

WATER RECORDED MAIL TO:

EVEREST BUILDERS
676 MARKEA AVE #9
SLC, UT 84102

4-44

11958579
12/09/2014 12:33 PM \$60.00
Book - 10280 Pg - 4935-4938
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
EVEREST BUILDERS
676 MARKEA AVE #9
SLC UT 84102
BY: SRA, DEPUTY - M 4 P.

**FIRST AMENDMENT TO DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
DRAPER CREEKSIDE TOWNHOMES**

A Planned Unit Development

THIS FIRST AMENDMENT TO DECLARATION of Covenants, Conditions and Restrictions of Draper Creekside Townhomes is made and executed this 8 day of DECEMBER, 2014, by DRAPER CREEKSIDE LLC, a Utah limited liability company, with its principal place of business located in Salt Lake City, State of Utah (hereinafter referred to as "Declarant").

RECITALS:

A. Draper Creekside LLC, is the Declarant as identified and set forth in that certain Declaration of Covenants, Conditions and Restrictions of Draper Creekside Townhomes, dated as of MAY 23, 2014, and recorded in the office of the Salt Lake County Recorder on MAY 23, 2014, as Entry No. 11854363, in Book 10232, beginning at page 948 (the "Declaration").

B. The Declaration applies to DRAPER CREEKSIDE Townhomes, a Planned Unit Development (the Subdivision, as defined in the Declaration). The Subdivision is more particularly described on the attached Exhibit A.

C. As a result of changes to several unit types in the Subdivision, Declarant desires to amend Exhibit B – Percentage Interests, attached to the Declaration, to more accurately express the size, percent interest and the number of votes for each Lot within the Subdivision.

NOW, THEREFORE, Declarant in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. Amendment to Exhibit B – Percentage Interests. Declarant hereby amends Exhibit B – Percentage Interests, attached to the Declaration, in the form attached hereto as Amended Exhibit B, which amendment replaces the prior version of such Exhibit.

2. Representations of Declarant. Declarant represents as follows:

a. This amendment is made pursuant to and complies with paragraph 11.2 of the Declaration, as the Subdivision is still in the Development Period (*i.e.*, less than 2/3 of the townhomes have been sold).

b. This amendment, and the revision of Exhibit B, has occurred with the consent and approval of the construction lender, who has a secured interest in the Lots at issue.

3. Effective Date. This First Amendment shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

EXECUTED the day and year first above written.

DRAPER CREEKSIDE LLC,
a Utah Limited Liability Company

By: Everest Builders, L.L.C.

By: [Signature]
Name: Eric Saxey
Title: Manager

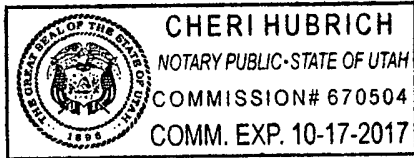
CONSTRUCTION LENDER:
BANK OF AMERICAN FORK, a Utah corporation

By: [Signature]
Its: VICE PRESIDENT

ACKNOWLEDGEMENTS

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

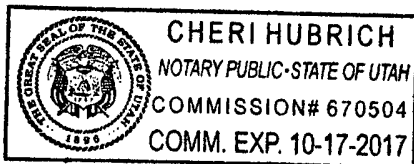
On the 8th day of DEC, 2014, personally appeared before me **James Eric Saxey**, who being by me duly sworn did say that he is the Manager of Everest Builders, L.L.C., and that Everest Builders, L.L.C., is the Manager of **Draper Creekside LLC**, that the within and foregoing instrument was signed in behalf of said limited liability companies by authority of resolutions of its members or in accordance with the terms of its operating agreements and said James Eric Saxey duly acknowledged to me that said limited liability companies executed the same.



[Signature]
NOTARY PUBLIC

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

On the 8th day of DEC, 2014, personally appeared before me Darren Note, who being by me duly sworn did say that he is the Vice Pres. of **BANK OF AMERICAN FORK**, a Utah corporation and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its members or in accordance with the terms of its operating agreement and said he duly acknowledged to me that said corporation executed the same.



