

9462117

~~9437828  
7/20/2005 1:01:00 PM \$354.00  
Book - 9161 Pg - 8358-8369  
Gary W. Ott  
Recorder, Salt Lake County, UT  
US TITLE OF UTAH  
BY: eCASH, DEPUTY - EF 12 P.~~

~~9432392  
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US TITLE OF UTAH  
BY: eCASH, DEPUTY - EF 12 P.~~

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Gary W. Ott  
Recorder, Salt Lake County, UT  
US TITLE OF UTAH  
BY: eCASH, DEPUTY - EF 13 P.

JULY 11, 2005

**DECLARATION OF INCLUSION OF PHASE 2 AND 3 OF THE  
HAMILTON FARMS DEVELOPMENT AND PHASE 4 MASCARO IN  
HAMILTON FARMS DEVELOPMENT WITHIN THE DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
HAMILTON FARMS DEVELOPMENT, SALT LAKE COUNTY, UTAH**

**\*\* THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION \*\***

**\*\*\* THIS DOCUMENT IS BEING RE-RE-RECORDED TO ADD LOTS  
194 THRU 218 DUE TO A CLERICAL ERROR.\*\*\***

*In Phase 4B*

This Declaration of Inclusion is made this 11 day of July, 2005, by Fieldstone Homes Utah, L.L.C., a Utah Limited Liability Company formerly known as Fieldstone Partners, L.L.C., ("Fieldstone") also referred to herein as "Declarant".

**RECITALS**

A. Fieldstone is or was the owner of the following described real property located in Salt Lake County, Utah, and known as Hamilton Farms Development, Phase 2 (the "Phase 2 Property"):

See the attached Exhibit "A"

B. Fieldstone is or was the owner of the following described real property located in Salt Lake County, Utah, and known as Hamilton Farms Development, Phase 3 (the "Phase 3 Property"):

See the attached Exhibit "B"

C. Fieldstone is or was the owner of the following described real property located in Salt Lake County, Utah, and known as Hamilton Farms Development, Phase 4 Mascaro (the "Phase 4 Property"):

See the attached Exhibit "C"

D. The Declarant previously caused to be recorded in the Office of the County Recorder for Salt Lake County on January 23, 2003, at Entry No. 8503874, Book No. 8725 and Page Nos. 3951 - 3996, that certain Declaration of Covenants, Conditions and Restrictions for Hamilton Farms Development Salt Lake County, Utah, with respect to Phase 1 of the Hamilton Farms Development located in Salt Lake County, Utah (the "CC&R's").

E. Pursuant to the terms of the CC&R's, the Declarant is permitted to subject Additional Property which is part of the Hamilton Farms Development, including the Phase 2 Property, Phase 3 Property and Phase 4 Property to the terms of the CC&R's.

F. Fieldstone is now prepared to develop or has developed the additional properties and wishes to subject the Phase 2 Property, Phase 3 Property and Phase 4 Property to the CC&R's by this Declaration of Inclusion. To the extent that any of the additional properties have been developed and transferred to subsequent owners, each of the subsequent owners have been provided with a copy of the CC&R's and have further acknowledged in writing that their respective properties would be subject to the CC&R's.

G. All capitalized terms herein shall have the same meaning as those set forth in the CC&R's unless otherwise stated herein.

### DECLARATION

Declarant hereby declares that all of the Lots within the Phase 2 Property, Phase 3 Property and Phase 4 Property shall be held, sold, conveyed, encumbered, leased, used, occupied and approved subject to the protective covenants, conditions, restrictions and equitable servitude set forth in the CC&R's, all of which are created for the mutual benefit of the Owners. It is the intention of the Declarant in imposing these covenants, conditions, and restrictions to protect and enhance the property values and aesthetic values of the Lots by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners. The covenants, conditions and restrictions set forth in the CC&R's are intended to,

and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interests in the Lots, and shall inure to the benefit of all other Lots in the subdivision to be located on the each of the Phase 2 Property, Phase 3 Property and/or Phase 4 Property. The covenants, conditions and restrictions set forth in the CC&R's shall be binding upon the Declarant as well as any of its successors in interest and title, and may be enforced by the Declarant or by any Owner.

