

86
2

FIRST AMENDMENT DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS

LONE TREE AT CIRCLE 5 RANCH

THIS AMENDMENT of the declaration of Covenants, Conditions and Restrictions is made this 12th day of January, 2004 by KHM Lone Tree, L.C., a Utah limited liability corporation (hereinafter "Declarant"), whose project is known as Lone Tree at Circle 5 Ranch. The following amendment shall apply to the Declaration of Covenants, Conditions and Restrictions for Lone Tree at Circle 5 Ranch which were recorded July 29, 2003 as entry number 115779:2003 and the property description is attached as Exhibit A.

ENT 116839:2004 PG 1 of 2
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Jan 21 1:22 pm FEE 86.00 BY BLS
RECORDED FOR THE RANCHES LLC

Amend SECTION 8.03 to Read:

SECTION 8.03. Front Yard Landscaping. Front yard landscaping shall be completed no later than ninety (90) calendar days following the completion of construction of any dwelling on any lot, or the occupancy of such dwelling, whichever comes first. The front yard of a lot is defined as the area of the lot beginning at the front property line on any adjacent public street or roadway to a distance at least to the rear most part of the residence from such public street or roadway. If the lot is on a corner of two or more public streets or roadways then the side yard adjacent to the public street or roadway, all the way to the rear property line, shall be included in the area to be landscaped. Additionally, if the rear yard adjoins a dedicated public open space, including parks, alleys, trailways, or other such public areas to be landscaped by the developer, then the rear yard also shall be included in the landscaped area. All areas defined herein shall be planted or sodded or otherwise maintained in a natural and native material or setting as approved by the Design Review Committee, and shall be included in any landscape plan submitted to the Committee for approval. All such areas shall be irrigated as necessary and cut or maintained to reflect a weed-free and attractive appearance. Each area of any residence open to public view shall be surrounded by irrigated green space.

- A. The Lot Owner is also responsible to sod the park strip area, with a type of sod to be determined by the Declarant, on his/her Lot (including an irrigation system). The park strip trees will also be provided and planted by the Owner/Builder. At time of occupancy, the Lot Owner shall be responsible to water park strip trees.

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

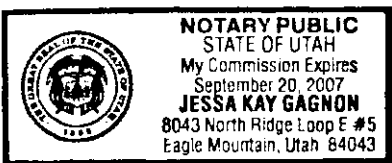
KHM Lone Tree, L.C.

By: Brian Haskell
Managing Member
Brian Haskell

ATTEST

STATE OF UTAH)
 ss.
COUNTY OF UTAH)

The foregoing instrument was subscribed and sworn to before me this 12th day of January, 2004, by Brian Haskell of KHM Lone Tree, L.C.



Jessa Kay Gagnon
Notary Public
My commission expires: September 20, 2007

EXHIBIT A

LONE TREE AT CIRCLE 5 RANCH PROPERTY DESCRIPTION

ENT 6839:2004 PG 2 of 2

BEGINNING AT A POINT WHICH IS S 02°27'43" W 2262.64 FEET AND WEST 61.43 FEET FROM THE NORTHWEST CORNER OF SECTION 30, T. 5 S., R. 1 W., S.L.B. & M.; THENCE S 55°15'00" E 734.74'; THENCE ALONG THE ARC OF A 803.00' RADIUS CURVE TO THE LEFT 141.89' (CENTRAL ANGLE = 10°07'27"), THE CHORD OF WHICH BEARS S 40°56'06" W 141.70'; THENCE S 35°52'22" W 1211.79'; THENCE ALONG THE ARC OF A 339.00 FOOT RADIUS CURVE TO THE RIGHT 51.50' (CENTRAL ANGLE = 08°42'15"), THE CHORD OF WHICH BEARS N 48°55'48" W 51.45'; THENCE ALONG THE ARC OF A 59.00 FOOT RADIUS CURVE TO THE RIGHT 22.24' (CENTRAL ANGLE = 21°35'35"), THE CHORD OF WHICH BEARS N 33°46'53" W 22.10'; THENCE N 22°59'06" W 38.98'; THENCE ALONG THE ARC OF A 41.00 FOOT RADIUS CURVE TO THE LEFT 7.21' (CENTRAL ANGLE = 10°04'50"), THE CHORD OF WHICH BEARS N 28°01'30" W 7.20'; THENCE ALONG THE ARC OF A 325.00' RADIUS CURVE TO THE RIGHT 391.04' (CENTRAL ANGLE = 68°56'17"), THE CHORD OF WHICH BEARS N 01°24'14" E 367.88'; THENCE N 35°52'22" E 87.28'; THENCE N 55°15'00" W 424.23'; THENCE N 34°45'00" E 165.00'; THENCE N 18°38'15" E 52.04'; THENCE N 34°45'00" E 200.00'; THENCE N 06°51'33" E 56.57'; THENCE N 34°45'00" E 100.00'; THENCE S 55°15'00" E 16.00'; THENCE N 34°45'00" E 108.53'; THENCE ALONG THE ARC OF A 35.00' RADIUS CURVE TO THE RIGHT 31.28' (CENTRAL ANGLE = 51°12'21"), THE CHORD OF WHICH BEARS N 03°41'33" W 30.25'; THENCE ALONG THE ARC OF A 10.00' RADIUS CURVE TO THE LEFT 13.47' (CENTRAL ANGLE = 77°09'38"), THE CHORD OF WHICH BEARS N 16°40'11" W 12.47'; THENCE N 45°33'20" E 65.16'; THENCE S 55°15'00" E 81.34'; THENCE N 34°45'00" E 151.00' TO THE POINT OF BEGINNING.

CONTAINS 18.7035 ACRES (72 BUILDABLE LOTS)