

9858091
09/27/2006 02:39 PM \$74.00
Book - 9356 Pg - 9408-9414
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
STOKER SWINTON & CANNON
ATTN: STEPHEN G STOKER
311 S STATE STREET STE 400
SLC UT 84111
BY: SLR, DEPUTY - WI 7 P.

When recorded return to:
Stephen G. Stoker
Stoker, Swinton & Cannon
311 South State Street, Ste. 400
Salt Lake City, Utah 84111

7-52

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE COUNTRY VIEW PLANNED UNIT DEVELOPMENT
TO ADD PHASE 3 AND AN UNDIVIDED INTEREST IN
THE CLUBHOUSE PARCEL**

This First Amendment to Declaration of Covenants, Conditions and Restrictions for the Country View Planned Unit Development, to Add Phase 3 (the "First Amendment") is made this _____ day of _____, 2006, by Country View Homes, LLC, a Utah limited liability company (the "Declarant").

RECITALS

A. The Declarant, as the owner of certain land in Salt Lake County, Utah, shown on the plats entitled "Country View Planned Unit Development Phase 1" and "Country View Planned Unit Development Phase 2" recorded in the Salt Lake County Recorder's Office (the "Recorder's Office") in Salt Lake County, Utah, on September 23, 2003, as Entry No. 8826831, Book 2003P, Page 305, and as Entry No. 8826832, Book 2003P, Page 306, previously recorded the Declaration of Covenants, Conditions and Restrictions for Country View Planned Unit Development Phase 1 and Phase 2 on August 5, 2004, as Entry No. 9138118, Book 9022, Pages 5542-5588 in the Recorder's Office ("the Country View Planned Unit Development CC&R's").

B. The Declarant is also the owner of certain additional land in Salt Lake County, Utah, described in Exhibit "A" attached hereto ("Country View Planned Unit Development Phase 3 Property"), and shown on the Plat entitled "Country View Planned Unit Development Phase 3" recorded in the Recorder's Office as Entry No. _____, Book _____, Page _____. The Country View Planned Unit Development Phase 3 Property is the Additional Property defined in Paragraph 3.2(a) of the Country View Planned Unit Development CC&R's; and Declarant, therefore, has the right to make this Amendment to expand the number of lots within the Community without the consent of any other owner of land within Phase 1 and Phase 2 of the Country View Planned Unit Development.

C. The Declarant is also the owner of additional land in Salt Lake County, Utah

09-26-06

adjoining Phases 1, 2 and 3, known as the Clubhouse Parcel, described in Exhibit "B" attached hereto and incorporated herein by reference.

D. It is the intention of the Declarant to add the Country View Planned Unit Development Phase 3 Property to the Community and the Property, and an undivided interest in the Clubhouse Parcel to the Community and the Common Area as those terms are defined in the Country View Planned Unit Development CC&R's, and to develop the Country View Planned Unit Development Phase 3 Property as a residential community in the form of a planned unit development, including an undivided interest in the Clubhouse Parcel, which is in every way, submitted to, subject to and governed by the Country View Planned Unit Development CC&R's.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. Submission of the Country View Planned Unit Phase 3 Property to the Country View Planned Unit Development CC&R's. The Declarant does hereby submit the Country View Planned Unit Development Phase 3 Property to the Country View Planned Unit Development CC&R's, and hereafter all of the Country View Planned Unit Development Phase 3 Property shall be subject to and governed by all provisions of Country View Planned Unit Development CC&R's.

2. Definitions of Community and Property Expanded to Include the Country View Planned Unit Development Phase 3 Property. The Definitions of Community and Property in the Country View Planned Unit Development CC&R's are hereby amended and expanded to include the Country View Planned Unit Development Property. All other defined terms in the Country View Planned Unit Development CC&R's shall apply to and include the Country View Planned Unit Development Phase 3 Property.

3. Submission of a 26.8% Undivided Tenant in Common Interest in the Clubhouse Parcel to the Country View Planned Unit Development CC&R's, and Voting and Sharing of Expenses Relating to the Clubhouse Parcel. The Declarant does hereby submit the a 26.8% undivided tenant in common interest in the Clubhouse Parcel to the Country View Planned Unit Development CC&R's, and hereafter the 26.8% undivided tenant in common interest in the Clubhouse Parcel shall be subject to and governed by all provisions of Country View Planned Unit Development CC&R's, and particularly the provisions thereof relating to Common Area. The other 73.2% undivided tenant in common interest in the Clubhouse Parcel will be part of the Common Area of Phases "A", "B", "C" and "D" of The Country View Condominiums.

