

WHEN RECORDED, PLEASE MAIL TO:

Robert A. McConnell
PARR BROWN GEE & LOVELESS
185 South State Street, Suite 800
Salt Lake City, Utah 84111

Ent 116142 Bk 276 Pg 1336
Date: 02-APR-2009 9:35AM
Fee: \$230.00 Check
Filed By: CB
BRENDA NELSON, Recorder
MORGAN COUNTY
For: MOUNTAIN VIEW TITLE & ESCROW IN
C

**FIRST AMENDMENT
TO
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS FOR COTTONWOOD MEADOWS
(THE COTTONWOODS AT MOUNTAIN GREEN)**

This First Amendment To Declaration Of Protective Covenants, Conditions And Restrictions For Cottonwood Meadows (The Cottonwoods At Mountain Green) (this "Amendment") is entered into this 30 day of March, 2009, by Gardner Cottonwood Creek, L.C., a Utah limited liability company ("Declarant"), and Cottonwood Meadows Homeowners Association, Inc., a Utah nonprofit corporation ("Association"). Capitalized terms used herein shall have the meaning given such terms in the Declaration, as that term is defined below, unless otherwise stated herein.

RECITALS

A. Whereas Declarant executed and caused to be recorded that certain Declaration of Protective Covenants, Conditions and Restrictions for Cottonwood Meadows (The Cottonwoods at Mountain Green), dated August 9, 2006 and recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104099 in Book 234 at Page 365 (the "Cottonwood Meadows Original Declaration"), and that certain Addendum 1 to the Original Declaration, dated July 19, 2007 and recorded in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 108787 in Book 251 at Page 810 ("Cottonwood Meadows Addendum 1"), which Cottonwood Meadows Addendum 1 was recorded for the purpose of adding Phase III to the Project identified in the Cottonwood Meadows Original Declaration;

B. Whereas Rulon C. Gardner, the Manager of Declarant, caused to be recorded that certain Correction Affidavit, dated ~~April~~ ^{March} 30, 2009, which Correction Affidavit was recorded in the office of the Morgan County Recorder on April 1st, 2009 as Entry No. 116140 in Book 276 at Page 1329 (the "Correction Affidavit," and together with the Cottonwood Meadows Original Declaration and Cottonwood Meadows Addendum 1, the "Declaration");

C. Whereas the Declaration subjects that certain real property more particularly described on Exhibit A hereto to the provisions of the Declaration;

D. Whereas the Declaration may be amended by the members of the Association at any time by a vote of at least seventy-five percent (75%) of the votes allocated to such members pursuant to the terms of the Declaration; and

E. Whereas the Declarant and the Association, acting on behalf of members of the Association representing, in total, more than seventy-five percent (75%) of the votes allocated to all members in the Association, desire to amend the Declaration as more fully stated herein.

NOW, THEREFORE, in consideration of the mutual obligations set forth herein and for other good and valuable consideration, the legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Lot F and Lot L are hereby removed from the Project and are no longer subject to the terms of the Declaration. The description of the Project Property is hereby amended and restated in its entirety as follows:

All of Lots 23 through 46 identified on that certain plat of subdivision entitled "The Cottonwood Hills, a P.U.D. Subdivision in Mountain Green, Morgan County, Utah" filed in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104098;

AND

A 3079A, 3080A, 3083A, 3084A 3085A
All of Lots 3001 through 3057 and 3078 through 3098, together with Open Space Parcels A through E, G through K, and M through N, identified on that certain plat of subdivision entitled "Cottonwood Meadows, a P.U.D. Subdivision" filed in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 108786.

2. Lots 3058 through 3077 and 3099 through 3121 shall be subject to the following additional standards:

a. **Minimum Square Footages—Garage Orientation.** No single story Residence shall be constructed, altered, placed or permitted to remain on any Lot unless the main floor area, exclusive of basement, open porches and garages, is 2,000 square feet or greater. No multi-story Residence shall be constructed, altered, placed or permitted to remain on any Lot unless the main floor, exclusive of basements, open porches and garages, is a total of 1,800 square feet or greater and the upper level, exclusive of open porches, is a total of 800 square feet or greater. Garages shall be enclosed, large enough for at least two (2) cars and, where possible, situated so as to utilize a side facing entrance unless otherwise approved by the Project Architectural Review Committee

b. **Setbacks.** No improvements shall be located on a Lot closer to the respective Lot line than as follows: twenty (20) feet from the front Lot line for the garage and fifteen (15) feet

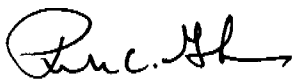
from the balance of the Improvement, unless a side facing garage entry is utilized, in which case the fifteen (15) foot standard shall apply; ten (10) feet from each side Lot line, unless the Lot is a corner Lot, in which case the twenty (20) foot front yard standard shall apply to the applicable side yard; and twenty (20) feet from the rear Lot line. Residences shall be designed so that the garage extends no more than five (5) feet beyond the furthest forward plane of the house and preferred maximum of eight (8) feet at the discretion of the Architectural Review Committee based upon superior architecture. The Project Architectural Review Committee may take into account unique aspects of a particular Lot and grant variances to the foregoing standards; provided, however, that no such variance shall be granted in contravention of applicable Morgan County zoning ordinances and any purported variance in violation of such ordinances shall be deemed void to the extent it is inconsistent with such zoning ordinances. A site plan shall be submitted to the Project Architectural Review Committee for review prior to any Improvements being made on the Lot.

