

95
7

E 2808104 B 6037 P 783-789
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
06/11/2014 05:00 PM
FEE \$95.00 Pgs: 7
DEP RT REC'D FOR TRAILSIDE PARK HO
A

After Recording Return to:
Smith Knowles, P.C.
Melven E. Smith
2225 Washington Boulevard, Suite 200
Ogden, Utah 84401

RETURNED
JUN 11 2014

**FIRST AMENDMENT TO AMENDED & RESTATED
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND RESERVATION OF
EASEMENTS FOR TRAILSIDE PARK**

The Amended & Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Trail Side Park, recorded in the Davis County Recorder's Office on September 13, 2012, as Entry No. 2686909 (hereinafter the "Declaration"), is hereby amended, pursuant to Article 20.4 of the Declaration, with the requisite percentage of the Owners within the Subdivision having approved and consented to the amendments and modifications set forth herein (hereinafter the "First Amendment"):

RECITALS

A. On or about September 13, 2012, the Amended & Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Trailside Park, was recorded in the records of the Davis County Recorder's Office, as Entry No. 2686909 (hereinafter the "Declaration").

B. On or about November 18, 2005, a Plat Map depicting all Lots in Phase 1 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2123687 ("Phase 1 Map").

C. On or about March 29, 2012, a Plat Map depicting all Lots in Phase 2 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2651989 ("Phase 2 Map").

D. On or about February 11, 2013, a Plat Map depicting all Lots in Phase 3 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2719574 ("Phase 3 Map").

E. On or about May 23, 2013, a Plat Map depicting all Lots in Phase 4 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2742751 ("Phase 4 Map").

F. On or about July 8, 2013, a Plat Map depicting all Lots in Phase 5 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2752515 ("Phase 5 Map").

G. On or about December 19, 2013, a Plat Map depicting all Lots in Phase 6 of the Subdivision was recorded in the Davis County Recorder's Office, as Entry No. 2782320 ("Phase 6 Map").

H. The Subdivision is presently composed of Phases 1-6, which Lots are hereby subjected to the Declaration and this First Amendment, and are more particularly described as follows:

PHASE 1:

12-625-0001 through 12-625-0011

BEGINNING AT A POINT OF THE EAST LINE OF 2000 WEST STREET SAID POINT BEING NORTH 00°11'36" EAST ALONG SECTION LINE 1863.42 FEET AND 33.00 FEET EAST FROM THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°11'36" EAST ALONG SAID EAST LINE 635.09 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°57'31" A DISTANCE OF 62.80 FEET TO THE WEST LINE OF BLUFF ROAD (CHORD BEARS NORTH 45°10'21" EAST 56.55 FEET); THENCE SOUTH 51°38'00" EAST ALONG SAID WEST LINE 22.52 FEET TO THE WEST LINE OF THE LAYTON CANAL; THENCE SOUTH 52°26'00" EAST ALONG SAID WEST LINE OF 1555.84 FEET; THENCE SOUTH 00°12'05" WEST 33.06 FEET; THENCE NORTH 89°48'24" WEST 88.51 FEET; THENCE NORTH 52°26'00" WEST 638.96 FEET; THENCE NORTH 89°48'24" WEST 100.55 FEET; THENCE SOUTH 72°54'10" WEST 80.81 FEET; THENCE SOUTH 00°09'26" WEST 73.24 FEET; THENCE NORTH 89°48'24" WEST 226.95 FEET; THENCE NORTH 00°11'36" EAST 25.70 FEET; THENCE NORTH 89°48'24" WEST 293.18 FEET TO SAID EAST LINE AND THE POINT OF BEGINNING.

CONTAINS 356,288 SQ. FT. 8.2 ACRES

PHASE 2:

12-758-0010 through 12-758-0031 and 12-758-0033; 12-769-0027

BEGINNING AT A POINT, SAID POINT BEING N 00°11'36"E 1319.84 FEET AND EAST 850.56 FEET FROM THE WEST QUARTER CORNER OF SECTION 22 TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N43°05'44"W 112.43 FEET; THENCE N15°35'46"W 43.67 FEET; THENCE N11°21'46"W 52.10 FEET; THENCE N89°48'24"W 105.84 FEET; THENCE N00°09'26"E 46.23 FEET; THENCE N89°48'24"W 92.26 FEET; THENCE N00°09'26"E 367.23 FEET; THENCE N72°54'10"E 80.81 FEET; THENCE S89°48'24"E

100.55 FEET; THENCE S52 °26'00"E 638.96 FEET; THENCE S89°48'24"E 88.51 FEET; THENCE S00 °12'05"W 222.92 FEET; THENCE N90 °00'00W 476.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 294,925 SQUARE FEET AND 6.771 ACRES.

