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00216428 BK 00432 Pg 00129-00135  
WASATCH CO RECORDER-ELIZABETH N PARCELL  
1999 AUG 03 10:18 AM FEE 34.00 BY MWC  
REQUEST: FIRST AMERICAN TITLE COMPANY

**MUIRFIELD HOMEOWNERS ASSOCIATION**

**FIRST AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment"), is made this 11<sup>th</sup> day of July, 1999, by MUIRFIELD, L.L.C., a Utah limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Hamlet made, executed and caused to be recorded, as Declarant, that certain Declaration of Covenants, Conditions and Restrictions dated February 18, 1999 and recorded among the Wasatch County Recorder's Office in Book 00414, page 00741-00778 et seq., pursuant to which the Declarant subjected all that property described in the Declaration (the "Property") and Declarant formed an association known as, "Muirfield Homeowners Association" ("Association"); and

WHEREAS, pursuant to Article 3.2 of the Declaration, Declarant reserved the right to add to the Property additional land within that area described in Exhibit "B" attached to the Declaration; and

WHEREAS, Declarant, is the owner of that certain property described in Exhibit "A" attached hereto and incorporated herein, and that property is within the area described in Exhibit "B" attached to the Declaration, and Declarant wishes to add that property described in Exhibit "A" attached hereto to the Property subjected to the Declaration.

NOW THEREFORE, the Declarant hereby declares that the Declaration of Covenants, Conditions and Restrictions be amended as follows:

1. All that property described in Exhibit "A" attached hereto is annexed to the Property subject to the Declaration, and shall be held, sold and conveyed subject to the easements, declarations, covenants and conditions set forth in the Declaration, which are for the purpose of protecting the value and desirability, and enhancing the attractiveness of the Property, and which shall run with the Property and shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner of the Property or any part thereof and their respective heirs, personal representatives, successors and assigns, and the Association.

2. The Common Area to be owned by the Association at the time of the conveyance of the first lot contained within the Property described in Exhibit "A" attached hereto, is more particularly described in Exhibit "B" attached hereto and made a part hereof. References to streets and other Common Areas described in Exhibit "B" are for reference only, and the streets and Common Areas are intended for use by the Owners for access, ingress, egress, recreation and other related activities. The designated areas are not dedicated hereby for use by the general public, but are dedicated for the common use and enjoyment of the Owners as more fully set forth in the Declaration herein.

In all other respects, the Declaration, as amended, remains unchanged.

WITNESS the hand and seal of Muirfield L.L.C. on the day herein above first written.

WITNESS/ATTEST:

MUIRFIELD L.L.C.  
By: HAMLET HOMES CORPORATION,  
Member

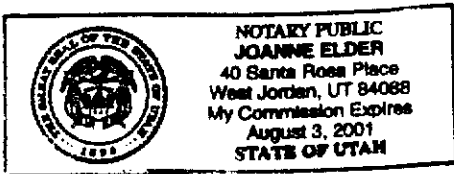
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By: *John Aldous* (SEAL)  
John Aldous, President

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 16 day of July, 1999 before, me, the subscriber, a Notary Public of the State of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Muirfield, L.L.C., the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.



Joanne Elder  
Notary Public

My Commission Expires: 8-3-01

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**EXHIBIT "A"**  
**DESCRIPTION OF LOTS**  
**TO BE SUBMITTED TO THE HOMEOWNERS ASSOCIATION**

BEING KNOWN AND DESIGNATED as Lots 311 through and including 324,  
all as shown on the Plat entitled, "Muirfield, Phase III, which Plat is recorded among the  
Recorder's Office of Wasatch County.

**EXHIBIT "B"**

**DESCRIPTION OF COMMON AREAS  
TO BE SUBMITTED TO THE HOMEOWNERS ASSOCIATION**

All that area shown as "Common Area Open Space" on the Plat entitled,  
"Muirfield, Phase III, which Plat is recorded among the Recorder's Office of Wasatch  
County.

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Muirfield L.L.C.  
470 East 3900 South, #200  
Salt Lake City, Utah 84107

**JOINDER AND CONSENT OF LENDER AND TRUSTEE**

FIRST SECURITY BANK OF UTAH, N.A. as holder of that certain Promissory Note (as amended from time to time, the "Note"), and FIRST AMERICAN TITLE COMPANY, Trustee under that certain Deed of Trust from MUIRFIELD, L.L.C., recorded among the Wasatch County Recorder's Office (the "Deed of Trust"), execute this Joinder and Consent of Lender and Trustee for the sole purpose of expressing consent to the First Amendment to Declaration of Covenants, Conditions and Restrictions for Muirfield Homeowners Association, to which this Joinder is attached and made a part of, and of binding and subjecting their interest in the Property (as defined in the Deed of Trust and known as Muirfield, all units), to the terms and conditions of such Declaration.

WITNESS OR ATTEST:

FIRST SECURITY BANK OF UTAH, N.A.

\_\_\_\_\_

 (SEAL)  
By: Stanley F. Jenkins, Vice President

TRUSTEE:  
FIRST AMERICAN TITLE COMPANY  
OF UTAH

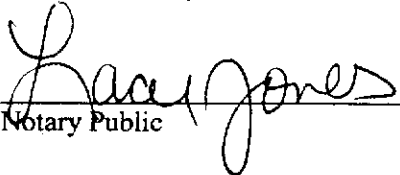
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 (SEAL)  
By: Blake Heiner, Vice President

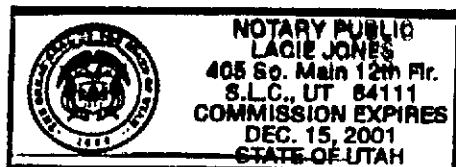
STATE OF UTAH  
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 19th day of July, 1999, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Stanley F. Jenkins, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged himself to be the Vice President of FIRST SECURITY BANK OF UTAH, N.A., a national banking organization, that he has been duly authorized to execute, and has executed, the foregoing instrument on behalf of the said entity for the purposes therein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

  
Notary Public 00216428 Bk 00432 P3 00134

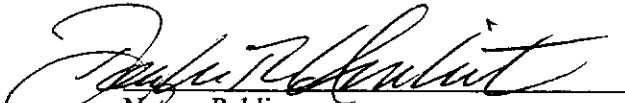
My commission expires: 12-15-2001

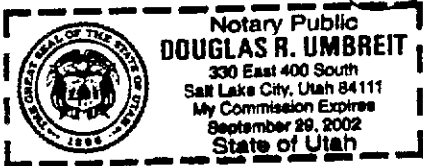


STATE OF UTAH  
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 19 day of July, 1999, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Blake Heiner, duly sworn, Vice President of FIRST AMERICAN TITLE COMPANY OF UTAH, a Utah corporation, Trustee, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and duly acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

  
Notary Public



My commission expires: 9/29/02