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Office of the Davis County Recorder

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/27/2006 10:10 AM
FEE \$72.00 Pgs: 13
DEP RTT REC'D FOR CENTERVILLE CITY



Recorder
Richard T. Maughan

Chief Deputy
Laile H. Lomax

*Bambergen Station Ph-1
02-194-0001 thru 0014, 0015, 0016
Bambergen Station Ph-2
02-210-0023 thru 0034
0016 thru 0022*

DOCUMENT FRONT PAGE

The accompanying document contains insufficient blank space in the appropriate place for the official recording information. This front page is added for that purpose only, and becomes the first recorded page of the document.

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BAMBERGER STATION PHASE I
A PLANNED UNIT DEVELOPMENT**

02-

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BAMBERGER STATION PHASE I A PLANNED UNIT DEVELOPMENT (this "Declaration") is made as of March 10, 2006 by Walton Lane L.L.C. for and on behalf of itself and its successors and assigns.

RECITALS

A. The original Declaration of Covenants, Conditions and Restrictions for Bamberger Station Phase I, A Planned Unit Development (the "Original Declaration") was recorded with the Davis County Recorder on September 11, 2003, as Entry 1908825, Book 3372, starting at Page 518 by Walton Lane L.L.C. who was the Declarant.

B As authorized by Paragraph 16.03 of the Original Declaration, Declarant has added twenty (20) Units to the fourteen (14) Units that were originally part of Phase I of the Project.

C. As authorized by Paragraph 16.03 and by Paragraph 19.03(b) of the Original Declaration, Declarant hereby amends the Original Declaration as set forth herein

AMENDMENTS

1. The Title of the Original Declaration is amended to read as follows:

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BAMBERGER STATION
A PLANNED UNIT DEVELOPMENT**

2. Paragraph 2.01(t) is hereby amended in its entirety to read as follows:

(t) "Map" means the Record of Survey Maps of Bamberger Station Planned Unit Development attached as Exhibit B hereto and made a part hereof, as the same may be amended from time to time

3. Paragraph 2.01(z) is hereby amended in its entirety to read as follows:

(z) "Project" means the Bamberger Station Planned Unit Development created on the Property by this Declaration, and includes both a Phase I and a Phase II

4. Paragraph 3.01(a) is hereby amended in its entirety to read as follows:

(a) Declarant hereby designates the thirty-four (34) units on which may be constructed residential dwellings within the Project, the boundaries and identifying numbers of all thirty-four (34) of these Units are shown on the Map.

5. Paragraph 3.03 is hereby amended in its entirety to read as follows:

3.03. Description of Units. The Project shall consist of thirty-four (34) Units identified as Units 1 through 34 of the Bamberger Station Planned Unit Development and as more specifically identified in Exhibit B. Each of the thirty-four (34) Units has a floor plan

substantially identical to one of the six approved floor plans attached hereto as Exhibit D or Exhibit E. The Units are wood framed with siding/stucco/rock exterior, the roofing material is fiberglass asphalt shingle, and the other significant building material is identified in the construction plans which may be viewed at the business office of the Declarant.

6 Paragraph 3.04 is hereby amended in its entirety to read as follows:

3.04 Separate Taxation of Units Each of the thirty-four (34) Units constitutes a separate parcel of real estate and will be separately assessed and taxed.

7 Paragraph 3.06 is hereby amended in its entirety to read as follows:

3.06. Ownership of Common Areas The Common Areas shall be owned by the Owners of all of the Units as tenants in common. A percentage of undivided interest in the Common Areas shall attach to each Unit, which percentage shall correspond to the proportion the Unit has in the Project to the total number of Units. Upon any conveyance or transfer of a Unit, the undivided interest in Common Areas attributable to such Unit shall automatically be conveyed or transferred with the Unit. No undivided interest in Common Areas may be transferred or conveyed separate or apart from the Unit to which the undivided interest is attributable. Each Owner shall have a license to use all of the Common Areas, subject to the terms and conditions of the Association Documents. The number of Units for the Project will be thirty-four (34) which will give each Unit Owner the percentage of interest in Common Areas of 2.941%. If any Units are combined and treated as one Unit, the total number of Units in the Project would decrease and the percentage of interest in the Common Areas would increase.