PHASE 3:

12-775-0032 through 12-775-0041

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00 °11'36"E 1520.02 FEET AND S89 °48'24"E 281.71 FEET FROM THE WEST QUARTER CORNER OF SECTION 22; THENCE N00 °11'36"E 137.45 FEET; THENCE N02 °35'17" W 61.82 FEET; THENCE N00 °11'36"E 144.15 FEET TO THE SOUTHERLY LINE OF TRAILSIDE PARK SUBDIVISION, PHASE 1; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING (3) THREE COURSES: (1) S89 °48'24"E 47.17 FEET (2) S00 °11'36"W 25.70 FEET AND (3) S89 °48'24"E 226.95 FEET TO THE WESTERLY LINE OF TRAILSIDE PARK SUBDIVISION, PHASE 2; THENCE S00 °09'26"W ALONG SAID WESTERLY LINE 305.96 FEET; THENCE WEST 115.32 FEET; THENCE S12 °00'44"W 11.55 FEET; THENCE N89 °48'24"W 153.64 FEET TO THE POINT OF BEGINNING.

* 2nd Amendment

CONTAINING 86,475 SQUARE FEET OR 1.985 ACRES

PHASE 4:

12-779-0042 through 12-779-0049

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 2000 WEST STREET, SAID POINT BEING N00°11'36"E 1520.02 FEET AND S89 °48'24"E 33.00 FEET FROM THE WEST QUARTER CORNER OF SECTION 22; THENCE N00 °11'36"E ALONG SAID EAST RIGHT OF WAY 343.35 FEET TO THE SOUTHERLY LINE OF TRAILSIDE PARK SUBDIVISION, PHASE 1; THENCE S89 °48'24"E ALONG SAID SOUTHERLY LINE 246.01 FEET; THENCE S00 °11'36"W 144.15 FEET; THENCE S02 °35'17"E 61.82 FEET; THENCE S00 °11'36"W 137.45 FEET; THENCE N89 °48'24"W 249.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 84,972 SQUARE FEET OR 1.951 ACRES

PHASE 5:

12-781-0051 through 12-781-0057, 0058, 0059

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00°11'36"E 1320.02 FEET AND S89°48'24"E 435.31 FEET FROM THE WEST QUARTER CORNER OF SECTION 22; THENCE N00°11'36"E 200.00 FEET TO THE SOUTHWESTERLY LINE OF TRAILSIDE PARK DEVELOPMENT; THENCE ALONG SAID SOUTHWESTERLY LINE THE FOLLOWING (9) NINE COURSES: (1) N12°00'44"E 11.55 FEET, (2) EAST 115.32 FEET, (3) N00°09'26"E 12.14 FEET, (4) S89°48'24"E 92.26 FEET, (5) S00°09'26"W 46.23 FEET, (6) S89°48'24"E 105.84 FEET, (7) S11°21'46"E 52.10 FEET, (8) S15°35'46"E 43.67 FEET AND (9) S43°05'44"E 112.43 FEET; THENCE S00°11'36"W 2.69 FEET; THENCE N89°48'24"W 415.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 70,537 SQUARE FEET OR 1.619 ACRES.

