

### WHEN RECORDED, MAIL TO:

D.R. Horton, Inc. 12351 South Gateway Park, Suite D-100 Draper, Utah 84020 Attn: Krisel Travis



ENT 27680:2014 PG 1 of 22 JEFFERY SMITH UTAH COUNTY RECORDER 2014 Apr 25 4:58 pm FEE 209,00 BY SW RECORDED FOR D R HORTON

# AMENDMENT NO. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMONS

THIS AMENDMENT No. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMONS (this "Amendment") is made and executed by D.R. Horton, Inc., a Delaware corporation (the "Declarant") and by Aubrey Rees Ford and Robert Ford, husband and wife ("Rees"), Michael Steven Robbins and Sarah R. Robbins, husband and wife (collectively referred to herein as "Robbins"), Matthew Fallon and Victoria P. Fallon, as joint tenants (collectively referred to herein as "Fallon"), Allicia Johnson, a single woman ("Johnson"), Cameron Schmidt and Sadie Jensen as joint tenants ( collectively referred to herein as "Schmidt and Jensen"), Briana M. Winegardner, a single woman ("Winegardner"), Stacy and Seth Levin, husband and wife ("collectively referred to herein as "Levin"), David Gibb and Stephen R. Gibb (collectively referred to herein as "Gibb"), Jennifer Lamph, a single woman ("Lamph"), Timpanac Assets, LLC, a Utah limited liability company ("Timpanac"), Matthew T. Miller, a single man ("Miller"), Satit Kongao, a single man ("Kongao"), Tori Christensen, a married women ("Christensen"), Natalie Murphy, a single women ("Murphy"), Janene E. Holman, a single women ("Holman"), Brett Hone and Paige Hone, husband and wife ("Hone"), CB Estates LLC, a Utah limited liability company ("CB Estates"), and The Commons Owners Association, Inc., a Utah nonprofit corporation (the "Association), D.R. Horton, Rees, Robbins, Gibb, Lamph, Fallon, Johnson, Schmidt and Jensen, Winegardner, Levin, Miller, Kongao, Christensen, Murphy, Holman, Timpanac, Hone, CB Estates and the Association are collectively referred to as the "Commons Owners."

#### **RECITALS:**

- A. Declarant previously executed that certain Declaration of Covenants, Conditions and Restrictions for The Commons (the "Original Declaration"), which was dated July 31, 2013, and which was recorded in the Office of the Recorder of Utah County, Utah on August 16, 2013 as Entry No. 78755:2013. All of the terms defined in the Original Declaration shall have the same meaning when used in this Amendment, except as otherwise expressly set forth herein.
- B. Subsequent to the recording of the Original Declaration in the Office of the Recorder of Utah County, Utah, Declarant has sold to the various Owners Lots and Units within the Project known as The Commons, which Project is subject to the Original Declaration. As of the date of the recording of this Amendment, the Commons Owners described above, together with the Declarant, constitute the Owners of all of the Lots and Units within the Project.
- C. Subsequent to the recording of the Original Declaration and the Plat for the Project, Declarant and the Commons Owners have executed certain boundary lines agreements

to adjust the boundaries of Common Area H, Common Area I and a portion of 1800 West, as shown on the Plat. As the result of the adjustments to the boundaries lines of Common Area H, Common Area I and 1800 West, Declarant and the Commons Owners have obtained approval from Pleasant Grove City for the recording of an amendment to the Plat, which is entitled The Commons Plat "A" Amended (the "Amended Plat")

D. In connection with the recording of the Amended Plat, Declarant and the Commons Owners desire to amend the Original Declaration for the purpose of amending the legal description of the Land attached as Exhibit A to the Original Declaration, so that the legal description of the Land subject to the Original Declaration is consistent with the legal description of the Land as shown on the Amended Plat.

NOW THEREFORE, for the reasons recited above, Declarant and the Commons Owners, comprising all of the Owners of the Lots, the Units and the other real property described on the Amended Plat, hereby make the following declaration:

- 1. The legal description of the Land as set forth in Exhibit A to the Original Declaration is hereby amended and replaced with the amended legal description of the Land attached to this Amendment as Exhibit A. For purposes of the Declaration, the defined term "Land" shall mean that certain real property located in Utah County, State of Utah, that is described in Exhibit A to this Amendment.
- 2. For all purposes the defined term "<u>Declaration</u>" shall mean the Original Declaration as amended by this Amendment.

IN WITNESS WHEREOF, Declarant and the Commons Owners have caused this Amendment to be executed by persons duly authorized to execute the same.

#### DECLARANT:

D.R. HORTON, INC., a Delaware corporation	
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Date of Execution: 4/9/14	
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Date of Execution:	
MICHAEL STEVENS ROBBINS	
Date of Execution:	

to adjust the boundaries of Common Area H, Common Area I and a portion of 1800 West, as shown on the Plat. As the result of the adjustments to the boundaries lines of Common Area H, Common Area I and 1800 West, Declarant and the Commons Owners have obtained approval from Pleasant Grove City for the recording of an amendment to the Plat, which is entitled The Commons Plat "A" Amended (the "Amended Plat")

D. In connection with the recording of the Amended Plat, Declarant and the Commons Owners desire to amend the Original Declaration for the purpose of amending the legal description of the Land attached as Exhibit A to the Original Declaration, so that the legal description of the Land subject to the Original Declaration is consistent with the legal description of the Land as shown on the Amended Plat.

