

RETURNED

JUN 27 1995

AMENDMENT OF

E 1185990 B 1888 P 998
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1995 JUN 27 2:42 PM FEE 109.00 DEP DJW
REC'D FOR CENTERVILLE CITY

Lots 1 to 20 + common area
Lots 21 to 51 + common area

Lots 52 to 92 + common area **DECLARATION OF COVENANTS,**

CONDITIONS AND RESTRICTIONS AND

RESERVATION OF EASEMENTS FOR

COUNTRY COTTAGES, AS AMENDED

PLATS A, B AND C AND AMENDED PLATS,

A PLANNED UNIT DEVELOPMENT

R E C I T A L S

WHEREAS, Declarant caused the executed DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS

FOR COUNTRY COTTAGES, A PLANNED UNIT DEVELOPMENT SUBDIVISION, hereinafter called "the Declaration," to be recorded on January 28,

1994 in Book 1717, Page 287, as Entry Number 1093228; and

WHEREAS, Country Cottages, Plat A, was recorded on January 28, 1994 in Book 1717, Page 284, as Entry Number 1093225; and

WHEREAS, Country Cottages, Plat B, was recorded on January 28, 1994 in Book 1717, Page 285, as Entry Number 1093226; and

WHEREAS, Country Cottages, Plat C, was recorded on January 28, 1994 in Book 1717, Page 286, as Entry Number 1093227; and

WHEREAS, an Amended Declaration was recorded on the 10th day of June, 1994 in Book 1768, Page 540, as Entry Number 1124600; and

02-159-0001 to 0021 Plat A amend
02-162-0021 to 0052 Plat B amend
02-148-0052 to 0093 Plat C

WHEREAS, an Amended Declaration was recorded on December 28, 1994 in Book 1834, Page 1134, as Entry Number 1158866; and

WHEREAS, an Amended Declaration was recorded on March 28, 1995 in Book 1859, Page 662, as Entry Number 1171655; and

WHEREAS, the Declaration and Amended Declaration referred to Plats A, B and C; and

WHEREAS, it is now desirable to further amend the Declaration as amended, which applies to Plats A, B and C and Amended Plats.

NOW, THEREFORE, in consideration of the premises, the said Declaration, as amended, is further amended as follows:

1. Section 11 of Article I is amended to read:

"Section 11. "Common Area" shall mean all the real property and improvements, including without limitation, any landscaped areas, private roadways, walkways, water and sanitary storm sewer facilities, fences, water-scape and easements and rights-of-way appurtenant to the Properties which are owned by the Association for the common use and enjoyment of the Owners of Lots. The Common Area to be so owned by the Association at the time of the conveyance of the first Lot shall also include the following described real property located in the County of Davis, State of Utah:

Beginning at the Southeast Corner of Lot 5 of Block 21, Big Creek Plat, Centerville Townsite Survey, which point is South 0 degrees 09'48" East 1,020.43 feet along the centerline of Utah State Highway 106 (a 66 foot wide road) and North 89 degrees 56'11" West 33.0 feet from an existing brass monument at the centerline intersection of Highway 106 and Parrish Lane and running thence North 89 degrees 56'11" West 826.35 actual feet (829.62 feet by deed) along an existing wooden fence

on the North line of Cedar Springs Condominiums (said North line of condominiums is also described as the South line of said Lot 5); thence North 0 degrees 05'45" West 594.32 actual feet (593.00 feet, more or less, by deed) along an existing barbed wire fence on the East boundary of the old Bamberger Right-of-Way; thence South 89 degrees 15'16" East 457.29 feet along the South boundary L. Marlene Villa Subdivision; thence South 0 degrees 09'48" East 313.88 feet; thence South 89 degrees 56'11" East 368.41 feet; thence South 0 degrees 09'48" East 275.0 feet along the West line of said Highway 106 to the point of beginning.

Together with all easements and rights-of-way appurtenant thereunto.

Excluding, however, Lots 1 through 92, inclusive, COUNTRY COTTAGES, a Planned Unit Development Subdivision, together with a perpetual easement for encroachment of the eaves of the buildings. Provided, however, the exclusive use of the driveways and front sidewalks is reserved for the Lot to which the same is appurtenant.

IN WITNESS WHEREOF, Declarant has executed this Amendment this

15th day of May, 1995.

THE KIER CORPORATION,
a Utah corporation


By: 
James E. Kier, President

STATE OF UTAH)
) :SS.
COUNTY OF WEBER)

E 1125990 & 1822 P 1001

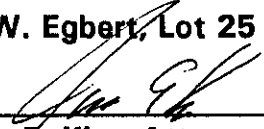
On the 15th day of May, 1995, personally appeared before me JAMES E. KIER, who being by me duly sworn did say that he is the President of THE KIER CORPORATION, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and the said JAMES E. KIER duly acknowledged to me that said corporation executed the same.




NOTARY PUBLIC

15th IN WITNESS WHEREOF, Declarant has executed this Amendment this
day of May, 1995.

David W. Egbert, Lot 25 - Property Owner

By: 
James E. Kier, Attorney In Fact

Marva L. Egbert, Lot 25 - Property Owner

By: 
James E. Kier, Attorney In Fact

STATE OF UTAH)
COUNTY OF Wasatch) :ss.

On this 15th day of May, 1995, personally appeared before me James E. Kier, Attorney In Fact for DAVID W. EGBERT and James E. Kier, Attorney In Fact for MARVA L. EGBERT, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.



Lori J. Burleson

NOTARY PUBLIC