PHASE 6:

12-792-0058 through 12-792-0070

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF WHICH LIES N00°11'36"E 1019.85 FEET AND S89°48'24"E 30.00 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22; THENCE S89°48'24"E 218.00 FEET; THENCE N00°11'36"E 198.00 FEET; THENCE S89°48'24"E 103.00 FEET; THENCE N00°11'36"E 102.17 FEET; THENCE S89°48'24"E 370.48 FEET; THENCE S00°11'36"W 117.02 FEET; THENCE S03°14'15"E 60.11 FEET; THENCE S00°11'36"W 117.16 FEET; THENCE S89°48'24"E 39.07 FEET; THENCE SOUTH 60.00 FEET; THENCE N89°48'24"W 114.03 FEET; THENCE SOUTH 13.77 FEET; THENCE WEST 60.00 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 12.54 FEET, A RADIUS OF 8.00 FEET, A CHORD BEARING OF N44°54'12"W, AND A CHORD LENGTH OF 11.29 FEET; THENCE N89°48'24"W 552.37 FEET; THENCE N00°11'36"E 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 176,246 SQUARE FEET OR 4.046 ACRES

NOW, THEREFORE, the Declaration is hereby amended as follows:

EXHIBIT "B"
UNDEVELOPED LAND

12-105-0131

TRAILSIDE PARK PHASE 7

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00°11'36"E 959.85 FEET AND S89°48'24"E 248.00 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22; THENCE S89°48'24"E 145.20 FEET; THENCE S00°11'36"W 215.03 FEET; THENCE N89°48'24"W 145.20 FEET; THENCE N00°11'36"E 215.03 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00°11'36"E 1025.85 FEET AND S89°48'24"E 725.08 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22; THENCE N00°11'36"E 117.16 FEET; THENCE N03°14'15"W 60.11 FEET; THENCE N00°11'36"E 117.02 FEET; THENCE S89°48'29"E 126.08 FEET; THENCE N00°11'36"E 2.86 FEET; THENCE N90°00'00"E 478.45 FEET; THENCE S00°11'36"W 298.48 FEET; THENCE N89°48'24"W 600.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 210,201 S.F. OR 4.826 ACRES.

12-105-0132

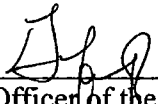
12-105-0140

COVENANTS, CONDITIONS AND RESTRICTIONS

1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.
2. **Effective Date.** The First Amendment will take effect on the date recorded at the office of the Davis County Recorder's Office (the "Effective Date").
3. **Ratification & No Other Changes.** Except as otherwise expressly provided in this First Amendment, the Declaration and recorded Plats are hereby ratified and confirmed without modification.
4. **Authorization.** The individuals signing for the respective entities make the following representations: (i) he/she has read the First Amendment, (ii) he/she has authority to act for the entity designated below, (iii) he/she shall execute this First Amendment acting in said capacity.
5. **Approval.** Following proper notice, a meeting of Owners was held on April 11, 2013, wherein a vote was cast by the Owners representing 84% of the total ownership of the Subdivision, approving and accepting recordation of Phase 4 through 6 Plat Maps and the inclusion of additional phases in the Undeveloped Land, which modifications are memorialized in this First Amendment.

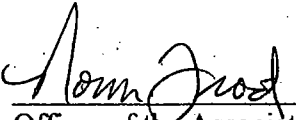
Brad Frost and Norm Frost, officers of the Association, hereby certify that the above is true and correct.

Brad Frost



Officer of the Association

Norm Frost



Officer of the Association

6. Exhibit "B" to Definition (T) in the Declaration is hereby deleted in its entirety and replaced with Exhibit "B" attached hereto.

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

TRAIL SIDE PARK II HOMEOWNERS ASSOCIATION

By: *[Signature]*
Brad Frost
Its: *manager*

STATE OF UTAH)
) :SS
COUNTY OF DAVIS)

On this 11th day of June, 2014, personally appeared before me Brad Frost, who, being by me duly sworn, did say that he is an authorized officer of Trail Side Park II Homeowners Association and that the within and foregoing instrument was signed in behalf of Trail Side Park II Homeowners Association and he duly acknowledged to me he executed the same.



[Signature]
Notary Public

TRAIL SIDE PARK II HOMEOWNERS ASSOCIATION

By: *[Signature]*
Norm Frost
Its: *manager*

STATE OF UTAH)
) :SS
COUNTY OF DAVIS)

On this 11th day of June, 2014, personally appeared before me Norm Frost, who, being by me duly sworn, did say that he is an authorized officer of Trail Side Park II Homeowners Association and that the within and foregoing instrument was signed in behalf of Trail Side Park II Homeowners Association and he duly acknowledged to me he executed the same.



[Signature]
Notary Public