

After recordation, return to:

Sunridge Development Corporation  
1675 No. 200 West Bldg. #4  
Provo, UT 84604

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1994 OCT 31 10:43 AM FEE 61.00  
RECORDED FOR SUNRIDGE DEVELOPMENT CORP

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**FIRST AMENDMENT TO  
AMENDED AND RESTATED  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,  
EASEMENTS, RESERVATIONS AND RESTRICTIONS**

**SUNRIDGE HILLS SUBDIVISION  
Plat "B"**

**Provo, Utah**

**THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION** (the "First Amendment") is made as of this 5 day of October, 1994 by **SUNRIDGE DEVELOPMENT CORPORATION**, a Utah corporation (the "Declarant"), in its capacity as an owner and developer of the real property herein described to which this Declaration is applicable.

A. On September 7, 1994, Declarant recorded that certain Amended and Restated Declaration of Protective Covenants, Conditions, Easements, Reservations and Restrictions (the "Recorded Amended and Restated Declaration") as Entry No. 71006, in Book 3525, Page 790 of official records of the County Recorder of Utah County against the Property set forth and described therein in Article I and also in Paragraph 1 of this First Amendment.

B. The following lots of the subject subdivision (the "Other Property") have been sold and conveyed to the following named grantees of record (the "other Owners"):

<u>Lots</u>	<u>Grantee</u>
1 through 5, 7 and 8	RDM Development, L.C.
6	Tom and Lois Williams
17 through 20 and 35 through 38	David Paxman

C. Declarant is the record owner of Lots 9 through 16, Lots 21 through 34, and Lots 39 through 46 (together "Declarant's Property").

D. Declarant and any two of the three Other Owners comprise sufficient record ownership of lots within the subject subdivision to amend the Recorded Amended and Restated Declaration pursuant to Section 4.02 thereof, i.e., at least two-thirds.

E. Declarant desires by this First Amendment to amend the Recorded Amended and Restated Declaration to clarify the square footage requirements for residential improvements to be constructed upon lots within the said subdivision. The Other Owners comprising sufficient ownership concur with such amendment and attest thereto by joining with Declarant in executing this Declaration and imposing upon the subject subdivision mutual, beneficial restrictions under a general plan or scheme of improvement for the benefit of all of such property, the owners of such property, and their successors and assigns.

**NOW, THEREFORE,** Declarant hereby amends the Recorded Amended and Restated Declaration as follows:

1. The property subject to the provisions of this First Amendment is located in Provo City, Utah County, Utah and is described as follows:

All of Lots 1 through 46, inclusive, SUNRIDGE HILLS SUBDIVISION, Plat "B", Provo, Utah, according to the official plat thereof as recorded in the office of the County Recorder of Utah County.

2. Section 2.03 of the Recorded Amended and Restated Declaration is amended in its entirety to read as follows:

2.03 Dwelling Quality, Size and Height. All dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be procured for and used in subdivisions and lots of similar size and general location in Utah County, Utah, on the date this Declaration is recorded. All dwellings shall contain the following minimum square footage exclusive of garages and open spaces:


- (a) Twin homes:
  - (i) ground floor, single story: 1,200 sq. ft.; or
  - (ii) total, if more than one story: 1,800 sq. ft.
- (b) Single family detached built on two twin-home lots:
  - (i) ground floor, single story: 1,800 sq. ft.; or
  - (ii) total, if more than one story: 2,600 sq. ft.
- (c) Single family detached on single lot:
  - (i) ground floor, single story: 1,200 sq. ft.; or
  - (ii) total, if more than one story: 1,600 sq. ft.

No dwelling structure shall exceed 16 feet in height as measured from the center of the applicable lot at the top level of the curb and gutter fronting such lot UNLESS approved by the Architectural Control Committee which shall have as its primary concern the preservation of view for other dwellings in the immediate proximity. In any event, approved heights in excess of 16 ft. shall not exceed Provo City ordinances for building height limitations.

3. Except as amended hereby, the Recorded Amended and Restated Declaration remains unchanged and is hereby confirmed by Declarant.

**IN WITNESS WHEREOF,** Declarant has executed this First Amendment the day and year first above written.

**SUNRIDGE DEVELOPMENT CORPORATION**

By   
 Stephen G. Stewart, President

CONSENT AND CONCURRENCE OF OTHER OWNERS

The following undersigned Other Owners, without in any way subjecting themselves to any joint venture, partnership or other concerted development activity of any kind with Declarant, hereby concur with the Declarant and agree to the First Amendment as set forth above. They do further attest to such concurrence and agreement by their signatures and state that together with Declarant, they comprise in excess of two-thirds of the ownership of the lots in the subject subdivision.

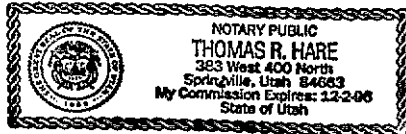
RDM DEVELOPMENT, L.C.,  
a Utah limited liability company

By: Robert O. Hansen  
Robert O. Hansen, a Member/Manager

David B Paxman  
David Paxman

STATE OF UTAH        )  
                              : ss.  
COUNTY OF UTAH    )

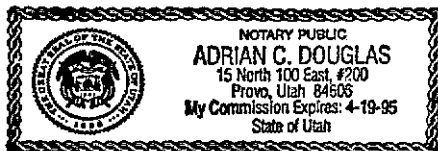
On the 5<sup>th</sup> day of October, 1994, personally appeared before me Stephen G. Stewart, who being by me duly sworn did say that he is the President of **SUNRIDGE DEVELOPMENT CORPORATION**; that he signed the within and foregoing instrument on behalf of said corporation pursuant to authority; and that said corporation executed the same.



Thomas R. Hare  
NOTARY PUBLIC

STATE OF UTAH        )  
                              : ss.  
COUNTY OF UTAH    )

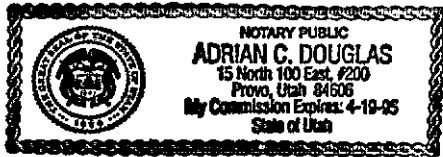
On the 28<sup>th</sup> day of October, 1994, personally appeared before me Robert O. Hansen, who being by me duly sworn did say that he is the Member/Manager of **RDM DEVELOPMENT, L.C.**; that he signed the within and foregoing instrument on behalf of said company pursuant to authority; and that said company executed the same.



Adrian C Douglas  
NOTARY PUBLIC

STATE OF UTAH        )  
                              : ss.  
COUNTY OF UTAH    )

On the 11 day of October, 1994, personally appeared before me David Paxman, who being by me duly sworn did say that he signed the within and foregoing instrument.



*Adrian C. Douglas*  
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NOTARY PUBLIC