

NCS-151596-KC  
AFTER RECORDING PLEASE RETURN TO:  
SunCrest Development, Corp.  
Attn: Ed Grampp  
2021 East Village Green Circle  
Draper, Utah 84020

THIS DOCUMENT HAS BEEN RECORDED ELECTRONICALLY  
ENTRY # 24975:07 DATE 2.20.07

**SECOND AMENDMENT  
TO  
SUPPLEMENTAL DECLARATION AND AMENDMENT  
TO ADD ADDITIONAL LAND  
TO  
THE DECLARATION OF COVENANTS,  
CONDITIONS, EASEMENTS AND RESTRICTIONS  
FOR  
SUNCREST, A PLANNED COMMUNITY**

(DEER RIDGE No. 2 -- TO AMEND AND RESTATE EXHIBIT A)

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02/20/2007 01:39 PM \$92.00  
Book - 9424 Pg - 270-276  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
TALON GROUP  
BY: LVG, DEPUTY - WI 7 P.

THIS SECOND AMENDMENT to Supplemental Declaration and Amendment to Add Additional Land to the Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community (this "Second Amendment"), is executed pursuant to the provisions of the Declaration described in Recital "B" below by SunCrest, L.L.C., a Delaware limited liability company ("Declarant") (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company ("DAE/Westbrook")).

**WITNESSETH:**

A. Declarant was formerly known as DAE/Westbrook and it properly changed its name to SunCrest, L.L.C. Declarant has the power to execute this Supplemental Declaration pursuant to the provisions of the Declaration described in Recital "B" below.

B. On December 28, 1999, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 7543075 in Book 8332, Page 4708, which Declaration Declarant also recorded with the Recorder of Utah County, Utah on December 22, 2000, as Entry No. 101565:2000 ("Original Declaration"), covering the initial real property and improvements situated in Salt Lake County, Utah, more particularly described in Exhibit "A" attached thereto ("SunCrest").

C. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, a First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 8383413 in Book 8664, Page 2560, which First Amendment Declarant also recorded with the Recorder of Utah County, Utah on August 14, 2002 as Entry No. 93174:2002 ("First Amendment").

D. On May 24, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, an Official Plat of DEER RIDGE NO. 2 AT SUNCREST as Entry No. 8242797 in Book 2002P, Page 120, which Official Plat Declarant also recorded with the Recorder of Utah County, Utah on

June 24, 2002, as Entry No. 71094:2002; and on December 21, 2006, Declarant recorded with the Recorder of Salt Lake County, Utah, an Official Plat of DEER RIDGE NO. 2 AT SUNCREST LOT 165 AMENDED as Entry No. 9948414 in Book 2006P, Page 386 (together referenced the "Deer Ridge No. 2 Plat")

E. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Supplemental Declaration and Amendment to Add Additional Land to the Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, as Entry No. 8383316 in Book 8664, Page 2321, which Supplemental Declaration Declarant also recorded with the Recorder of Utah County, Utah on August 13, 2002, as Entry No. 93075:2002 ("Deer Ridge No. 2 Supplemental Declaration"), covering the real property and improvements located in Salt Lake County, Utah and Utah County, Utah, more particularly described in Exhibit "B" attached hereto and incorporated herein by this reference.

F. On August 30, 2004, Declarant recorded with the Recorder of Salt Lake County, Utah that certain First Amendment to Supplemental Declaration and Amendment to Add Additional Land to the Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, as Entry No. 9159201 in Book 9031, Page 4429, which Supplemental Declaration Declarant also recorded with the Recorder of Utah County, Utah on August 27, 2004, as Entry No. 99023:2004; and on January 26, 2005, Declarant recorded with the Recorder of Salt Lake County, Utah that certain document also entitled First Amendment to Supplemental Declaration and Amendment to Add Additional Land to the Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, as Entry No. 9283155 in Book 9087, Page 5796 (together referenced the "First Amendments to Supplemental Declaration").

G. The Original Declaration, as amended and supplemented pursuant to the First Amendment, the Deer Ridge No. 2 Supplemental Declaration, the First Amendments to Supplemental Declaration, and this Second Amendment, and as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, is collectively referred to as the "Declaration," which term shall, for all purposes thereof or of any related document, mean and refer to the Original Declaration as so amended, supplemented, or otherwise modified.