8 Paragraph 3.08 is hereby deleted.

9 Paragraph 7.02(b) is hereby amended in its entirety to read as follows:

(b) An example of the Shares of Common Expenses allocated to the Units within the Project is set forth on Exhibit C attached hereto and made a part hereof.

10 Paragraphs 10.02(a) is hereby amended in its entirety to read as follows:

(a) No Owner may (i) construct any improvement on his or her Unit, (ii) make any material alteration to exterior surfaces of existing buildings or improvements constituting a part of his Unit, or (iii) construct any additional building or improvement on any improved Unit, without the prior written consent of the Design Review Board. It is intended that all residential dwellings constructed in the Project will substantially conform to the design and the construction materials identified in the basic plans attached in Exhibit D and Exhibit E hereto, as applicable. No Owner shall vary his or her construction from one of the basic approved plans in Exhibit D or Exhibit E, whichever is applicable, without the prior written approval of the Design Review Board. The approval of any requested variation from the basic approved plans shall be at the sole discretion of the Design Review Board. In determining whether to approve any requested modification, the Design Review Board shall consider such matters as: (i) the compatibility of the modification with the overall design and appearance of the Project; (ii) the extent to which the construction of that modification may adversely impact other Owners and their respective Units, (iii) whether the requesting Owner has made the necessary arrangements for the modification to be completed expeditiously, and in a high quality, workmanship manner; and (iv) such other factors as the Design Review Board deems relevant. The decisions of the Design Review Board shall be conclusive and binding on all interested parties, subject only to the right of appeal and review by the Executive Board as described in Paragraph 10.03 below.

11. Paragraph 16.03 is hereby deleted.

- 12. Exhibit A is hereby amended in its entirety to read in the manner set forth in Exhibit A-1 attached hereto
- 13. Exhibit B is hereby amended in its entirety to read in the manner set forth in Exhibit B-1 attached hereto
- 14. Exhibit C is hereby amended in its entirety to read in the manner set forth in Exhibit C-1 attached hereto.
- 15. An Exhibit E is hereby added to the Original Declaration and shall read in the manner set forth in Exhibit E-1 attached hereto

IN WITNESS WHEREOF, the Declarant has hereunto caused its name to be signed as of the day and year first written above.

WALTON LANE L.L.C.

Shelley J Clark Dean
 By _____
 Its member

STATE OF UTAH)
) SS
 COUNTY OF Davis)

The foregoing instrument was acknowledged before me this 10th day of March, 2006, by
Clark E. Irwin

Clark E. Irwin
 Notary Public

Residing at 618 W. 1500 N. West Bountiful, UT
 My Commission Expires. 10-28-09

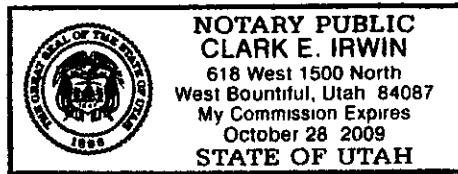


EXHIBIT A-1

LEGAL DESCRIPTION OF THE PROPERTY

THE PROPOSED PLAT OF BAMBERGER STATION PHASE 1, PLANNED UNIT DEVELOPMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

