

9911082
11/16/2006 03:16 PM \$64.00
Book - 9381 Pg - 4729-4733
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
WESTERN MANAGEMENT ASSOC
4252 S HIGHLAND DR #105
SLC UT 84124
BY: NEH, DEPUTY - WI 5 P.

WHEN RECORDED RETURN TO:
James R. Blakesley
Attorney at Law
1305 N. Commerce Dr., Suite 230
Saratoga Springs, UT 84045
(801) 766-1968

**FIRST SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
MONARCH MEADOWS, PHASE 10
An expandable Utah planned unit development**

This First Supplement to Declaration of Covenants, Conditions and Restrictions for Monarch Meadows, Phase 10, an expandable Utah planned unit development is made and executed by Richmond American Homes of Utah, Inc., whose principal address is 4170 South Riverboat Road, Suite 206, Salt Lake City, Utah 84123, (hereinafter referred to as the "Declarant").

RECITALS

Whereas, the original Declaration of Covenants, Conditions and Restrictions for Monarch Meadows, Phase 12 was recorded in the office of the County Recorder of Salt Lake County, Utah on the 25th day of January, 2005 as Entry No. 9289144 in Book 9087 at Pages 838-871 of the Official Records (the "Declaration").

Whereas, the related Plat Map(s) for Phase 12 of the Project have also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 11.01 of the Declaration, Declarant reserved an option to annex additional property and expand the Project.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibits "A-10" attached hereto and incorporated herein by this reference (the "Phase 10 Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase 10 Property a residential planned unit development.

Whereas, Declarant now intends that the Phase 10 Property shall become subject to the Declaration.

A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this First Supplement to Declaration of Covenants, Conditions and Restrictions for Richmond American Homes of Utah, Inc.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. **First Supplement to the Declaration** shall mean and refer to this First Supplement to Declaration of Covenants, Conditions and Restrictions for Monarch Meadows, Phase 10, a Utah planned unit development.

B. **First Supplemental Map(s) or Phase 10 Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for Phase 10 of the Project described on Exhibit "A-10" prepared and certified by C. David McKinney, a duly registered Utah Land Surveyor holding Certificate No. 5251295, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this First Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibits A-10, are hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented, subject to the jurisdiction of the Association.

3. **Annexation.** Declarant hereby declares that the Phase 10 Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-10," subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Lots Revised.** There were 63 Lots in Phase 12. Upon the recordation of the Plat Maps for Phase 10, 46 Lots will be added to the Project and the total number of Lots in the Phase 10 and Phase 12 portions of the Project will be 109.

5. **Percentage Interest Revised.** Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Upon the recordation of this First Supplement and Supplemental Plat for the Phase 10 Property, each of the Owners in Phases 10 and 12 will have a 1/109th fractional ownership interest in the Common Areas and Facilities.

6. **Effective Date.** The effective date of this First Supplement to the Declaration and the Map(s) for Phase 10 shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

EXECUTED the 10 day of November, 2006.

RICHMOND AMERICAN HOMES OF UTAH, INC.

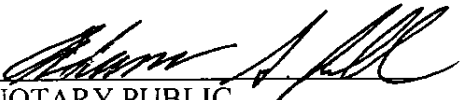
By: 

Name: Benson Whitney

Title: V.P. Land Development, Richmond American Homes, Inc.

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

On the 10 day of November, 2006, personally appeared before me Benson Whitney, who by me being duly sworn, did say that he is the Manager of RICHMOND AMERICAN HOMES OF UTAH, INC., and that the within and foregoing instrument was signed in behalf of said Company by authority of its Articles of Organization or a resolution of its Members, and said John Kollman duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At:
Commission Expires:

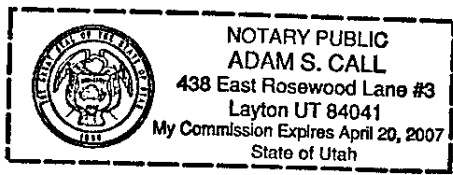


EXHIBIT "A-10"

**MONARCH MEADOWS PHASE 10
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 10 Property is located in Salt Lake County, Utah and is described more particularly as follows:

RXLP	MONARCH	MDWS	PH	10D	PUD	BLK, LOT-QUAR		
B	FLG	BLK/BLDG	IND	FLG	LOT/QUAR	PARCEL	NUMBER	OBSOLETE?
			L		1	32-01-206-001-0000		NO
			L		2	32-01-206-002-0000		NO
			L		3	32-01-206-003-0000		NO
			L		4	32-01-206-004-0000		NO
			L		5	32-01-206-005-0000		NO
			L		6	32-01-206-006-0000		NO
			L		7	32-01-206-007-0000		NO
			L		8	32-01-206-008-0000		NO
			L		9	32-01-206-009-0000		NO
			L		10	32-01-206-010-0000		NO
			L		11	32-01-206-011-0000		NO
			L		12	32-01-206-012-0000		NO
			L		13	32-01-206-013-0000		NO
			L		14	32-01-206-014-0000		NO
			L		15	32-01-201-048-0000		NO
			L		16	32-01-201-047-0000		NO
			L		17	32-01-201-046-0000		NO
			L		18	32-01-201-045-0000		NO
			L		19	32-01-201-044-0000		NO

RXLP MONARCH MDWS PH 10D PUD

B FLG BLK/BLDG IND FLG

LOT/QUAR

BLK, LOT-QUAR

PARCEL NUMBER

OBSOLETE?

L			20	32-01-201-043-0000	NO
L			21	32-01-201-042-0000	NO
L			22	32-01-201-041-0000	NO
L			23	32-01-201-040-0000	NO
L			24	32-01-201-039-0000	NO
L			25	32-01-201-038-0000	NO
L			26	32-01-201-037-0000	NO
L			27	32-01-201-036-0000	NO
L			28	32-01-201-035-0000	NO
L			29	32-01-201-034-0000	NO
L			30	32-01-201-033-0000	NO
L			31	32-01-201-032-0000	NO
L			32	32-01-201-031-0000	NO
L			33	32-01-201-030-0000	NO
L			34	32-01-201-029-0000	NO
L			35	32-01-201-028-0000	NO
L			36	32-01-201-026-0000	NO
L			37	32-01-201-025-0000	NO
L			38	32-01-201-027-0000	NO
L			39	32-01-201-023-0000	NO
L			40	32-01-201-024-0000	NO
L			41	32-01-201-021-0000	NO
L			42	32-01-201-020-0000	NO
L			43	32-01-201-019-0000	NO
L			44	32-01-201-016-0000	NO
L			45	32-01-201-017-0000	NO
L			46	32-01-201-018-0000	NO
L			AREA	32-01-201-022-0000	NO