

When recorded mail to:  
Destination Homes  
c/o VP of Land  
67 South Main Street #300  
Layton, Utah 84041

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS & RESTRICTIONS**

For  
Midtown Courts Townhomes, a Planned Unit Development  
In Davis County, Utah

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MIDTOWN COURTS TOWNHOMES (this "First Amendment") hereby amends that certain Declaration of Covenants, Conditions & Restrictions for Midtown Courts Townhomes, as amended, recorded in the Davis County Recorder's Office on September 6, 2018, as Entry No. 3115648("Declaration") and is made and executed as of the last date set forth in the notarized signature below, by HDP Midtown Courts, LLC, a Delaware limited liability company (the "Declarant").

*09-430-0001 thru 09-430-0062*

**RECITALS:**

- (A) This First Amendment will take effect on the date recorded at the office of the Davis County Recorder's Office (the "Effective Date").
- (B) This First Amendment affects and concerns real property located in Davis County, Utah and more particularly described on **Exhibit "A"** attached hereto ("Property").
- (C) The Project remains within the Class B Control Period, as defined in Article VII of the Declaration. Also, in accordance with Article 20.8 of the Declaration, the Declarant may amend the Declaration at any time during the Class B Control Period at the sole discretion of the Declarant.
- (D) The Declaration of Covenants, Conditions & Restrictions for Midtown Courts Townhomes, as amended, was recorded in the Davis County Recorder's Office on September 6, 2018, as Entry No. 3115648.

NOW, THEREFORE, the Declaration is hereby amended as follows:

**COVENANTS, CONDITIONS AND RESTRICTIONS**

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.

2. No Other Changes. Except as otherwise expressly provided in this First Amendment, the Declaration remains in full force and effect without modification.

4. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the First Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the First Amendment acting in said capacity.

5. Insurance. Article 15.2(a)(i)(1) of the Declaration is hereby deleted in its entirety and replaced with the following:

(1) Subject to the provisions of Utah Code § 57-8a-405, a blanket policy of property insurance or guaranteed replacement cost insurance on the physical structure of all Dwellings, Common Areas and Limited Common Areas appurtenant to a Dwelling within the Property, insuring against all risks of direct physical loss commonly insured against, including fire and extended perils.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date indicated below.

**HDP MIDTOWN COURTS, LLC, the Declarant**

By: David Bailey  
Its: Authorized Member

STATE OF UTAH                    )  
  : ss  
COUNTY OF DAVIS            )

On this 16 day of May 2019, personally appeared before me David Bailey, who being by me duly sworn, did say that he/she is a Member of HDP Midtown Courts, LLC, a Delaware limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company by authority and said member duly acknowledged to me that said limited liability company approved the same.

Lisa Hess Hansen  
Notary Public  
Residing at: State of Utah



My Commission Expires: 4-29-22

**Exhibit "A"**  
**Legal Description**

Beginning at a point on the west line of Falcon Wood Subdivision and the quarter section line, said point being  
North 0°08'00" East 661.15 feet to and along the west line of Falcon Wood Subdivision and along the quarter section line from the South Quarter Corner of Section 8, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running;  
Thence South 89°52'30" West 350.10 feet;  
Thence southwesterly 96.50 feet along the arc of a 135.00 foot radius curve to the left, (center bears South 0°07'30" East and long chord bears South 69°23'49" West 94.46 feet, with a central angle of 40°57'22");  
Thence South 48°55'08" West 115.39 feet to the east line of 800 West Street; Thence North 41°04'52" West 125.55 feet along the east line of 800 West Street;  
Thence northerly 193.59 feet along the arc of a 270.00 foot radius curve to the right, (center bears North 48°55'08" East and long chord bears North 20°32'26" West 189.47 feet, with a central angle of 41°04'52") along the east line of 800 West Street;  
Thence North 74.06 feet to the south line of Harrisburg Place Subdivision No. 2;  
Thence North 89°52'30" East 675.03 feet along the north line of Harrisburg Place Subdivision No. 2 to and along the north line of Harrisburg Place Subdivision No. 1 to the Northwest Corner of Falcon Subdivision, also being on the quarter section line;  
Thence South 0°08'00" West 237.76 feet along the west line of Falcon Wood Subdivision and the quarter section line to the point of beginning.  
Contains 169,772 square feet, 3.897 acres.