

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

THE KRASNOVE LAW FIRM
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3838 Carson Street, Suite 210
Torrance, California 90503
Attention: Edward Krasnove, Esq.

00696045 BK1614 Pg01779-01787A

ALAN SPRIGGS, SUMMIT CO RECORDER
2004 APR 23 10:44 AM FEE \$126.00 BY GGB
REQUEST: METRO NATIONAL TITLE

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR NORTH BENCH FARMS**

**THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR NORTH BENCH FARMS** (this "Amendment") is made as of
the 16th day of April, 2004, by NORTH BENCH FARMS, LLC, a Utah limited liability
company ("Developer").

RECITALS

A. On December 11, 2001, Developer recorded a Declaration of Covenants,
Conditions and Restrictions for North Bench Farms (the "CC&Rs") as Entry No. 00605683 in
the Office of the Summit County Recorder against certain real property located in Summit
County, Utah, and more particularly described in Exhibit 1 attached hereto (the "Property").

B. Developer now desires to make certain amendments to the CC&Rs, as more fully
set forth below.

NOW, THEREFORE, for the reasons recited above, the Developer hereby covenants,
agrees and declares as follows:

1. **CAPITALIZED TERMS.** All initially capitalized terms, unless specifically defined
herein, shall have the meanings ascribed thereto in the CC&Rs.

2. **AMENDMENT OF CC&Rs.** The CC&Rs is amended as follows:

(a) A new paragraph "n" is added to Section 4 of the CC&Rs to read as follows:

"n. **Approved Plans.** Every dwelling unit constructed on the Property shall
fully conform to Developer's residential floor plans, including drawings and elevations, in all
material respects. No dwelling units constructed on the Property shall have less than 1,270
square feet of above ground floor area, excluding basements, garages and covered patios. "

(b) A new paragraph "o" is added to Section 4 of the CC&Rs to read as follows:

"o. Exterior Finishes. Every dwelling unit constructed on the Property shall have exterior finishes of the same materials and colors identified on the attached Exhibit 2."

(c) A new paragraph "p" is added to Section 4 of the CC&Rs to read as follows:

"p. Front Yard Landscaping. Every dwelling unit constructed on the Lots shall at a minimum have the following front yard landscaping:

- (i) two (2) trees in the front yard, each being one inch (1") to one and a half inch (1-1/2") minimum caliper;
- (ii) ten (10) to twelve (12) shrubs in the front yard, each being a minimum of 2 gallons;
- (iii) sod in the front yard, extending five (5) feet down both sides of the dwelling unit from the front wall of the unit; and
- (iv) landscape sprinkler system."

(d) A new paragraph "q" is added to Section 4 of the CC&Rs to read as follows:

"q. Completion Work. Any "sweat equity" completion work on a dwelling unit shall be performed between the hours of 8 a.m. and 9 p.m. Monday through Friday, and between the hours of 9 a.m. and 6 p.m. on Saturday and Sunday. Any work performed shall be in keeping with the principle of "quiet use and enjoyment" and with full consideration being given to the subdivision residents."

3. MISCELLANEOUS.

(a) **Confirmation of CC&Rs.** Except as amended hereby, all of the terms, covenants and conditions of the CC&Rs shall remain in full force and effect.

(b) **Entire Agreement.** This Amendment constitutes the entire agreement with respect to the subject matter hereof.

(c) **Governing Law.** This Amendment shall be governed by and construed in accordance with the laws of the State of Utah.

(d) **Recordation.** This Amendment shall be recorded in the Office of the Summit County Recorder.

**EXHIBIT 1
LEGAL DESCRIPTION OF THE PROPERTY**

All of the lots of North Bench Farms according to the official plat thereof recorded December 11, 2001 as Entry No. 605682 in the Office of the Summit County Recorder

