

After Recording Return To:
The Richards Law Office
4190 South Highland Dr., Suite 111
SLC, UT 84124

ENT 140395:2005 PG 1 of 9
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2005 Dec 05 4:44 pm FEE 2223.00 BY SS
RECORDED FOR ATKINSON, CHAD

**AMENDMENT TO
THE COMMUNITY DECLARATION FOR
THE RANCHES AT EAGLE MOUNTAIN MASTER
HOMEOWNER'S ASSOCIATION INC.**

This Amendment to the Community Declaration of Covenants, Conditions and Restrictions of The Ranches at Eagle Mountain Master Homeowner's Association, Inc., (the "Declaration") that established The Ranches at Eagle Mountain subdivision is made this 16 day of November, 2005 by The Ranches at Eagle Mountain Master Homeowner's Association (the "Association").

RECITALS

A. Certain real property in Utah County, Utah, known as The Ranches at Eagle Mountain Subdivision was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration dated June 8, 2004, and recorded as Entry No. 65905:2004 in the Recorder's Office for Utah County, Utah;

B. This amendment shall apply to the lands described in Exhibit "A" and shall be binding against all of the property described in the Declaration and any annexation, expansion or supplement thereto.

D. The purpose of this amendment is to help ensure that the election of the Board of Trustees is done in the most effective manner possible, and to improve upon other existing provisions of the Declaration.

E. Pursuant to Article XI, Section 11.3 of the Declaration, Declarant and Members representing more than seventy-five percent (75%) of the voting rights have approved this Amendment.

NOW, THEREFORE, The Association, by and through its Board of Trustees, hereby amends the following sections of the Declaration:

Section 2.22 titled “Design Guidelines” shall be amended to add the following provisions:

There shall be a presumption that any change to the Design Guidelines is significant. To overcome the presumption and determine that a change is insignificant, a unanimous vote of Board members present at a meeting where a quorum is established shall be required.

Section 2.33 titled “Member” shall be amended in its entirety to read as follows:

Section 2.33 Member. “Member” shall mean the Person, or if more than one, all Persons collectively, who constitute the Owner of a Privately Owned Site with Improvements on it.

Section 4.1 titled “Community Association” shall be amended in its entirety to read as follows:

Section 4.1 Community Association. The Community Association has been formed as Utah corporation under the Utah Nonprofit Corporations Act. The Community Association shall have the duties, powers and rights set forth in this Community Declaration and in its Articles of Incorporation and Bylaws. As more specifically set forth hereinafter, the Community Association shall have a Board of Trustees to manage its affairs; the Board of Trustees shall be elected by the Members of the Community Association, as set forth in this Community Declaration and the Bylaws. Delegates shall be elected by the Owners within each Delegate District as set forth herein and in the Bylaws.

Section 4.3 titled “Membership in Community Association” shall be amended in its entirety to read as follows:

Section 4.3 Membership in Community Association. Each Owner of a Privately Owned Site with Improvements within the Community Association Area shall be a Member of the Community Association. There shall be one Membership in the Community Association for each Privately Owned Site with Improvements within the Community Association Area. The Person or Persons who constitute the Owner of a Privately Owned Site with Improvements shall automatically be the holder of the Membership appurtenant to that Privately Owned Site with Improvements, and the Membership appurtenant thereto shall pass with fee simple title to the Privately Owned site with Improvements. Declarant shall hold a Membership in the Community Association for each Privately Owned Site with Improvements owned by Declarant. Membership in the Community Association shall not be assignable separate and apart from the fee simple title to a Privately Owned Site with Improvements except that an owner may assign some or all of his rights as an Owner and as a Member of the Community Association to a tenant or Mortgagee and may arrange for a tenant to perform some or all of such Owner’s obligations as provided in this Community Declaration, but no Owner shall be permitted to relieve himself of the responsibility for fulfillment of the obligations of an Owner under this Community Declaration.