*02-194-0001
three 0016*

BEGINNING on a boundary corner of Cedar Springs Condominiums said point being North 89°54'00" West 889.04 feet and south 00°02'00" East 1348.32 feet and North 89°59'00" East 58.00 feet and North 00°02'00" West 340 feet and North 89°59'00" East 449.44 feet from the Northeast corner of Lot 6, Block 21, Big Creek Plat, Centerville Townsite Survey, said point also being North 89°58'47" East 907.89 feet along the Section Line to the centerline of Main Street and North 00°10'07" East 425.64 feet along the centerline of Main Street and South 89°59'00" West 361.05 feet from the South Quarter Corner of Section 7, Township 2 North, Range 1 East, Salt Lake Base and Meridian and running thence South 89°59'00" West 94.90 feet along the South line of said Cedar Springs Condominiums; thence South 00°01'00" East 150.22 feet, thence South 89°59'00" West 342.61 feet to a point on a 225.00 foot radius curve to the left, (radius bears South 00°01'00" East), thence along the arc of said curve 62.68 feet to the East line of the old Bamberger Railroad, thence South 00°02'00" East 187.53 feet along said East line to a point on a 125.00 foot radius curve to the left, (radius bears North 54°15'20" East); thence along the arc of said curve 13.63 feet to a point on a 75.00 foot radius reverse curve to the right, (radius bears South 48°00'33" West); thence along the arc of said curve 55.58 feet; thence South 00°27'55" West 67.62 feet; thence North 89°58'47" East 60.82 feet; thence North 00°02'00" West 125.33 feet; thence N.89°58'47" E. 27.02 feet; thence North 00°02'00" West 53.39 feet thence South 89°58'00" West 84.82 feet to a point on a 75.00 foot radius curve to the right (radius bears North 71°52'40" East); thence along the arc of said curve 27.75 feet to a point on a 175.00 foot reverse curve to the left; (radius bears North 86°55'27" West); thence along the arc of said curve 39.49 feet to a point on a 25.00 foot reverse curve to the right, (radius bears North 80°08'34" East); thence along the arc of said curve 41.41 feet to a point on a 175.00 foot compound curve to the right, (radius bears South 04°57'35" East); thence along the arc of said curve 15.10 feet; thence North 89°59'00" East 248.08 feet, thence South 00°02'00" East 149.88 feet; thence North 89°58'47" East 349.55 feet; thence North 00°10'07" East 142.72 feet; thence North 89°59'00" East 166.77 feet to a point on the West line of Main Street, thence along said West line North 00°10'07" East 161.99 feet to a point on a 25.00 foot radius curve to the right, (radius bears North 89°49'53" West), thence along the arc of said curve 39.19 feet, thence South 89°59'00" West 103.00 feet to a point on a 175.00 foot radius curve to the left, (radius bears South 00°01'00" East), thence along the arc of said curve 96.22 feet, thence North 16°12'43" West 100.06 feet; thence South 89°59'00" West 80.56 feet to the point of beginning.

Property Contains 3.62 Acres

THE PROPOSED PLAT OF PARCEL A OF BAMBERGER STATION PHASE 2, PLANNED UNIT DEVELOPMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

*02-210-
0023 → 0034
0016 → 0022*

BEGINNING at a point located South 89°59'00" West 94.90 feet from the boundary corner of Cedar Springs Condominiums, said point being North 89°54'00" West 889.04 feet and South 00°02'00" East 1348.32 feet and North 89°59'00" East 58.00 feet and North 00°02'00" West 340 feet and North 89°59'00" East 499.44 feet from the Northeast corner of Lot 6, Block 21, Big Creek Plat, Centerville Townsite Survey, said point also being North 89°58'47" East 907.89 feet along the Section Line to the centerline of Main Street and North 00°10'07" East 425.64 feet along the centerline of Main Street and South 89°59'00" West 361.05 feet from the South Quarter Corner of Section 7, Township 2 North, Range 1 East, Salt Lake Base and Meridian; Thence South

00°01'00" East 150.22 feet to the North Right of Way Line of Bamberger Way; thence running along said North Right of Way the following 2 courses. South 89°59'00" West 342.61 feet to a point of curvature of a 225.00 foot radius curve to the left (bearing to the radius point bears South 00°01'00" East), thence along the arc of said curve through a central angle of 15°57'44" a distance of 62.68 feet to the east line of the old Bamberger Railroad, thence North 00°02'00" West 158 89 feet to the South line of said Cedar Springs Condominiums, thence along said South line North 89°59'00" East 404 53 feet to the Point of Beginning.