(a) All obligations for maintenance, operation, repair and replacement of the clubhouse and all other improvements to the Clubhouse Parcel will be paid for 73.2% by The Country View Condominiums Homeowners Association, Inc., and 26.8% by The Country View Planned Unit Development Homeowners Association, Inc.

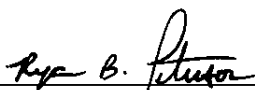
(b) All voting on matters relating to the maintenance, operation, repair and

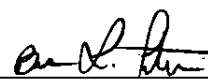
replacement of the clubhouse and all other improvements to the Clubhouse Parcel shall be based on one vote for each unit in the Condominiums and one vote for each lot in the Planned Unit Development, with a minimum vote of 60% of the combined total of all such units and lots required for a vote to carry. Voting shall be done in separate votes carried out by each Association under the provisions the Declaration and By-Laws for the condominium units and the CC&R's and By-Laws for the planned unit development lots, and the combined total of the separate votes shall determine the success or failure of the matter voted on.

4. Definitions of Community and Common Area Expanded to Include the 26.8% Undivided Tenant in Common Interest in the Clubhouse Parcel. The Definitions of Community and Common Area in the County View Planned Unit Development CC&R's are hereby amended and expanded to include the 26.8% undivided tenant in common interest in the Clubhouse Parcel. All other defined terms in the Country View Planned Unit Development CC&R's shall apply to and include the 26.8% undivided tenant in common interest in the Clubhouse Parcel.

DATED this 27th day of SEPTEMBER, 2006.

COUNTRY VIEW HOMES, LLC

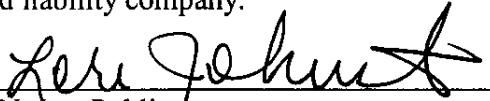
By 
Ryan B. Peterson, Member

By 
Brandon L. Peterson, Member

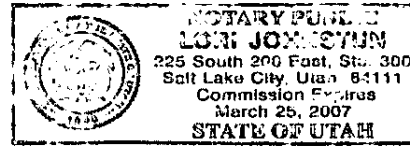
STATE OF UTAH)
)
) SS
)
COUNTY OF SALT LAKE)

On the 27 day of Sept., 2006, Ryan B. Peterson, a member of Country View Homes, LLC, a Utah limited liability company, acknowledged before me that he signed the foregoing instrument for and on behalf of said limited liability company.

SEAL:

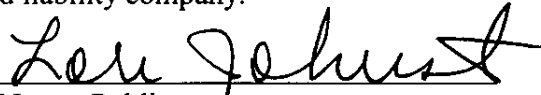

Notary Public

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



On the 27 day of Sept, 2006, Brandon L. Peterson, a member of Country View Homes, LLC, a Utah limited liability company, acknowledged before me that he signed the foregoing instrument for and on behalf of said limited liability company.

SEAL:


Notary Public

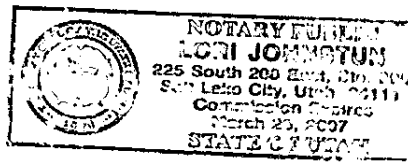


EXHIBIT "A"

(Legal Description of the real property in Phase 3)

Country View Planned Unit Development Phase 3
Located in the Southeast Quarter of Section 28,
Township 3 South, Range 1 West,
Salt Lake Base and Meridian

Beginning at the Southwest Corner of Lot 1326, Mountain View Estates No. 13 Subdivision, said point also being on the east line of 2700 West Street North $0^{\circ} 11' 57''$ East 900.86 feet along the quarter section line to the Southeast Corner of said Mountain View Estates No. 13 Subdivision and South $89^{\circ} 35' 43''$ East 40.00 feet along the south line of said Mountain View Estates No. 13 Subdivision from the South Quarter Corner of Section 28, Township 3 South, Range 1 West, Salt Lake Base and Meridian;

Thence South $89^{\circ} 35' 43''$ East 1001.61 feet along the south line of said Mountain View Estates Phase 13 Subdivision to the Northwest Corner of Country View Planned Unit Development Phase 1;

Thence South $35^{\circ} 00' 00''$ West 238.92 feet along the west line of said Country View Planned Unit Development Phase;

Thence South $5^{\circ} 58' 12''$ East 55.40 feet along the west line of said Country View Planned Unit Development Phase 1 to the north line of Country View Clubhouse Subdivision;

Thence northwesterly 101.40 feet along the arc of a 827.00 foot radius curve to the left (center bears South $33^{\circ} 31' 30''$ West and the long chord bears North $59^{\circ} 59' 14''$ West 101.33 feet with a central angle of $7^{\circ} 01' 30''$) along the north line of Country View Clubhouse Subdivision to and along the north line of Country View Condominiums Phase C;