Section 4.5 titled "Voting Rights of Members" shall be amended to add the following provision:

Notwithstanding anything to the contrary in this Declaration or the Bylaws, a Member must be in good standing with the Community Association to be eligible to vote. For purposes of this provision, good standing shall mean that the Member has no violation(s) pending on their Privately Owned Site and is not more than thirty (30) days past due on payment of all Community Association assessments including without limitation, Common Assessments, Supplemental Common Assessments, Special Assessments, Reimbursement Assessments, Fines, and any late charges and/or interest on any of the assessments or fines.

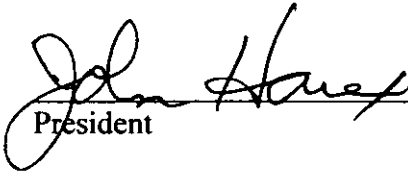
Section 11.5 titled "Required Consent of Declarant to Amendment" shall be amended in its entirety to read as follows:

Section 11.5 Required Consent of Declarant to Amendment. Notwithstanding any other provision in this Community Declaration to the contrary, any proposed amendment or repeal of any provision of this Community Declaration or significant changes to the Design Guidelines shall not be effective unless the Declarant has given its written consent to such amendment or repeal, which consent shall be evidenced by the execution by the Declarant of the amendment or by a certificate of amendment or repeal. The foregoing requirement for consent of the Declarant to any amendment or repeal shall terminate at such time as Declarant's rights as defined in this Community Declaration expire.

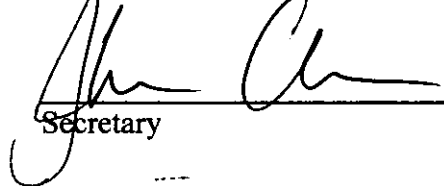
// END OF AMENDMENTS //

IN WITNESS WHEREOF, THE RANCHES AT EAGLE MOUNTAIN MASTER HOMEOWNER'S ASSOCIATION has executed this Amendment to the Declaration as of the 28 day of November, 2005, in accordance with Article XI of the Declaration.

THE RANCHES AT EAGLE MOUNTAIN MASTER HOMEOWNER'S ASSOCIATION



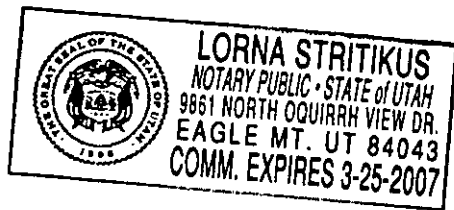
President

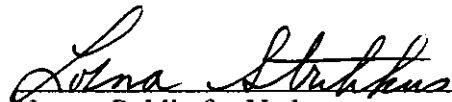


Secretary

STATE OF UTAH)
) ss
County of Utah)

On the 28th day of December 2005, personally appeared John Hanes and Jonathan Celaya who, being first duly sworn, did that say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.





Notary Public for Utah

EXHIBIT A

ANTHEM AT THE RANCHES SUBDIVISION

All of lots 1 through 152, inclusive of the Anthem at the Ranches Subdivision, Phases 1, 2, & 3 at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

ANTHEM ON THE GREEN SUBDIVISION

All of lots 101 through 162, inclusive of the Anthem on the Green Subdivision, Phase 1 at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

ASH POINT AT SADDLE ROCK RANCH A SUBDIVISION

All of lots 1 through 79, inclusive of the Ash Point at Saddle Rock Ranch A Subdivision at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

CASTLE ROCK AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 67, inclusive of the Castle Rock at Red Hawk Ranch Subdivision at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

CHIMNEY ROCK AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 77, inclusive of the Chimney Rock at Red Hawk Ranch Subdivision, Plats A, B, & C at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

COLD SPRINGS AT RED HAWK RANCH PUD

All of lots 101 through 161 and 201 through 256, inclusive of the Cold Springs at Red Hawk Ranch PUD, Phases 1 & 2 at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

CRITTENDEN CORNER AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 35, A, B, C, inclusive of the Crittenden Corner at Red Hawk Ranch Subdivision at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

EXHIBIT A

DIAMOND SPRINGS AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 88, inclusive of the Diamond Springs at Red Hawk Ranch Subdivision, Phases A & B at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