**EXHIBIT 2
EXTERIOR FINISHES**

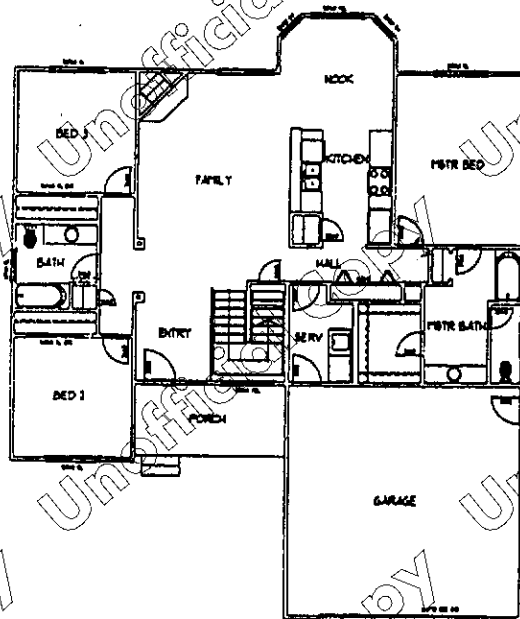
DOVER

PLAN 1365



Square Footage

| | |
|------------|------|
| Finished | 1365 |
| Unfinished | 1340 |
| Total | 2705 |

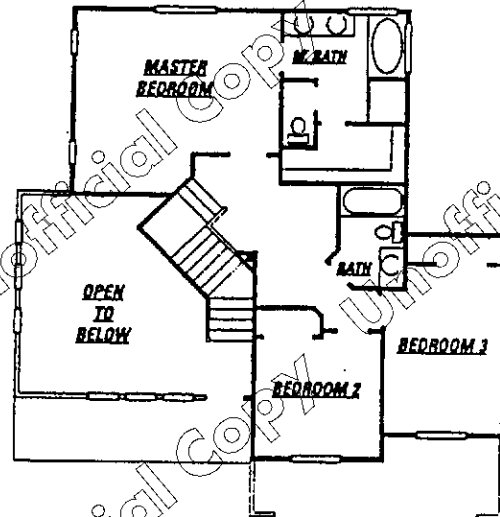
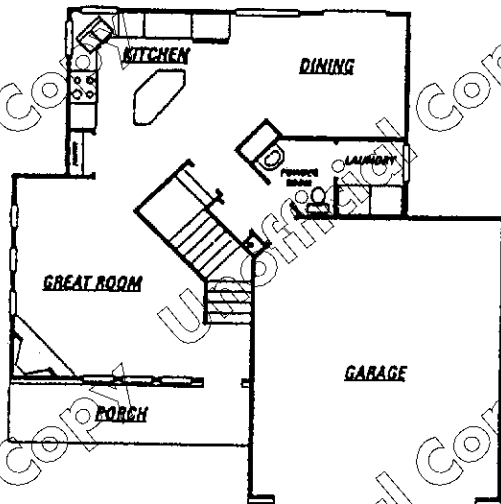
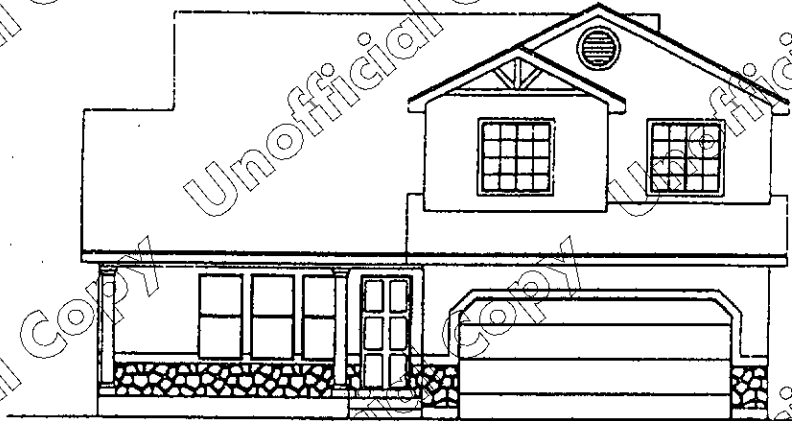


Base price does not include optional features. Location of house to be determined by builder. Reported square footage is approximate and based upon architect's design, some areas may vary depending upon construction. Stated price may not include lot premium and options or any items shown by artist's rendition. Plans, financing terms, availability and specifications may change without notice. Final purchase price will include adjustments for options, costs incurred due to lot configuration, and lot premium for size, location, etc. as these items are not included in the base price. All homes subject to prior sale.

