

Mail to: L&T Construction
PO Box 1999
Orem, Ut. 84059

After recordation, return to:

Saddlebrook Estates, L.C.
c/o Bruce R. Dickerson
1013 South Orem Blvd.
Orem, UT 84058

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ENT 53721:2000 PG 1 of 5
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2000 Jul 10 2:38 pm FEE 90.00 BY 99
RECORDED FOR PAYSON CITY

**FIRST SUPPLEMENTAL
DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS
SADDLEBROOK ESTATES
Planned Residential Development
Payson, Utah County, Utah**

THIS FIRST SUPPLEMENTAL DECLARATION (the "First Supplemental Declaration") is made this 5 day of July, 2000, by **SADDLEBROOK ESTATES, L.C.**, a Utah limited liability company ("Declarant"), pursuant to the following:

RECITALS

- A. Declarant is the owner and developer of **Saddlebrook Estates Planned Residential Development** an expandable planned residential development, in Payson, Utah (the "Development").
- B. On or about July 28, 1999, Declarant caused to be recorded as Entry 84612 Book 5154 Page 54 in the office of the Recorder of Utah County, Utah, that certain **Declaration of Protective Easements, Covenants, Conditions and Restrictions, Saddlebrook Estates Planned Residential Development**, (the "Declaration") relating to the Development.
- C. Pursuant to Section 1.4 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in **Exhibit B** to the Declaration for purposes of development into additional lots consistent with the existing phase (Plat "A") of the Development and the Declaration, except where specifically modified or amended.
- D. Declarant desires to annex a portion of the Additional Land into the Development as Plat "B" and Plat "C" of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplemental Declaration shall have the same meanings as those set forth and defined in the Declaration.

2. The real property located in the City of Payson, Utah County, Utah, as set forth and described in **Exhibit A** and **Exhibit B** hereto, is hereby annexed into the Development as Plat "B" and Plat "C", respectively, to be held, transferred, sold, conveyed and occupied as a part thereof;

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the said real property, whether or not the same are reflected on the Plat of the Development;

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the said property and any improvements (excluding residences) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of this First Supplemental Declaration) to construct and complete each and all of the other improvements described in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith.

3. Section 1.2 of the Declaration is **amended in its entirety** to read as follows:

1.2 Division into Lots. The Development is divided into 138 residential lots and six non-buildable open space lots as numbered, set forth and described on Plats "A", "B", and "C" as follows:

<u>Plat</u>	<u>Residential Lots</u>	<u>Non-buildable Open Space Lots</u>
"A"	1 through 70	71 through 73
"B"	74 through 88; and 126 through 141	142 through 144
"C"	89 through 125	145

There are no common areas within the Development in which all of the residential lots have any ownership or easement rights.

4. Section 1.7 is **added** to the Declaration to read as follows:

1.7 Open Space Lot Ownership Uses: Plat "B" and Plat "C". As shown on the recorded Plat "B" of the Development, there are three numbered but non-buildable open space lots numbered 142, 143 and 144, including an ingress and

egress strip to and from each such lots for maintenance purposes. As shown on the recorded Plat "C" of the Development, there is one numbered but non-buildable open space lot numbered 145, including an ingress and egress strip to and from such lot for maintenance purposes. All of such open space lots are dedicated to the public as indicated and may be used for detention basin or other similar uses as determined by Payson City.

5. Except as amended and supplemented by the provisions of this First Supplemental Declaration, the Declaration shall remain unchanged and, together with this First Supplemental Declaration, shall constitute the entire Declaration of Protective Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

6. This First Supplemental Declaration shall be recorded concurrently with Plats "B" and "C", Saddlebrook Estates Planned Residential Development, prepared and certified to by Dennis P. Carlisle (a duly registered Utah land surveyor holding Certificate No. 172675), executed and acknowledged by Declarant, accepted by Payson City, and filed for record in the office of the County Recorder of Utah County.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.

SADDLEBROOK ESTATES, L.C.

By: *Bruce R. Dickerson*
Bruce R. Dickerson, Managing Member

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The within instrument was acknowledged before me this 6 day of July, 2000, by **Bruce R. Dickerson** in the capacity indicated.

Janie Morley
Notary Public

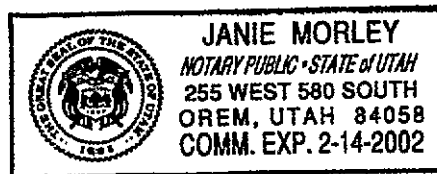


EXHIBIT A

BEGINNING AT POINT LOCATED S0°26'29"E ALONG THE SECTION LINE 146.96 FEET AND WEST 1298.01 FEET FROM THE EAST 1/4 CORNER OF SECTION 20, T92, R2E, S.L.B & M.; THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
S47° 49'00"W	145.42	
S51° 55'00"W	55.75	
S15° 42'43"E	146.74	
S89° 34'38"W	789.74	TO SOUTHEAST CORNER OF LOT 39, PLAT "A", SADDLEBROOK
N12° 20'25"E	199.40	ALONG SAID PLAT
ALONG AN ARC	30.06	R-140.00 Δ-12°18'05" CH-N42°14'57"W 30.00
N36° 05'53"W	35.81	ALONG SAID PLAT
ALONG AN ARC	81.18	R-160.00 Δ-29°04'11" CH-N50°37'59"W 80.31
N22° 03'25"E	125.06	TO SOUTH LINE OF DRY CREEK "B" SUBDIVISION
N89° 39'20"E	698.75	ALONG SAID PLAT
N00° 20'40"W	91.55	" " "
N89° 45'33"E	192.27	
S09° 32'42"E	148.34	
S07° 26'40"W	62.25	
S12° 59'18"E	90.23	TO THE POINT OF BEGINNING
		CONTAINING: 8.41 ACRES

EXHIBIT B

BEGINNING AT A POINT LOCATED S0°26'29"E ALONG THE SECTION LINE 414.25 FEET AND WEST 597.03 FEET FROM THE EAST 1/4 CORNER OF SECTION 20, T9S, R2E, S.L.B. & M.; THENCE

COURSE	DISTANCE	REMARKS
S89°34'38"W	814.96	TO THE SOUTHEAST CORNER OF LOT 144, PLAT "B", SADDLEBROOK
N15°42'43"W	146.74	ALONG SADDLEBROOK "B"
N51°55'00"E	55.75	ALONG SADDLEBROOK "B"
N47°49'00"E	145.42	ALONG SADDLEBROOK "B"
N12°59'18"W	90.23	ALONG SADDLEBROOK "B"
N7°26'00"E	62.25	ALONG SADDLEBROOK "B"
N09°32'42"W	148.34	ALONG SADDLEBROOK "B"
S80°01'44"E	99.87	
N67°52'17"E	95.17	
N32°08'11"E	93.95	
S81°02'34"E	131.20	
S77°30'13"E	57.41	
S86°06'30"E	110.94	
S81°38'56"E	76.55	
EAST	49.62	
S60°37'14"E	82.35	
S75°47'58"E	57.65	
S55°53'25"E	96.53	TO THE WEST LINE OF STRAWBERRY HIGHLINE CANAL
S38°24'55"W	16.58	ALONG SAID CANAL
ALONG AN ARC	L-195.63	R-361.57 Δ-31°00'00" CH-S22°54'55"W 193.25
S07°24'55"W	312.78	TO THE POINT OF BEGINNING
		CONTAINING: 11.23 ACRES