Notwithstanding the foregoing, no provision of this Declaration shall prevent the Declarant from doing any of the following, which shall be deemed to be among Declarant's reserved rights, in addition to such rights as may be described elsewhere in the CC&R's: (1) installation and completion of the Subdivision Improvements; (2) use of any Lot owned by the Declarant as a model home, or for the placement of temporary construction or sales office; (3) installation of maintenance of signs incidental to sales or construction, which are in compliance with applicable City ordinances; (4) assignment of Declarant's rights under this Declaration in whole or in part, to one or more persons intending to construct homes within the Subdivision; (5) retention of Declarant's rights with respect to subsequent phases of the Subdivision; (6) construction of any improvements, including homes, by Declarant as approved by the City; (7) access over any lot for the installation of improvements; and (8) erection of permanent or temporary signs for use during the selling and marketing of the project.

#### **COVENANTS, CONDITIONS AND RESTRICTIONS**

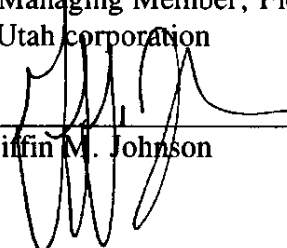
1. Incorporation of CC&R's. Declarant hereby incorporates the covenants conditions and restrictions set forth in the CC&R's as if repeated and fully set forth herein.

2. Identification of Property. The Phase 2 Property, Phase 3 Property and Phase 4 Property is identified in the CC&R's as a portion of the "Additional Property" and it is the intent of the Declarant to subject the Phase 2 Property, Phase 3 Property and Phase 4 Property to all of the rights, obligations, covenants, conditions and restrictions set forth in the CC&R's as if the Phase 2 Property, Phase 3 Property and Phase 4 Property were originally subject to the CC&R's at the time of its recording.

Executed on the date stated above.

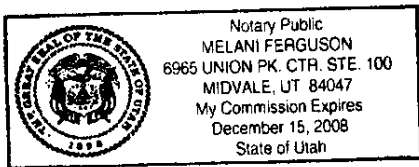
FIELDSTONE HOMES UTAH, L.L.C., A  
UTAH LIMITED LIABILITY COMPANY

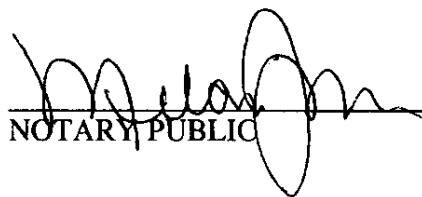
By: Its Managing Member, Fieldstone Homes,  
Inc., a Utah corporation

By:   
Griffin M. Johnson

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

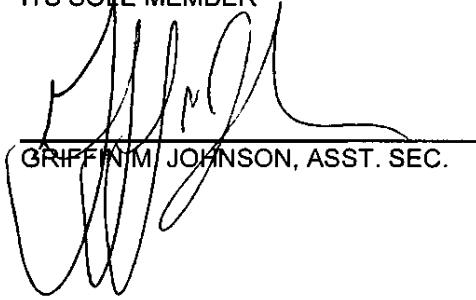
The foregoing instrument was acknowledged before me Griffin Johnson, Manager of Fieldstone Homes, Inc., a Utah corporation and managing member of Fieldstone Homes Utah, L.L.C.



  
NOTARY PUBLIC

**In Witness Whereof, Owner has re-executed the Declaration of Inclusion correcting the error made in the legal description.**

FIELDSTONE HOMES UTAH, L.L.C.  
BY: FIELDSTONE COMMUNITIES,  
INC., A CALIFORNIA CORPORATION,  
ITS SOLE MEMBER

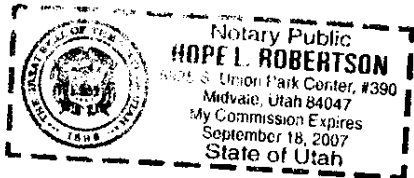
  
\_\_\_\_\_  
GRIFFIN M. JOHNSON, ASST. SEC.