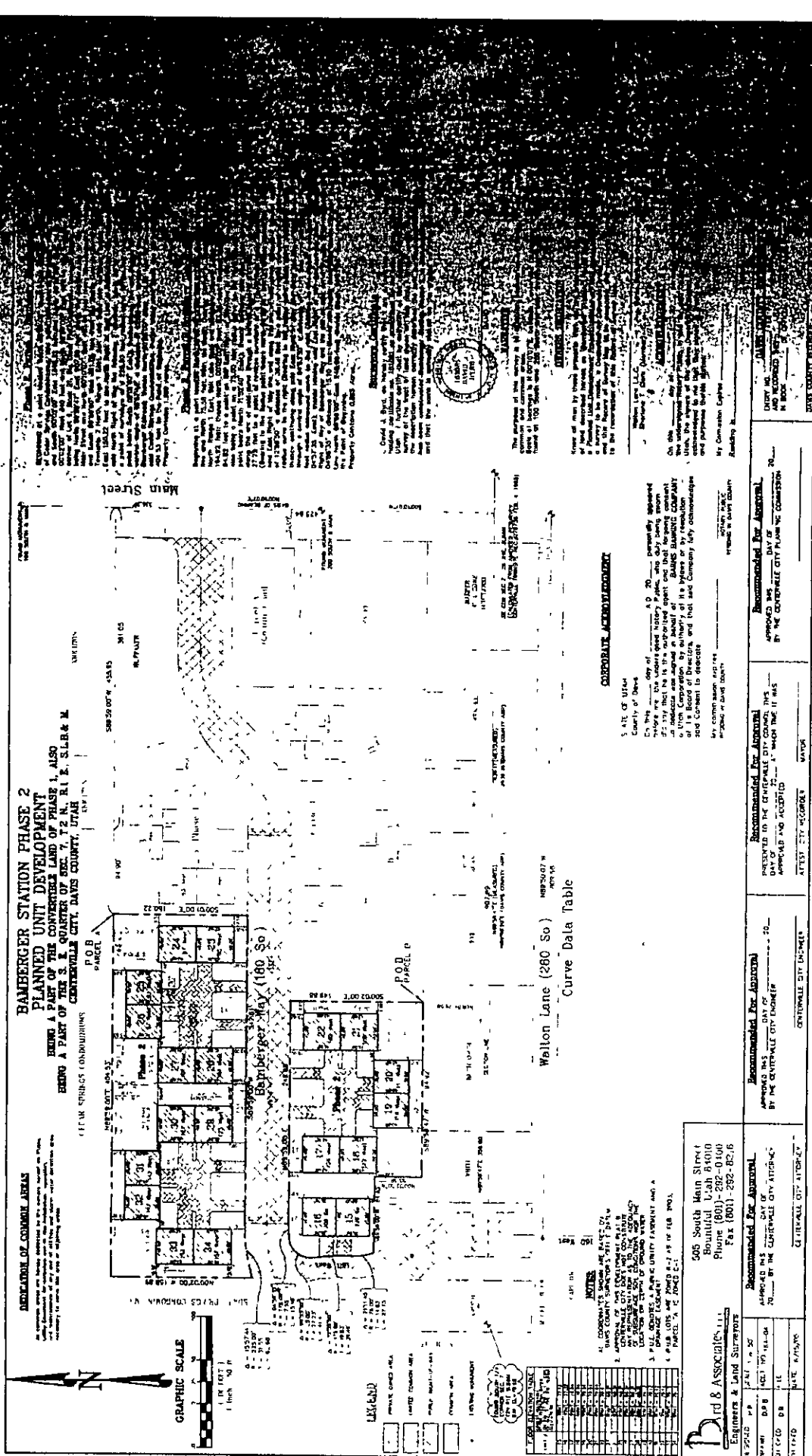
Property Contains 1.399 Acres.

THE PROPOSED PLAT OF PARCEL B OF BAMBERGER STATION PHASE 2, PLANNED UNIT DEVELOPMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS. 02 -

Beginning at a point located North 89°58'47" East 358.80 feet along the Section line and North 75.58 feet from the South Quarter Corner of Section 7, Township 2 North, Range 1 East, Salt Lake Base and Meridian; thence South 89°58'47" West 194.92 feet; thence North 00°02'00" West 53.39 feet; thence South 89°58'00" West 84.82 feet to a point on the East Right of Way line of 160 West Street, said point also being a point on a 75 00 foot radius curve to the right (Bearing to the radius point bears North 71°52'40" East); thence following said East Right of Way line and along the arc of said curve through a central angle of 21°11'45" a distance of 27.75 feet to a point of reverse curvature of a 175.00 foot radius curve to the left (Bearing to the Radius point bears North 86°55'36" West); thence continuing along said East Right of Way line and long the arc of said curve through a central angle of 12°55'50" a distance of 39 49 feet to a point of reverse curvature of a 25 00 foot radius curve to the right (Bearing to the radius point bears North 80°08'34" East), thence continuing along said East Right of Way and along the arc of said curve through a central angle of 94°53'50" a distance of 41.41 feet to a point on a 175.00 foot radius compound curve to the right (Bearing to the radius point bears South 04°57'35" East); thence leaving said East Right of Way and running along the South Right of Way of Bamberger Way and the arc of said curve through a central angle of 04°56'35" a distance of 15 10 feet, thence continuing along said South Right of Way Line North 89°59'00" East 248.08 feet; thence South 00°02'00" East 149 88 feet to the Point of Beginning

