, by Amendment No. 2 and by Amendment No. 3, are unmodified and remain in full force and effect.

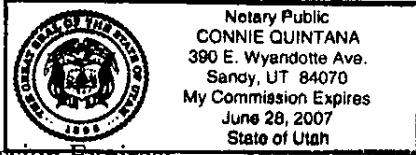
IN WITNESS WHEREOF, Declarant has executed this Amendment. No. 4 as of the date first above written.

D. R. HORTON, INC., a Delaware corporation

By:   
Boyd A. Martin  
Vice President

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

The foregoing instrument was acknowledged before me this 17<sup>TH</sup> day of August, 2004, by Boyd A. Martin, the Vice President of D. R. Horton, Inc., a Delaware corporation.



My Commission Expires:

6/28/07

Connie Quintana  
NOTARY PUBLIC

Residing at:

Sandy, Utah

**EXHIBIT A  
TO  
AMENDMENT. NO. 4 TO THE  
DECLARATION OF CONDOMINIUM  
FOR  
THE VILLAGES AT MILL CREEK**

(Schedule of Units)

<u>UNIT NUMBER</u>	<u>PAR VALUE OF THE UNIT</u>	<u>FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH UNIT</u>
Unit 1 of Building A-1	10	$1^{28}/_{72}\%$
Unit 2 of Building A-1	10	$1^{28}/_{72}\%$
Unit 3 of Building A-1	10	$1^{28}/_{72}\%$
Unit 4 of Building A-1	10	$1^{28}/_{72}\%$
Unit 5 of Building A-1	10	$1^{28}/_{72}\%$
Unit 6 of Building A-1	10	$1^{28}/_{72}\%$ <sup>8</sup>
Unit 1 of Building A-2	10	$1^{28}/_{72}\%$
Unit 2 of Building A-2	10	$1^{28}/_{72}\%$
Unit 3 of Building A-2	10	$1^{28}/_{72}\%$
Unit 4 of Building A-2	10	$1^{28}/_{72}\%$
Unit 5 of Building A-2	10	$1^{28}/_{72}\%$
Unit 6 of Building A-2	10	$1^{28}/_{72}\%$
Unit 1 of Building A-3	10	$1^{28}/_{72}\%$
Unit 2 of Building A-3	10	$1^{28}/_{72}\%$
Unit 3 of Building A-3	10	$1^{28}/_{72}\%$
Unit 4 of Building A-3	10	$1^{28}/_{72}\%$
Unit 5 of Building A-3	10	$1^{28}/_{72}\%$
Unit 6 of Building A-3	10	$1^{28}/_{72}\%$
Unit 1 of Building A-4	10	$1^{28}/_{72}\%$
Unit 2 of Building A-4	10	$1^{28}/_{72}\%$
Unit 3 of Building A-4	10	$1^{28}/_{72}\%$
Unit 4 of Building A-4	10	$1^{28}/_{72}\%$
Unit 5 of Building A-4	10	$1^{28}/_{72}\%$
Unit 6 of Building A-4	10	$1^{28}/_{72}\%$
Unit 1 of Building A-5	10	$1^{28}/_{72}\%$
Unit 2 of Building A-5	10	$1^{28}/_{72}\%$
Unit 3 of Building A-5	10	$1^{28}/_{72}\%$
Unit 4 of Building A-5	10	$1^{28}/_{72}\%$
Unit 5 of Building A-5	10	$1^{28}/_{72}\%$
Unit 6 of Building A-5	10	$1^{28}/_{72}\%$
Unit 1 of Building A-6	10	$1^{28}/_{72}\%$
Unit 2 of Building A-6	10	$1^{28}/_{72}\%$
Unit 3 of Building A-6	10	$1^{28}/_{72}\%$
Unit 4 of Building A-6	10	$1^{28}/_{72}\%$