STATE OF UTAH            )  
  )            ss.  
COUNTY OF SALT LAKE    )

On the 18<sup>th</sup> day of July, 2005, personally appeared before me Griffin M. Johnson ,who being by me duly sworn, did say that he is the ASSISTANT. SECRETARY OF FIELDSTONE COMMUNITIES, INC., a California Corporation, the sole member of FIELDSTONE HOMES UTAH, L.L.C. and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and the said GRIFFIN M. JOHNSON acknowledged to me that said corporation executed the same.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-18-07  
Residing at: Midvale, UT



# EXHIBIT "A"

Lots 201 thru 204 and 206 thru 351, HAMILTON FARMS PLANNED UNIT DEVELOPMENT PHASE 2, according to the official plat thereof on file and of record in the County Recorder's Office.

201	32-03-276-010
202	32-03-276-008
203	32-03-276-007
204	32-03-276-006
206	32-03-276-005
207	32-03-255-005
208	32-03-255-004
209	32-03-255-002
210	32-03-255-001
211	32-03-256-001
212	32-03-256-007
213	32-03-256-008
214	32-03-256-009
215	32-03-256-010
216	32-03-256-011
217	32-03-256-012
218	32-03-256-013
219	32-03-256-006
220	32-03-256-005
221	32-03-256-004
222	32-03-256-003
223	32-03-256-002
224	32-03-254-005
225	32-03-254-006
226	32-03-254-007
227	32-03-254-008
228	32-03-254-009
229	32-03-254-010
230	32-03-254-011
231	32-03-254-004
232	32-03-254-003
233	32-03-254-002
234	32-03-254-001
235	32-03-253-005
236	32-03-253-006
237	32-03-253-007
238	32-03-253-004
239	32-03-253-003
240	32-03-253-002
241	32-03-253-001
242	32-03-252-004
243	32-03-252-005
244	32-03-252-006
245	32-03-252-003
246	32-03-252-002
247	32-03-252-001
248	32-03-251-001
249	32-03-251-002
250	32-03-251-003
251	32-03-251-004
252	32-03-401-001
253	32-03-401-002
254	32-03-401-003
255	32-03-402-003
256	32-03-402-002
257	32-03-402-001
258	32-03-402-008
259	32-03-402-009
260	32-03-402-010

261 32-03-402-011  
262 32-03-403-007  
263 32-03-403-001  
264 32-03-403-002  
265 32-03-403-003  
266 32-03-403-004  
267 32-03-403-005  
268 32-03-403-006  
269 32-03-404-001  
270 32-03-404-002  
271 32-03-404-003  
272 32-03-404-004  
273 32-03-404-005  
274 32-03-404-006  
275 32-03-404-007  
276 32-03-403-010  
277 32-03-403-009  
278 32-03-403-008  
279 32-03-404-013  
280 32-03-404-012  
281 32-03-404-011  
282 32-03-404-010  
283 32-03-404-009  
284 32-03-404-008  
285 32-03-401-050  
286 32-03-401-051  
287 32-03-401-052  
288 32-03-401-053  
289 32-03-401-054  
290 32-03-401-055  
291 32-03-401-056  
292 32-03-401-057  
293 32-03-401-048  
294 32-03-401-040  
295 32-03-401-039  
296 32-03-401-038  
297 32-03-401-037  
298 32-03-401-036  
299 32-03-401-035  
300 32-03-401-034  
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304 32-03-401-022  
305 32-03-401-023  
306 32-03-401-024  
307 32-03-401-025  
308 32-03-401-026  
309 32-03-401-027  
310 32-03-401-028  
311 32-03-401-029  
312 32-03-401-030  
313 32-03-401-019  
314 32-03-401-018  
315 32-03-401-017  
316 32-03-401-016  
317 32-03-401-015  
318 32-03-401-014  
319 32-03-401-013  
320 32-03-401-012  
321 32-03-401-011  
322 32-03-401-010  
323 32-03-401-009



324	32-03-401-008
325	32-03-401-007
326	32-03-401-006
327	32-03-401-005
328	32-03-401-004
329	32-03-402-004
330	32-03-402-005
331	32-03-402-006
332	32-03-402-007
333	32-03-402-019
334	32-03-402-020
335	32-03-402-021
336	32-03-402-022
337	32-03-402-018
338	32-03-402-017
339	32-03-402-016
340	32-03-402-015
341	32-03-402-012
342	32-03-402-013
343	32-03-402-014
344	32-03-401-049
345	32-03-401-041
346	32-03-401-042
347	32-03-401-043
348	32-03-401-044
349	32-03-401-045
350	32-03-401-046
351	32-03-401-047

*Exhibit B*

LOTS 401 thru 501, HAMILTON FARMS P.U.D. PHASE 3, according to the official plat thereof, on file and of record in the County Recorder's Office.