Thence northwesterly 22.64 feet along the arc of a 15.00 foot radius curve to the right (center bears North $26^{\circ} 30' 01''$ East and the long chord bears North $20^{\circ} 15' 41''$ West 20.55 feet with a central angle of $86^{\circ} 28' 36''$) along the north line of Country View Condominiums Phase C;

Thence Northwesterly 158.66 feet along the arc of a 50.00 foot radius curve to the left (center bears North $67^{\circ} 01' 03''$ West and the long chord bears North $67^{\circ} 55' 36''$ West 99.99 feet with a central angle of $181^{\circ} 48' 27''$) along the north line of Country View Condominiums Phase C;

Thence Southwesterly 22.64 feet along the arc of a 15.00 foot radius curve to the right (center bears North $68^{\circ} 49' 49''$ West and the long chord bears South $64^{\circ} 24' 29''$ West 20.55 feet with a central angle of $86^{\circ} 28' 36''$) along the north line of Country View Condominiums Phase C;

Thence Northwesterly 251.83 feet along the arc of a 827.00 foot radius curve to the left (center bears South $17^{\circ} 38' 47''$ West and the long chord bears North $81^{\circ} 04' 38''$ West 250.86 feet with a central angle of $17^{\circ} 26' 50''$) along the north line of Country View Condominiums Phase C to and along the north line of Country View Condominiums Phase D;

Thence North $89^{\circ} 48' 03''$ West 248.85 feet along the north line of Country View

Condominiums Phase D;

Thence Southwesterly 82.28 feet along the arc of a 94.00 foot radius curve to the left (center bears South $0^{\circ}11'57''$ West and the long chord bears South $65^{\circ}09'19''$ West 79.68 feet with a central angle of $50^{\circ}09'19''$) along the north line of Country View Condominiums Phase D;

Thence North $49^{\circ}57'22''$ West 25.83 feet along the northeasterly line of Country View Condominiums Phase D;

Thence North $0^{\circ}11'57''$ East 34.55 feet along the east line of Country View Condominiums Phase D;

Thence North $89^{\circ}48'03''$ West 76.00 feet along the north line of Country View Condominiums Phase D to the east line of 2700 West Street;

Thence North $0^{\circ}11'57''$ East 101.54 feet along the east line of 2700 West Street to the point of beginning.

EXHIBIT "B"

(Legal Description of the Clubhouse Parcel)

A 26.8% undivided tenant in common interest in the following real property:

Beginning at a point on the west line of Adelaide Drive, (2565 West, a private road), said point being South 89°45'32" East 910.04 feet along the section line and North 413.04 feet from the South Quarter Corner of Section 28, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running;

Thence northwesterly 16.09 feet along the arc of a 25.00 foot radius curve to the left, (center bears South 37°06'40" West and long chord bears North 71°19'26" West 15.81 feet, with a central angle of 36°52'12");

Thence North 89°45'32" West 129.91 feet;

Thence North 0°14'28" East 16.07 feet;

Thence northeasterly 268.91 feet along the arc of a 444.91 foot radius curve to the right, (center bears South 89°45'32" East and long chord bears North 17°33'23" East 264.83 feet, with a central angle of 34°37'49") to the northerly line of Mont Sur Drive, a private road);

Thence southeasterly 79.57 feet along the arc of an 827.00-foot radius curve to the right, (center bears South 28°00'43" West and long chord bears South 59°13'53" East 79.54 feet, with a central angle of 5°30'47") along the northerly line of said Mont Sur Drive;

Thence South 33°31'30" West 54.00 feet to the southerly line of said Mont Sur Drive;

Thence southeasterly 56.64 feet along the arc of a 773.00-foot radius curve to the right, (center bears South 33°31'30" West and long chord bears South 54°22'33" East 56.62 feet, with a central angle of 4°11'53") along the southerly line of said Mont Sur Drive;

Thence southwesterly 19.75 feet along the arc of a 15.00-foot radius curve to the right, (center bears South 37°43'23" West and long chord bears South 14°33'57" East 18.35 feet, with a central angle of 75°25'20") along the southerly line of said Mont Sur Drive to the westerly line of said Adelaide Drive;

Thence southwesterly 119.92 feet along the arc of a 300.00-foot radius curve to the left, (center bears South 68°43'03" East and long chord bears South 11°41'36" West 119.13 feet, with a central angle of 22°54'14") along the westerly line of said Adelaide Drive;

Thence South 0°14'28" West 21.07 feet along the westerly line of said Adelaide Drive to the point of beginning.