<u>UNIT NUMBER</u>	<u>PAR VALUE OF THE UNIT</u>	<u>FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH UNIT</u>
Unit 5 of Building A-6	10	$1^{28}/_{72}\%$
Unit 6 of Building A-6	10	$1^{28}/_{72}\%$
Unit 1 of Building A-7	10	$1^{28}/_{72}\%$
Unit 2 of Building A-7	10	$1^{28}/_{72}\%$
Unit 3 of Building A-7	10	$1^{28}/_{72}\%$
Unit 4 of Building A-7	10	$1^{28}/_{72}\%$
Unit 5 of Building A-7	10	$1^{28}/_{72}\%$
Unit 6 of Building A-7	10	$1^{28}/_{72}\%$
Unit 1 of Building A-8	10	$1^{28}/_{72}\%$
Unit 2 of Building A-8	10	$1^{28}/_{72}\%$
Unit 3 of Building A-8	10	$1^{28}/_{72}\%$
Unit 4 of Building A-8	10	$1^{28}/_{72}\%$
Unit 5 of Building A-8	10	$1^{28}/_{72}\%$
Unit 6 of Building A-8	10	$1^{28}/_{72}\%$
Unit 1 of Building B-1	10	$1^{28}/_{72}\%$
Unit 2 of Building B-1	10	$1^{28}/_{72}\%$
Unit 3 of Building B-1	10	$1^{28}/_{72}\%$
Unit 1 of Building B-2	10	$1^{28}/_{72}\%$
Unit 2 of Building B-2	10	$1^{28}/_{72}\%$
Unit 3 of Building B-2	10	$1^{28}/_{72}\%$
Unit 1 of Building B-3	10	$1^{28}/_{72}\%$
Unit 2 of Building B-3	10	$1^{28}/_{72}\%$
Unit 3 of Building B-3	10	$1^{28}/_{72}\%$
Unit 1 of Building B-4	10	$1^{28}/_{72}\%$
Unit 2 of Building B-4	10	$1^{28}/_{72}\%$
Unit 3 of Building B-4	10	$1^{28}/_{72}\%$
Unit 1 of Building B-5	10	$1^{28}/_{72}\%$
Unit 2 of Building B-5	10	$1^{28}/_{72}\%$
Unit 3 of Building B-5	10	$1^{28}/_{72}\%$
Unit 1 of Building B-6	10	$1^{28}/_{72}\%$
Unit 2 of Building B-6	10	$1^{28}/_{72}\%$
Unit 3 of Building B-6	10	$1^{28}/_{72}\%$
Unit 1 of Building B-7	10	$1^{28}/_{72}\%$
Unit 2 of Building B-7	10	$1^{28}/_{72}\%$
Unit 3 of Building B-7	10	$1^{28}/_{72}\%$
Unit 1 of Building C-1	10	$1^{28}/_{72}\%$
Unit 2 of Building C-1	10	$1^{28}/_{72}\%$
Unit 3 of Building C-1	10	$1^{28}/_{72}\%$
		<b>100% Total</b>

**EXHIBIT B  
TO  
AMENDMENT. NO. 4 TO THE  
DECLARATION OF CONDOMINIUM  
FOR  
THE VILLAGES AT MILL CREEK**

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**EXHIBIT C  
TO  
AMENDMENT. NO. 4 TO THE  
DECLARATION OF CONDOMINIUM  
FOR  
THE VILLAGES AT MILL CREEK**

(Reduced Copy of Map)

THE REDUCED COPIES OF THE VILLAGES AT MILL CREEK PHASE 1 RECORD OF SURVEY MAP, THE VILLAGES AT MILL CREEK PHASE 2 RECORD OF SURVEY MAP, THE VILLAGES AT MILL CREEK PHASE 3 RECORD OF SURVEY MAP, THE VILLAGES AT MILL CREEK PHASE 4 RECORD OF SURVEY MAP AND THE VILLAGES AT MILL CREEK PHASE 5 RECORD OF SURVEY MAP ATTACHED AS EXHIBIT C ARE INCLUDED HEREIN ONLY FOR THE CONVENIENCE OF THE READER OF THIS DECLARATION. ALL REFERENCES TO THE "MAP" CONTAINED IN THE DECLARATION ARE REFERENCES TO THE FULL SIZED RECORD OF SURVEY MAPS RECORDED IN THE OFFICE OF THE RECORDER OF SALT LAKE COUNTY, UTAH, AND NOT TO THESE REDUCED COPIES.