EAGLE'S GATE SUBDIVISION

All of lots 101 through 153 and 401 through 449, inclusive of the Eagle's Gate Subdivision, Plats A & D at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

FREMONT SPRINGS SUBDIVISION

All of lots 1 through 59, inclusive of the Fremont Springs Subdivision, Plats A, B, C, & D at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

FRIDAY'S STATION AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 26, inclusive of the Friday's Station at Red Hawk Ranch Plat A Subdivision at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

FRIDAY'S STATION AT PRAIRIE GATE RANCH SUBDIVISION

All of lots 1 through 23, inclusive of the Friday's Station at Prairie Gate Ranch Plat B Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

HIDDEN CANYON SUBDIVISION

All of lots 1 through 85, inclusive of the Anthem at the Hidden Canyon Subdivision, Phase 1 at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

KENNEKUK AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 57, inclusive of the Kennekuk at Red Hawk Ranch Plat A Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

EXHIBIT A

KIOWA VALLEY SUBDIVISION

All of lots 1 through 160 and 401 through 447 and 501 through 537, inclusive of the Kiowa Valley Subdivision, Plats A, B, C, D, & E at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

LIBERTY FARM AT SMITH RANCH SUBDIVISION

All of lots 1 through 70, inclusive of the Liberty Farm at Smith Ranch Plat A Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

LONE TREE AT CIRCLE FIVE RANCH SUBDIVISION

All of lots 1 through 74 and 201 through 241, inclusive of the Lone Tree at Circle Five Ranch Subdivision, Plats A & B at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

MT AIREY AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 72, inclusive of the Mt Airey at Red Hawk Ranch Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

MT AIREY AT PRAIRIE GATE RANCH SUBDIVISION

All of lots 73 through 75, inclusive of the Mt Airey at Prairie Gate Ranch Plat D Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

MT AIREY PLAT B SUBDIVISION

All of lots 1 through 19, inclusive of the Mt Airey Plat B Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

MT AIREY PLAT C SUBDIVISION

All of lots 1 through 9, inclusive of the Mt Airey Plat C Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

EXHIBIT A

PLUM CREEK CONDOMINIUMS

All of Units 1 through 12 of Buildings A & B, Units 1 through 4 of Buildings C through F, and Units 1 through 30 of Buildings G through T, inclusive of the Plum Creek Condominiums Plat A, as amended, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

PORTER'S CROSSING SUBDIVISION

All of lots 179 through 254 and 356 through 358, inclusive of the Porter's Crossing Subdivision, Plats A, B, & C at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

ROCK CREEK CONDOMINIUMS PHASE I

All of Units 1 through 12 of Buildings A through H, inclusive of the Rock Creek Condominiums, Phase I at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

ROCKWELL VILLAGE AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 37, inclusive of the Rockwell Village at Red Hawk Ranch Subdivision, at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

RUBY VALLEY AT SADDLE ROCK RANCH

All of lots 1 through 79, A-D, inclusive of the Ruby Valley at Saddle Rock Ranch Subdivision, Plats A & B, as amended at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

RUSH VALLEY SUBDIVISION

All of lots 1 through 143 and 145 through 146, inclusive of the Rush Valley Subdivision, Plats A, B, & C at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

////
////

EXHIBIT A

SADDLEBACK SUBDIVISION

All of lots 1 through 78, A-N, inclusive of the Saddleback Subdivision, Plats A, B, & C at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

SIMPSON SPRINGS AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 21, inclusive of the Simpson Springs at Red Hawk Ranch Subdivision, Plat A at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

SUNDANCE AT RED HAWK RANCH SUBDIVISION

All of lots 1 through 49, inclusive of the Sundance at Red Hawk Ranch Subdivision, Plat A at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

THREE CROSSINGS SUBDIVISION

All of lots 79 through 178, inclusive of the Three Crossings Subdivision, Plats A, B, & C at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.

WILLOW SPRINGS CONDOMINIUM

All of Units 1 through 12 of Buildings A through T, inclusive of the Willow Springs Condominium, Phases 1, 2, & 3 at Eagle Mountain, according to the official plats thereof on file with the Office of the Utah County Recorder's Office.