H. Pursuant to Section 18.3 of the Declaration, for so long as its Class B Membership exists, Declarant reserved the right to unilaterally amend the Declaration for any purpose that does not materially adversely affect the substantive rights of any Owner thereunder. Such unilateral amendment rights also extend to Supplemental Declarations which are collectively a part of the Declaration. Accordingly, Declarant hereby exercises its unilateral right to execute and record this Second Amendment for the purposes of amending and restating Exhibit "A" of the Deer Ridge No. 2 Supplemental Declaration, a copy of which amended and restated Exhibit "A" is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, Declarant hereby unilaterally exercises its right to record this Second Amendment to amend and restate Exhibit A of the Deer Ridge No. 2 Supplemental Declaration as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Second Amendment shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this Second Amendment.

2. Amended and Restated Exhibit A. Exhibit A attached to the Deer Ridge No. 2 Supplemental Declaration is hereby deleted in its entirety and replaced with the amended and restated Exhibit A attached hereto.

3. Binding Provisions. The provisions of this Second Amendment shall be binding upon all parties having any right, title, or interest in the real property covered by the Deer Ridge No. 2 Plat, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

4. Effective Date. This Second Amendment shall be effective as of the date of its recordation in the real property records of the Recorder in and for Salt Lake County, Utah and/or its recordation in the real property records of the Recorder in and for Utah County, Utah.

5. Declaration Remains in Effect. The Supplemental Declaration, the First Amendments to Supplemental Declaration, and this Second Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration and Exhibit A attached hereto shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Second Amendment.

6. Authority. Declarant may execute this Supplemental Declaration without the consent or signature of any other party or Owner as provided in Section 18.3 of the Declaration.

*[SIGNATURE PAGE FOLLOWS]*



## EXHIBIT "A"

### DEER RIDGE NO. 2

#### 1. Land Use Classifications —

(a) Single Family Residential Use. All sixty-six (66) Lots numbered 21-34, 35-82, 83-85 in Deer Ridge No. 2 and Lot 165 in Deer Ridge No. 2 at SunCrest Lot 165 Amended are designated for Single Family Residential Use as further described in the Original Declaration.

(b) Open Space. Lot A in Deer Ridge No. 2 and Lot L in Deer Ridge No. 2 at SunCrest Lot 165 Amended are dedicated to Draper City as open space.

(c) Drainage Lot. Lot J in Deer Ridge No. 2 at SunCrest Lot 165 Amended is dedicated to Draper City as a storm drainage and detention basin.

(d) Master Association Land. The SunCrest Owners Association, Inc. shall hold fee title to single lettered Lot K in Deer Ridge No. at SunCrest Lot 165 Amended, which constitutes Master Association Land as further described in the Declaration.

(e) Limited Use Driveways. All seven (7) Lots lettered B-H in Deer Ridge No. 2 are designated as Limited Use Driveways as further described in the Original Declaration as amended by that certain First Amendment to the Original Declaration recorded or to be recorded in the real property records of the Recorder in and for Salt Lake County, Utah and/or the real property records of the Recorder in and for Utah County, Utah ("First Amendment").

(i) *Benefited Owners*. Such Limited Use Driveways constitute a portion of the Limited Community Areas, and are for the exclusive use, occupancy and benefit of the Owners of the Lots to which they are adjacent and to which they are required for access to such Lots. The benefited Owners include the specific sixteen (16) Owners of Lots 22, 23, 28, 29, 43, 44, 45, 51, 52, 57, 66, 67, 75, 76, 77 and 165 ("Benefited Owners"). The Association shall hold fee title to the Limited Use Driveways lettered B-G and such Limited Use Driveways shall constitute Master Association Land.