NOW THEREFORE, for the reasons recited above, Declarant and the Commons Owners, comprising all of the Owners of the Lots, the Units and the other real property described on the Amended Plat, hereby make the following declaration:

- 1. The legal description of the Land as set forth in Exhibit A to the Original Declaration is hereby amended and replaced with the amended legal description of the Land attached to this Amendment as Exhibit A. For purposes of the Declaration, the defined term "Land" shall mean that certain real property located in Utah County, State of Utah, that is described in Exhibit A to this Amendment.
- 2. For all purposes the defined term "<u>Declaration</u>" shall mean the Original Declaration as amended by this Amendment.

IN WITNESS WHEREOF, Declarant and the Commons Owners have caused this Amendment to be executed by persons duly authorized to execute the same.

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		ELIZABETH W. WOFFINDEN Date of Execution:
		JANENE ELIZABETH HOLMAN Date of Execution:
		By: Date of Execution:
		By: Date of Execution:
		THE COMMONS OWNERS ASSOCIATION, INC., a Utah nonprofit corporation
		By:
STATE OF UTAH	)	
: ss. COUNTY OF	)	
2014 by		acknowledged before me this day of,, in such person's capacity as the of D.R. Horton, Inc., a Delaware
corporation.		
My Commission Expires	:	NOTARY PUBLIC Residing at:

	ELIZABETH W. WOFFINDEN Date of Execution:
	JANENE ELIZABETH HOLMAN Date of Execution:
	THE COMMONS OWNERS ASSOCIATION, INC., a Utah nonprofit corporation
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The foregoing instrum 2014 by Briana Winegardner.	ent was acknowledged before me this May of April,
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<b>,</b>	
	Lenda Hales
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The foregoing instrum 2014 by Natalie Murphy.	ent was acknowledged before me this HM day of HOVI,  NOTARY PUBLIC.
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STATE OF UTAH	) : ss.
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The foregoing instrum 2014 by Janene Elizabeth Hol	ment was acknowledged before me this kt day of man.
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HOA BOARD Member	of The Commons Owners Association, Inc.,
a Utah nonprofit corporation.	_
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	NOTARY PUBLIC
	Residing at: Utan County
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06/12/2017	Notary Public
	DELSA SOLIAI Commission # 667381 My Commission Expires 08/12/2017

## EXHIBIT A TO

# AMENDMENT NO. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMONS

### Amended Legal Description of the Land

ALL OF LOT 3 OF THE GROVE COMMONS SUBDIVISION PLAT 'A' AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE BETTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3 OF GROVE COMMONS SUBDIVISION SAID POINT BEING LOCATED EAST, 1703.95 FEET AND SOUTH 1879.18 FEET FROM THE WEST QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING THIRTEEN (13) COURSES: 1) EAST, 652.65 FEET; 2) S1°06'07"E, 194.60 FEET; 3) S3°00'28"E, 11.52 FEET; 4) S0°13'01"W, 44.88 FEET; 5) S1°26'45"E, 90.39 FEET; 6) S0°14'08"E, 346.59 FEET; 7) 23.58 FEET ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S44°48'29"W, 21.23 FEET); 8) S89°51'05"W, 113.72 FEET; 9) 485.58 FEET ALONG A 515.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N63°08'14"W, 467.79 FEET; 10) 238.24 FEET ALONG A 622.00 FOOT RADIUS REVERSE CURVE TO THE LEFT (CHORD BEARS N47°05'55"W, 236.79 FEET); 11) N0°14'58"W, 71.24 FEET; 12) N22°45'00"E, 208.38 FEET; 13) N17°37'00"W, 70.58 FEET TO THE POINT OF BEGINNING.

CONTAINS: 412,843 SQFT OR 9.48 ACRES

ALL OF LOT 4 OF THE GROVE COMMONS SUBDIVISION PLAT 'A' AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE BETTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 OF GROVE COMMONS SUBDIVISION SAID POINT BEING LOCATED EAST, 1625.86 FEET AND SOUTH 2298.68 FEET FROM THE WEST QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 4 THE FOLLOWING TWO (2) COURSES: 1) 196.03 FEET ALONG A 508.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S48°56'15"E, 194.82 FEET); 2) 466.71 FEET ALONG A 585.00 FOOT RADIUS REVERSE CURVE TO THE LEFT (CHORD BEARS S60°44'16"E, 454.43 FEET) TO A POINT ON THE EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE THE FOLLOWING TWO (2) COURSES: 1) NORTH 89°57'31" WEST, 524.48 FEET; 2) SOUTH 89°23'18" WEST, 159.94 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 4; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 4 THE FOLLOWING TWO (2) COURSES: 1) NORTH 32°01'00" EAST, 229.75 FEET; 2) THENCE NORTH 07°01'00" EAST, 157.81 FEET TO THE POINT OF BEGINNING.

CONTAINS: 90,175 SQFT OR 2.07 ACRES