[Signature]
NOTARY PUBLIC

**EXHIBIT A
LEGAL DESCRIPTION**

Beginning at a point which is South 89°51'15" East, along the section line 68.23 feet and South 00°08'45" West, 124.85 feet from the Witness Monument marking the Northwest Corner of Section 6, Township 4 South, Range 1 East, Salt Lake Base and Meridian (said witness monument on record being North 89°59'24" East, 144.94 feet from the said Northwest Corner of Section 6); and running thence along the record deed line (Entry 11625785 in Book 10131 at Page 459) the following three (3) courses: East, 82.50 feet, thence South, 5.00 feet; thence East, 565.77 feet to a point on a westerly boundary of the Smith Properties Survey (Record survey# S96-04-0244); and running thence along said Smith Survey the following course: South 00°06'15" East, 201.00 feet; thence North 89°59'58" West, 371.43 feet; thence South 00°16'38" East, 174.50 feet; thence North 68°40'59" West, 11.06 feet; thence North 58°31'00" West, 28.72 feet; thence South 52°38'00" West, 34.60 feet; thence South 78°28'00" West, 25.00 feet; thence South 30°46'00" East, 24.43 feet; thence South 51°51'00" West, 17.80 feet; thence North 67°03'00" West, 46.15 feet; thence North 57°06'00" West, 11.91 feet; thence West, 6.00 feet; thence North 57°05'00" West, 8.34 feet; thence South 36°19'00" West, 24.82 feet; thence North 86°59'00" West, 13.60 feet to a point of intersection with UDOT deed (Entry 6640451 in Book 7663 at Page 267); thence along said UDOT right of way for the following three (3) courses: North 36°19'00" East, 13.35 feet; thence North 22°46'26" East, 26.00 feet; thence North 67°13'34" West, 62.59 feet to a point of intersection with UDOT deed (Entry 6640452 in Book 7663 at Page 629) and running thence along said UDOT right-of-way the following three (3) courses: North 11°13'41" West, 145.66 feet to a point on a 1610.42 foot radius curve to the right; thence 169.10 feet along said curve through a central angle of 06°00'59" (chord bears North 08°13'19" West, 169.03 feet); thence (5) North 05°12'46" West, 40.80 feet to the point of beginning.

Contains: 3.90 Acres

AMENDED EXHIBIT B

(Attached to and forming a part of the Declaration of Covenants, Conditions and Restrictions for Draper Creekside Townhomes, located in Draper City, Utah)

PERCENTAGE INTERESTS

For Lots Within Draper Creekside Townhomes, a PUD

LOT/UNIT NO.	SIZE-Sq.ft.	% INTEREST	VOTES
1	2323	2.56	2.56
2	2323	2.56	2.56
3	2295	2.54	2.54
4	2295	2.54	2.54
5	1900	2.08	2.08
6	1900	2.08	2.08
7	1900	2.08	2.08
8	1900	2.08	2.08
9	2323	2.56	2.56
10	2323	2.56	2.56
11	2295	2.54	2.54
12	2295	2.54	2.54
13	2323	2.56	2.56
14	2323	2.56	2.56
15	1900	2.08	2.08
16	1900	2.08	2.10
17	1900	2.08	2.08
18	1900	2.08	2.08
19	2323	2.56	2.56
20	2323	2.56	2.56
21	1900	2.08	2.08
22	1900	2.08	2.08
23	1900	2.08	2.08
24	1900	2.08	2.08
25	1900	2.08	2.08
26	1900	2.08	2.08
27	1900	2.08	2.08
28	1900	2.08	2.08
29	1900	2.08	2.08
30	1900	2.08	2.08
31	1900	2.08	2.08
32	1900	2.08	2.08
33	1900	2.08	2.08
34	1900	2.08	2.08
35	1900	2.08	2.08
36	1900	2.08	2.08
37	1900	2.08	2.08
38	1900	2.08	2.08
39	2323	2.56	2.56
40	2323	2.56	2.56
41	2295	2.54	2.54
42	2295	2.54	2.54
43	2323	2.56	2.56
44	2323	2.56	2.56
TOTALS	91046	100%	100.00