BEDFORD

PLAN 1510

| <u>Square Footage</u> | |
|-----------------------|-------------|
| Main Floor | 713 |
| Upper Floor | 798 |
| Unfinished | 570 |
| Total | 2081 |



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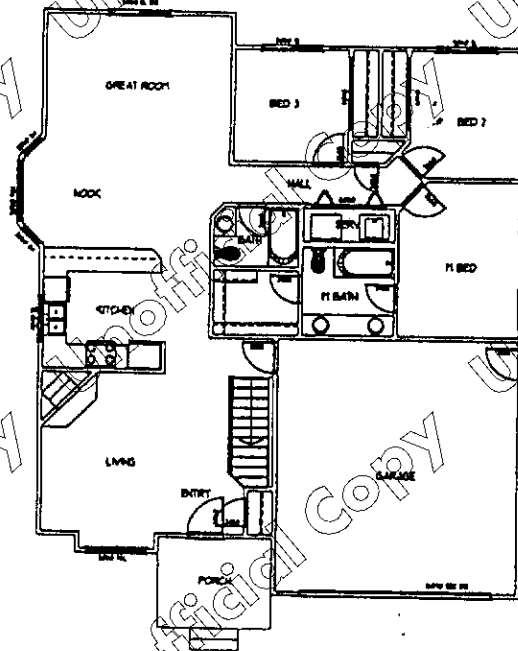
LEXINGTON

PLAN 1560



Square Footage

| | |
|------------|------|
| Finished | 1587 |
| Unfinished | 1542 |
| Total | 3129 |



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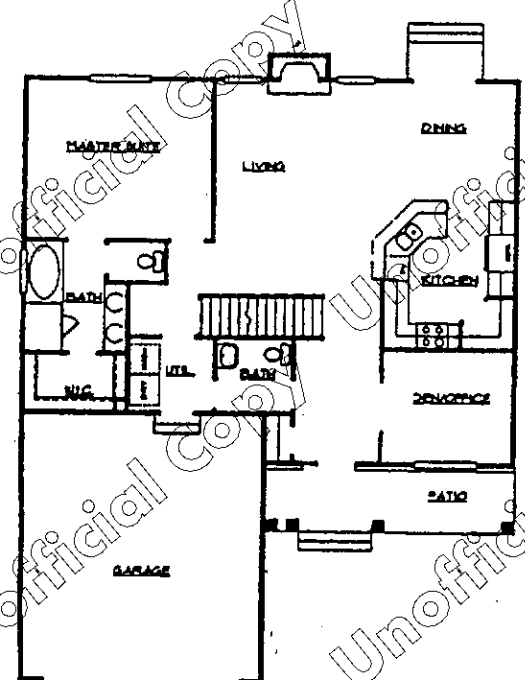
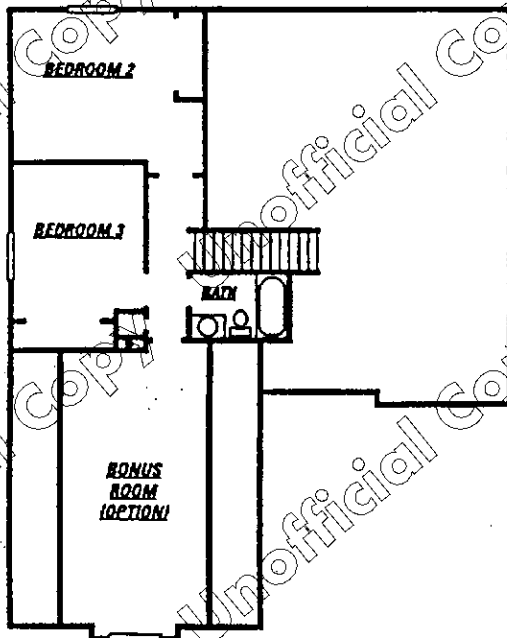
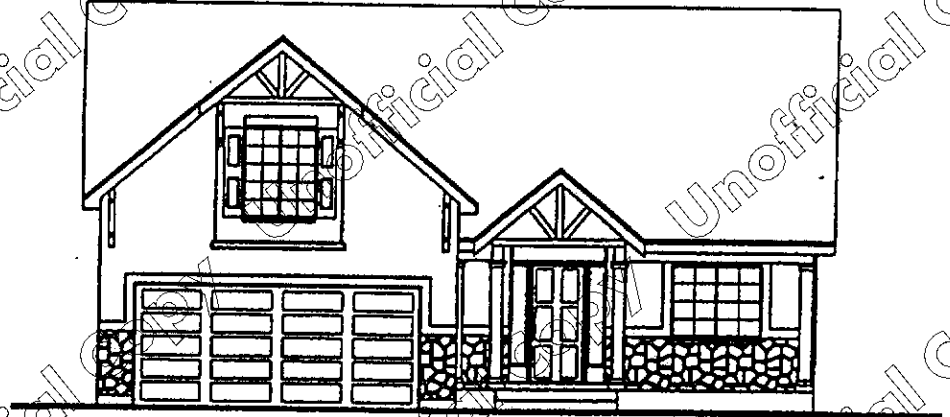
BK1614 PC1786