Property Contains 0.865 Acres

EXHIBIT B-1
RECORD SURVEY MAPS FOR THE PROPERTY



Burd & Associates, LLC
 Engineers & Land Surveyors
 505 South Main Street
 Salt Lake City, Utah 84101
 Phone (801) 232-9100
 Fax (801) 232-8216

APPROVED FOR APPROVAL
 I, [Name], do hereby approve the foregoing plat and the same is hereby approved and accepted by the Board of Directors and the City of Utah.

APPROVED FOR APPROVAL
 I, [Name], do hereby approve the foregoing plat and the same is hereby approved and accepted by the Board of Directors and the City of Utah.



RECOMMENDED FOR APPROVAL
 I, [Name], do hereby recommend the foregoing plat and the same is hereby recommended and accepted by the Board of Directors and the City of Utah.

APPROVED FOR APPROVAL
 I, [Name], do hereby approve the foregoing plat and the same is hereby approved and accepted by the Board of Directors and the City of Utah.

EXHIBIT C-1

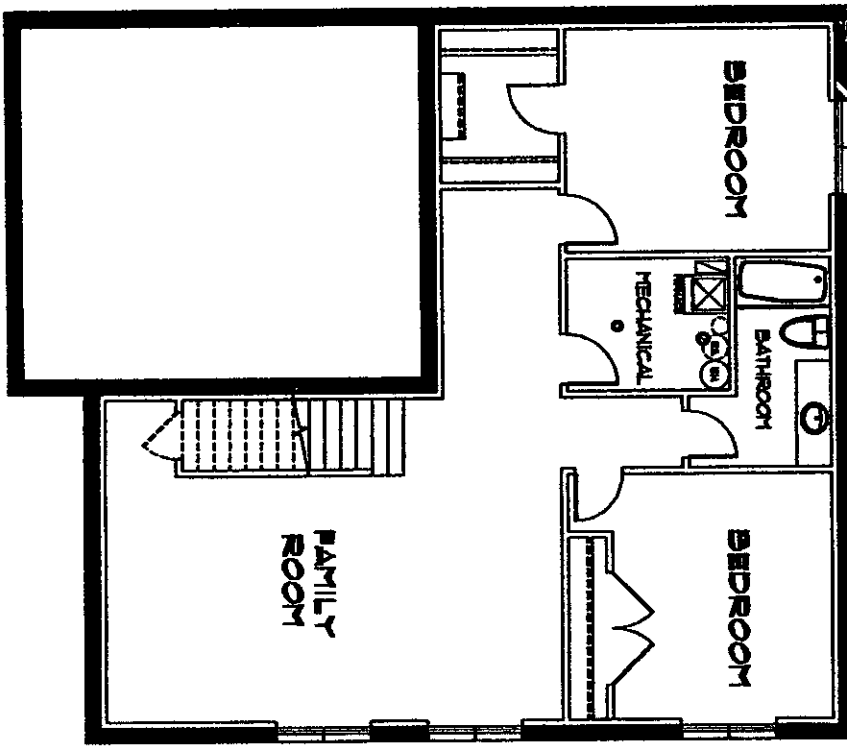
SHARES OF COMMON EXPENSES

<u>Unit Number</u>	<u>Share of Common Expenses</u>	<u>Unit Number</u>	<u>Share of Common Expenses</u>
1	0%	18	3.03%
2	3.03%	19	3.03%
3	3.03%	20	3.03%
4	3.03%	21	3.03%
5	3.03%	22	3.03%
6	3.03%	23	3.03%
7	3.03%	24	3.03%
8	3.03%	25	3.03%
9	3.03%	26	3.03%
10	3.03%	27	3.03%
11	3.03%	28	3.03%
12	3.03%	29	3.03%
13	3.03%	30	3.03%
14	3.03%	31	3.03%
15	3.03%	32	3.03%
16	3.03%	33	3.03%
17	3.03%	34	3.03%
		Total:	100%