401	32-03-255-014
402	32-03-255-013
403	32-03-255-012
404	32-03-255-011
405	32-03-255-010
406	32-03-255-006
407	32-03-254-012
408	32-03-254-013
409	32-03-254-014
410	32-03-254-015
411	32-03-254-016
412	32-03-254-017
413	32-03-254-024
414	32-03-254-023
415	32-03-254-022
416	32-03-254-021
417	32-03-254-020
418	32-03-254-019
419	32-03-254-018
420	32-03-253-012
421	32-03-253-011
422	32-03-253-010
423	32-03-253-009
424	32-03-253-008
425	32-03-253-013
426	32-03-253-014
427	32-03-253-015
428	32-03-253-016
429	32-03-251-012
430	32-03-251-011
431	32-03-251-010
432	32-03-251-009

433	32-03-251-008
434	32-03-251-007
435	32-03-251-006
436	32-03-251-005
437	32-03-257-008
438	32-03-257-009
439	32-03-257-010
440	32-03-257-011
441	32-03-257-012
442	32-03-257-007
443	32-03-257-006
444	32-03-257-005
445	32-03-257-004
446	32-03-257-003
447	32-03-257-002
448	32-03-257-001
449	32-03-201-008
450	32-03-201-009
451	32-03-201-010
452	32-03-201-011
453	32-03-201-012
454	32-03-201-013
455	32-03-258-001
474	32-03-202-002
475	32-03-201-004
476	32-03-201-003
477	32-03-201-002
478	32-03-201-001
479	32-03-201-005
480	32-03-201-006
481	32-03-201-007
482	32-03-201-014
483	32-03-201-015
484	32-03-201-016
485	32-03-201-017
486	32-03-201-018
487	32-03-201-019
488	32-03-203-008
489	32-03-203-007
490	32-03-203-006
491	32-03-203-005
492	32-03-203-004
493	32-03-203-003
494	32-03-203-002
495	32-03-203-001
496	32-03-203-013
497	32-03-203-012
498	32-03-203-011
499	32-03-203-010
500	32-03-202-004
501	32-03-202-005

**EXHIBIT C**

Lots 123 thru 126 and 134 thru 135 and 143 thru 146 and 155 thru 156 and 164 thru 192, HAMILTON FARMS PHASE 4A, A Planned Unit Development, according to the official plat thereof on file and of record in the County Recorder's Office.

123	32-03-177-001
124	32-03-177-002
125	32-03-177-003
126	32-03-176-002
134	32-03-176-001
135	32-03-177-004
143	32-03-376-002
144	32-03-376-003

145 32-03-376-004  
 146 32-03-376-007  
 155 32-03-377-004  
 156 32-03-377-008  
 164 32-03-378-001  
 165 32-03-378-002  
 166 32-03-378-003  
 167 32-03-378-004  
 168 32-03-378-005  
 169 32-03-378-006  
 170 32-03-378-007  
 170 32-03-378-007  
 171 32-03-378-014  
 172 32-03-378-013  
 173 32-03-378-012  
 174 32-03-378-011  
 175 32-03-378-010  
 176 32-03-378-009  
 177 32-03-378-008  
 178 32-03-379-001  
 179 32-03-379-002  
 180 32-03-379-003  
 181 32-03-379-004  
 182 32-03-379-019  
 183 32-03-379-018  
 184 32-03-379-017  
 185 32-03-379-016  
 186 32-03-379-015  
 187 32-03-379-014  
 188 32-03-379-013  
 188 32-03-379-013  
 189 32-03-379-012  
 190 32-03-379-011  
 191 32-03-379-010  
 192 32-03-379-009

~~ERRATA~~

Lots 142, 147 thru 154, 157 thru 163, 193 <sup>thru</sup> and 219, HAMILTON FARMS PHASE 4B, A  
 Planned Unit Development, according to the official plat thereof on file and of  
 record in the County Recorder's Office.