c. **Architectural Style and Compatibility of Improvements.** The exterior of all Residences must be constructed of brick, stucco, hardboard siding, and/or stone. Log homes and log veneer siding are prohibited. Every Residence shall have a minimum of 75% brick or stone on the front façade and 50% brick or stone on each the remaining façades. Stone and/or Brick needs to wrap the corners a min. 48". Street facing side and back facades on corner Lots shall have the minimums set forth above for front facades. Aluminum soffits and fascia trim is allowed, provided, however, that a minimum width of 10 inches shall be required on the fascia. No aluminum exterior siding is permitted in the Project. Roof surfaces shall slope a minimum of 6:12 pitch and shall be 25-year asphalt architectural shingles, tile or slate shingles unless specific written approval of the Project Architectural Review Committee is received for the use of other roofing materials. Flat roofs, A-frame, geodesic dome and other irregular roof forms are prohibited. Colors of exterior materials shall be earth tones and grays while allowing accents of white, beige, rust, black or green. Care should be given that each Residence complements those around it, and not detract in design, quality or appearance. All exterior materials and colors must be approved in writing by the Project Architectural Review Committee. All final decisions with respect to these enumerated standards and their application to a particular proposed structure in the Project shall be made by the Project Architectural Review Committee. All exposed metal flues, vents, ventilators, or other metallic rooftop protrusions shall be positioned on the back slope of the roof and shall be coated or painted with tones which complement surrounding structures.

ENTERED INTO AND AGREED TO on the first date set forth above.

“DECLARANT”

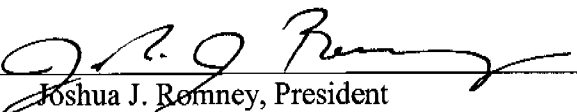
Gardner Cottonwood Creek, L.C. a Utah
limited liability company

By: 

Rulon C. Gardner, Manager

“ASSOCIATION”

Cottonwood Meadows Homeowners Association,
Inc., a Utah nonprofit corporation

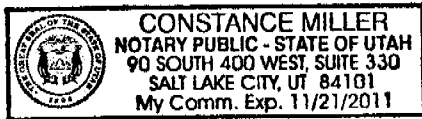
By: 

Joshua J. Romney, President

[See next page for notary blocks]

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

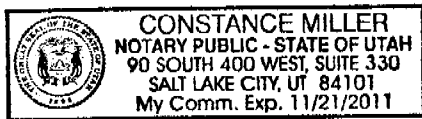
On this 31 day of March, 2009, personally appeared before me Rulon C. Gardner who acknowledged being, or who is personally known to me to be, the Manager of Gardner Cottonwood Creek, L.C., a Utah limited liability company, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signing on behalf of such company as an authorized officer of the company.



Constance Miller
Notary Public

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

On this 31 day of March, 2009, personally appeared before me Joshua J. Romney who acknowledged being, or who is personally known to me to be, the President of Cottonwood Meadows Homeowners Association, Inc., a Utah nonprofit corporation, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signing on behalf of such company as an authorized officer of the company.



Constance Miller
Notary Public

EXHIBIT A

to

**First Amendment to Declaration Of Protective Covenants, Conditions And
Restrictions For Cottonwood Meadows
(The Cottonwoods At Mountain Green)**

(Legal Description of the Project Property)

All of Lots 23 through 46 identified on that certain plat of subdivision entitled "The Cottonwood Hills, a P.U.D. Subdivision in Mountain Green, Morgan County, Utah" filed in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104098;

AND

All of Lots 3001 through 3057, 3078^A through 3098, Lots F and L, and Open Space Parcels A through E, G through K, and M through N, identified on that certain plat of subdivision entitled "Cottonwood Meadows, a P.U.D. Subdivision" filed in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 108786.

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TAX SERIAL AND PARCEL NO'S

03 - COHILL - CA - NA 00-0073 - 6560

03 - COHILL - CA - NA2 00-0073 - 6562

03 COHILL - 0023 TO 0046 00-0073 - 6433 TO 6456

03 - COM - 3001 TO 3057 00-0075 - 1241 TO 1297

03 - COM - 3078 TO 3098 00-0075 - 1318 TO 1338

03 - COM - 3078A TO 3080-A 00-0077 - 4448 TO 4450

03 - COM - 3083A TO 3085-A 00-0077 - 4451 TO 4453

03 - COM - CA - NA1 00-0075 - 1363

03 - COM - OS - A 00-0074 - 8963

03 - COM - OS - N 00-0074 - 9125