CAMBRIDGE

PLAN 1650

Square Footage

| | |
|-------------|------|
| Main Floor | 1185 |
| Upper Floor | 463 |
| Unfinished | 1053 |
| Total | 2701 |
| Bonus Room | 283 |



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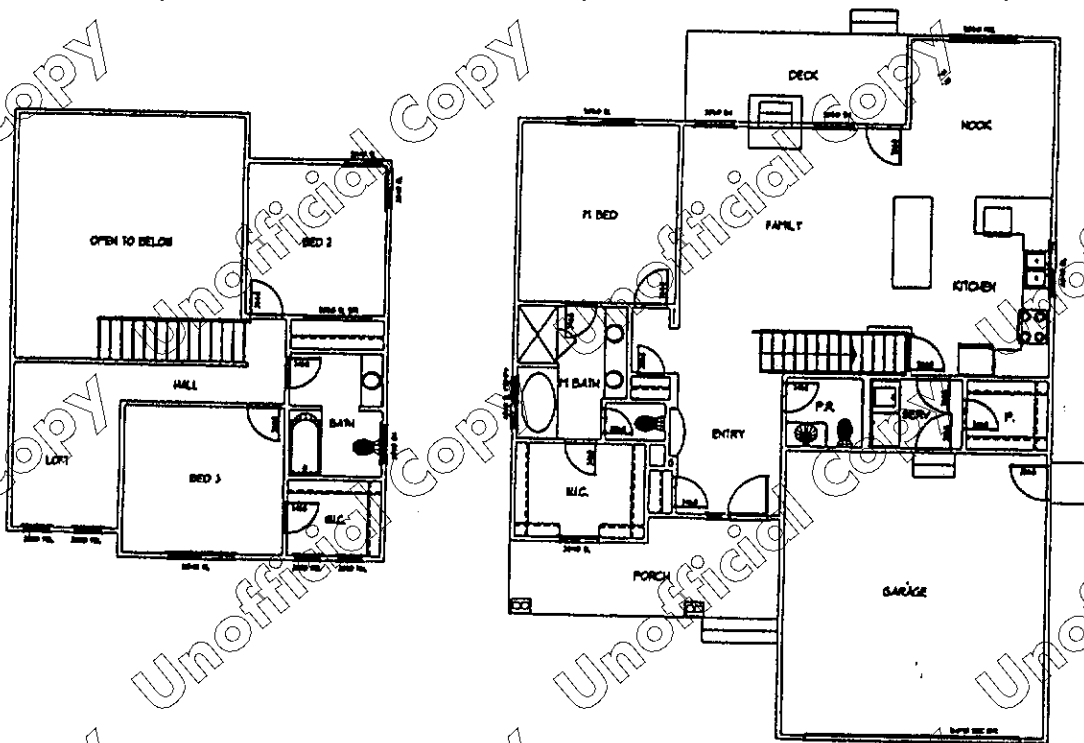
DORCHESTER

PLAN 1790



Square Footage

| | |
|-------------|------|
| Finished | 1790 |
| Unfinished | 1380 |
| Total | 3170 |
| Loft Option | 128 |



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