142 32-03-376-001  
 147 32-03-376-006  
 148 32-03-376-005  
 149 32-03-352-005  
 150 32-03-352-006  
 151 32-03-352-007  
 152 32-03-377-001  
 153 32-03-377-002  
 154 32-03-377-003  
 157 32-03-377-007  
 158 32-03-377-006  
 159 32-03-377-005  
 160 32-03-352-004  
 161 32-03-352-003  
 162 32-03-352-002  
 163 32-03-352-001  
 193 32-03-379-008  
 194 32-03-379-007  
 195 32-03-379-006  
 196 32-03-379-005  
 197 32-03-351-023  
 198 32-03-351-022  
 199 32-03-351-021

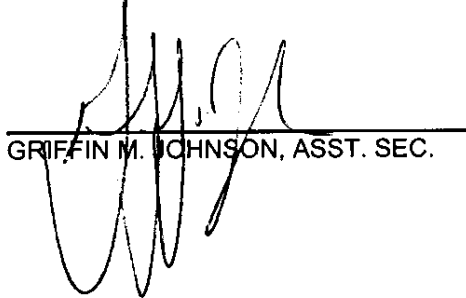
200 32-03-351-020  
 201 32-03-351-019  
 202 32-03-351-018  
 203 32-03-351-017  
 204 32-03-351-016  
 205 32-03-351-015  
 206 32-03-351-009  
 207 32-03-351-010  
 208 32-03-351-011  
 209 32-03-351-012  
 210 32-03-351-013  
 211 32-03-351-014  
 212 32-03-351-008  
 213 32-03-351-007  
 214 32-03-351-006  
 215 32-03-351-005  
 216 32-03-351-004  
 217 32-03-351-003  
 218 32-03-351-002  
 219 32-03-351-001

Lots 100 thru 122 and 127 thru 134 , HAMILTON FARMS PHASE 4C, a Planned Unit Development, according to the official plat thereof on file and of record in the salt Lake County Recorder's Office.

100 32-03-178-018  
 101 32-03-178-017  
 102 32-03-178-016  
 103 32-03-178-015  
 104 32-03-178-014  
 105 32-03-178-013  
 106 32-03-178-012  
 107 32-03-178-011  
 108 32-03-178-010  
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 116 32-03-178-007  
 117 32-03-178-006  
 118 32-03-177-005  
 118 32-03-177-005  
 119 32-03-177-006  
 120 32-03-177-007  
 121 32-03-177-008  
 122 32-03-177-009  
 127 32-03-176-010  
 128 32-03-176-009  
 129 32-03-176-008  
 130 32-03-176-007  
 131 32-03-176-006  
 132 32-03-176-005  
 133 32-03-176-004  
 134 32-03-176-003

**In Witness Whereof, Borrower has re-executed the Declaration of Inclusion correcting the error made in the legal description.**

FIELDSTONE HOMES UTAH, L.L.C.  
BY: FIELDSTONE COMMUNITIES,  
INC., A CALIFORNIA CORPORATION,  
ITS SOLE MEMBER



\_\_\_\_\_  
GRIFFIN M. JOHNSON, ASST. SEC.

STATE OF UTAH                    )  
  )                    ss.  
COUNTY OF SALT LAKE        )

On the 15<sup>th</sup> day of Aug, 2005, personally appeared before me Griffin M. Johnson, who being by me duly sworn, did say that he is the ASSISTANT SECRETARY OF FIELDSTONE COMMUNITIES, INC., a California Corporation, the sole member of FIELDSTONE HOMES UTAH, L.L.C. and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and the said GRIFFIN M. JOHNSON acknowledged to me that said corporation executed the same.



\_\_\_\_\_  
Notary Public

My Commission Expires: 7-2-2007  
Residing at: Salt Lake