(ii) *Limited Use Driveway Designated as Lot H*. Notwithstanding that Lot H constitutes a Limited Use Driveway, Declarant specifically reserves the right, for itself and its successors and assigns, to retain title to Lot H until such time, if any, that Lot 165 is further developed and subdivided into smaller Lots, as Declarant, or its successors and assigns, shall determine in its sole and exclusive discretion. In the event that Lot 165 is not further developed and subdivided, then the Owner of Lot H shall be solely liable for the maintenance, repair, replacement and service costs associated with Lot H. The Association shall not have any duty or obligation to maintain, repair, replace or service Lot H until such time as it holds fee title to the Limited Use Driveway designated as Lot H. In the event Lot

165 is further developed and subdivided into smaller Lots, as Declarant, or its successors and assigns, shall determine in its sole and exclusive discretion, then the Association shall accept such conveyance and shall execute such further and additional instruments as may be requested by Declarant, or its successors and assigns, documenting the Declarant's right to transfer fee title to the Association, in form satisfactory to Declarant or its successors and assigns.

(iii) *Association's Duty to Maintain; Benefited Owners' Assessment Obligations.* The Association shall maintain, repair, replace and service such Limited Use Driveways in accordance with the provisions of the Original Declaration, as amended by the First Amendment, unless Declarant or the Board authorizes the delegation of such responsibility in the Original Declaration or by an amendment to this Supplemental Declaration. Each Benefited Owner, for each Lot that he or she owns, shall be liable for an equal share of the maintenance, repair, replacement and service costs associated with the Limited Use Driveways, and for all Assessments levied by the Association associated with the same, as further described in the Original Declaration, as amended by the First Amendment.

2. Neighborhood Designation — All seventy-seven (77) Lots in Deer Ridge No. 2 and Deer Ridge No. 2 at SunCrest Lot 165 Amended comprise a Residential Neighborhood. The name of such Residential Neighborhood shall be "Deer Ridge No. 2."

3. Size Restrictions — No residence shall be constructed wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than 2,300 square feet for a single story dwelling; and no less than 3,500 square feet for a two story dwelling not including the basement area.

**EXHIBIT "B"**

**DEER RIDGE NO. 2**

All real property located within DEER RIDGE NO. 2 AT SUNCREST as shown on the Official Plat recorded in the Official Records of Salt Lake County, Utah on May 24, 2002 as Entry No. 8242797 in Book 2002P, Page 120, and subsequently recorded in the Official Records of Utah County, Utah on June 24, 2002, as Entry No. 71094:2002; and all real property located within DEER RIDGE NO. 2 AT SUNCREST LOT 165 AMENDED as shown on the Official Plat recorded in the Official Records of Salt Lake County, Utah on December 21, 2006 as Entry No. 9948414 in Book 2006P Page 386.

Salt Lake County APN See list below

Utah County APN 37-184-0083, 37-184-0084, 37-184-0085 & 37-184-0086

34-09-351-002	34-16-126-016	34-16-105-003
34-08-476-004	34-16-126-017	34-16-105-002
34-16-103-003	34-16-126-009	34-16-105-001
34-16-104-008	34-16-126-008	34-16-104-005
34-16-105-008	34-16-126-014	34-16-104-004
34-16-102-007	34-16-126-013	34-16-104-001
34-16-126-010	34-16-126-012	34-16-104-002
34-16-103-004	34-16-126-011	34-16-104-003
34-16-103-002	34-16-102-005	34-16-104-006
34-16-103-001	34-16-102-004	34-16-104-007
34-17-226-003	34-16-102-006	34-16-104-012
34-17-226-002	34-16-102-008	34-16-104-009
34-17-226-001	34-16-102-009	34-16-104-010
34-08-476-001	34-16-102-013	34-16-104-011
34-08-476-002	34-16-105-014	34-16-104-013
34-08-476-003	34-16-105-013	34-16-104-014
34-09-351-001	34-16-105-012	34-16-102-014
34-16-101-005	34-16-105-007	34-16-126-009
34-16-101-006	34-16-105-009	34-16-101-009
34-16-101-007	34-16-105-010	
34-16-101-008	34-16-105-011	
34-09-376-001	34-16-129-003	
34-09-376-002	34-16-129-002	
34-09-376-004	34-16-129-001	
34-16-126-015	34-16-105-006	
	34-16-105-005	
	34-16-105-004	