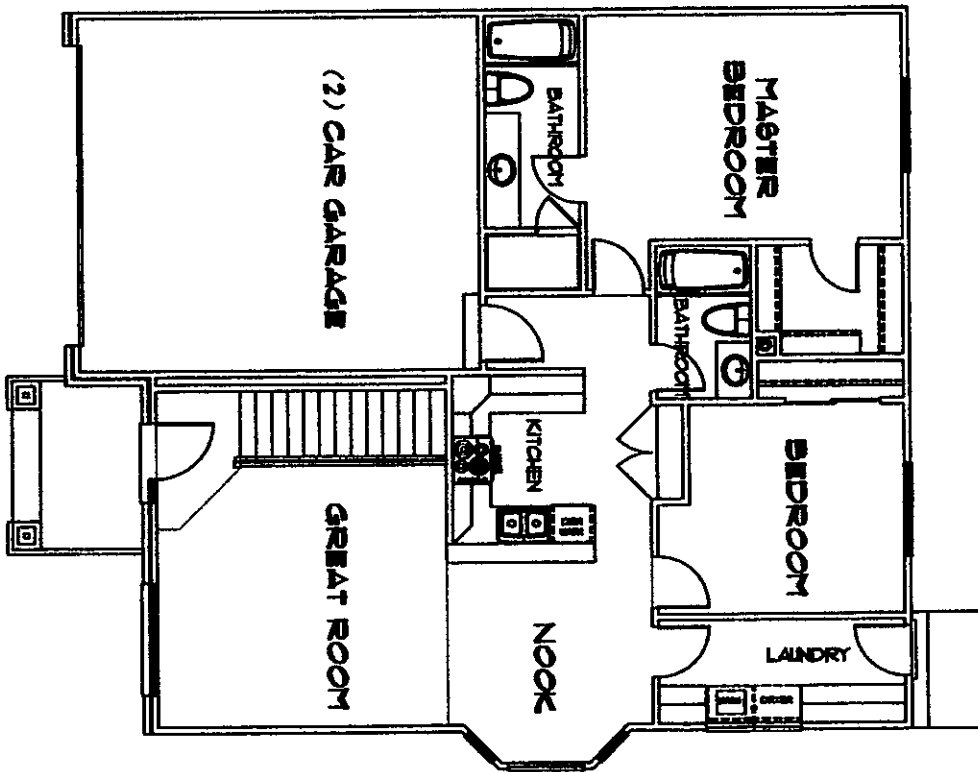
*Assuming that Unit 1 is owned by the Declarant as a model and that all of the other Units are owned by other independent individuals, the common share expenses would be as set forth above

EXHIBIT E

APPROVED FLOOR PLANS FOR PHASE II UNITS



BASMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

NO	DATE	BY	CHKD	APP'D

BAMBERGER STATION

NORWOOD

4 BEDROOMS & BATHS

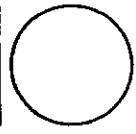
COPYRIGHT 2000 BY C.H. JENKINS & SONS

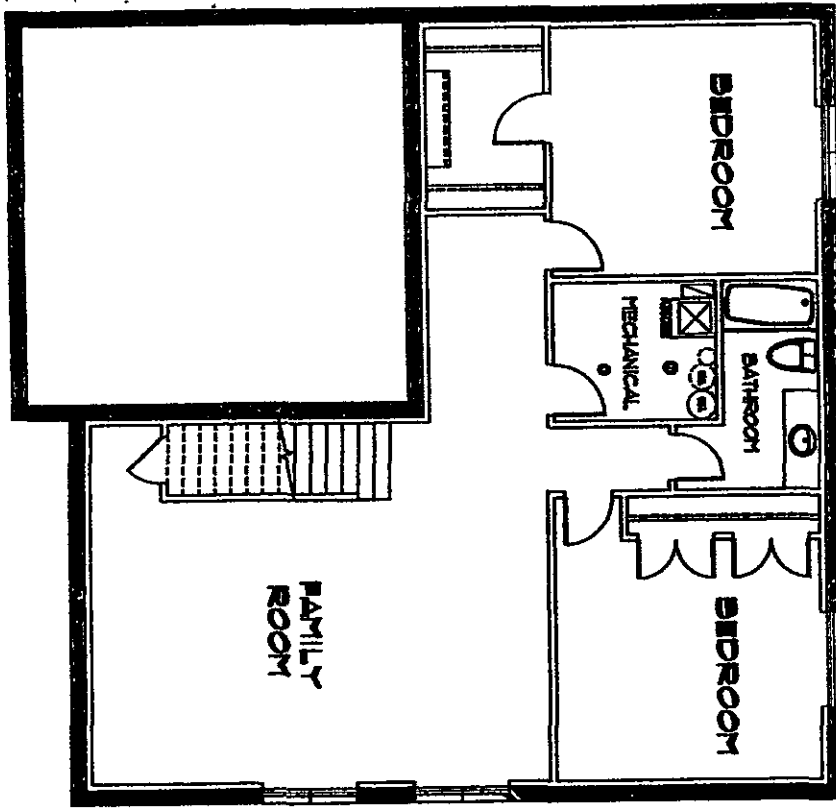
BAMBERGER STATION

C.H. JENKINS & SONS LLC

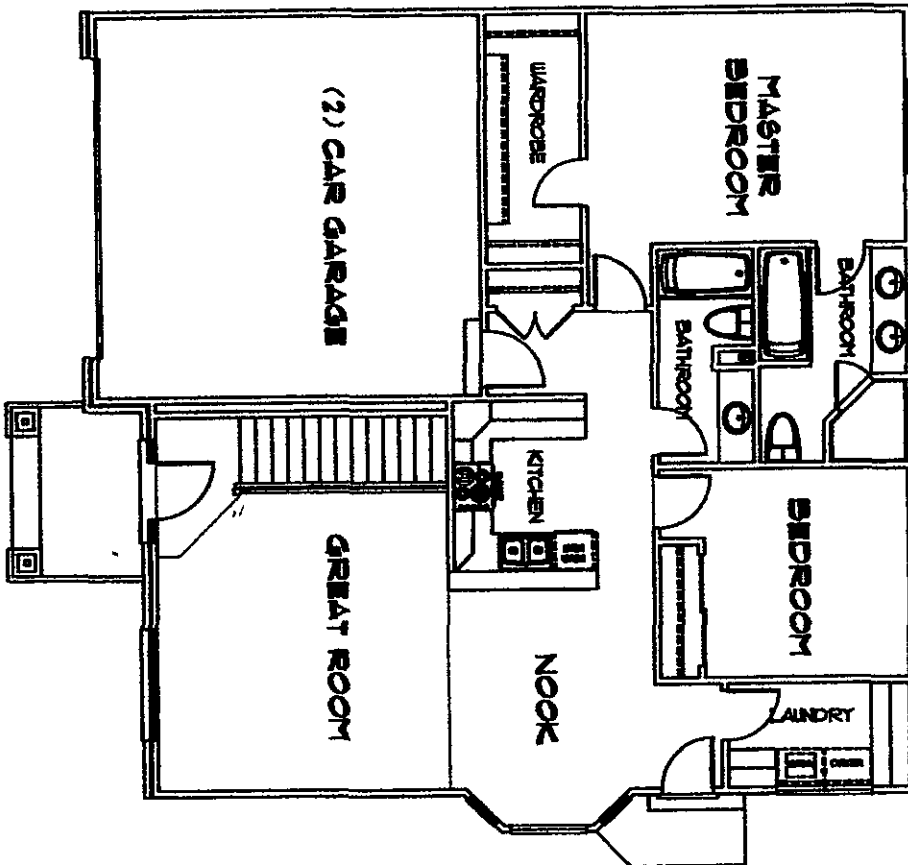
16 EAST 100 SOUTH BOUNTIFUL, UTAH

801-296-2240 ext 1





BASMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

1	2	3	4	5	6	7	8	9	10

BAMBERGER STATION

NORWOOD II

4 BEDROOMS 3 BATHS

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BAMBERGER STATION

C.H. JENKINS & SONS L.L.C.

18 EAST 100 SOUTH BOUNTIFUL UTAH

801-298-2240 ext 1

