

ENT 38691 BK 2652 PG 484  
NINA B REID UTAH CO RECORDER BY MB  
1989 DEC 19 3:34 PM FEE 18.00  
RECORDED FOR MERRIL W WEST

AMENDED RESTRICTIVE COVENANT

TO THE PUBLIC:

I/We, the undersigned owners of real property in Utah County, State of Utah, executed a restrictive covenant to maintain a farm unit necessary to qualify for farm caretaker dwellings, said document being recorded in the Utah County Recorder's office as entry number 16313 of book 1917, pages 563 and 564, for the property described and located as follows (legal description):

See attached Exhibit A, which is hereby made a part hereof, for the legal description.

I/We now have the intent to amend the above-mentioned restrictive covenant by rescinding the restrictive covenant for the above described property, and now have the intent pursuant to this Amended Restrictive Covenant to maintain a farm unit necessary to qualify for caretaker dwellings under the provisions of Sections 4-3-42 and 4-3-43 of the "Utah County Zoning Ordinance" of Utah County, Utah, for the property located and described as follows (amended legal description):

See attached Exhibit B, which is hereby made a part hereof, for the amended legal description.

We hereby covenant and agree as follows:

1. That the above-described property shall be maintained as one unit and considered as one zoning lot, which is a bona fide farming operation qualifying for each and all farm caretaker dwellings approved, subject to the above-cited (or successor) ordinance.
2. That neither we, nor any of our heirs, executors, administrators, or assigns shall allow residential use of the above-described real property, except properly approved primary and secondary farm dwellings for caretakers employed on the premises.
3. This covenant shall run with the land and shall be binding upon all persons owning or leasing the above-described real property.
4. This covenant shall terminate and be of no further force or effect at such time as: (1) the Utah County Zoning Ordinances are repealed or amended to no longer require the farm unit as set forth above; (2) portions of the property above-

described become a part of an incorporated city or town; or (3) the above-described real property is rezoned to permit residential uses of the above described property, where the owners or their successors are able to comply with the then existing zoning ordinances of Utah County.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions, which shall remain in full force and effect.

If the owners or their heirs, executors, administrators, agents, or assigns shall violate or attempt to violate any of the provisions of this instrument, Utah County may enforce said agreement through the withholding of building permits, or appropriate civil remedies; or may institute criminal proceedings for misdemeanor violations as provided for violation of a zoning ordinance; further, any aggrieved party having a legal interest may seek similar civil relief, and where successful, such party may be awarded any court costs or attorney's fees required for enforcement.

Change or amendment of this declaration may be effected only if such is in complete compliance with the laws and ordinances of the State of Utah and its political subdivisions. This covenant and any changes or amendments hereto must first be approved in writing by the Utah County Zoning Administrator before recording with the Utah County Recorder. Any change or amendment without such approval is hereby made null and void.

Signed:

*James R. West*  
JAMES R. WEST

*Kenneth E. Burnham*  
KENNETH E. BURNHAM

*Rheuma A. West*  
RHEUAMA A. WEST

*Elaine W. Burnham*  
ELAINE W. BURNHAM

*Merrill W. West*  
MERRILL W. WEST

*Merrill W. West*  
MERRILL W. WEST, as a general partner of the WEST FAMILY LIMITED PARTNERSHIP, dba MERRILL W. WEST FAMILY LIMITED PARTNERSHIP

*Julie Rae J. West*  
JULIE RAE J. WEST, as a general partner of the WEST FAMILY LIMITED PARTNERSHIP, dba MERRILL W. WEST FAMILY LIMITED PARTNERSHIP

ACKNOWLEDGMENT

STATE OF UTAH )  
                  ) :ss  
COUNTY OF UTAH )

On the 10 day of Dec, 1988,  
personally appeared before me James R. West, Rheuma A. West,  
Merrill W. West, Julie Rae J. West, Kenneth E. Burnham,  
Elaine E. Burnham

the signers of the above instrument, who duly acknowledged to me  
that they executed the same.

Mark B. Frost  
NOTARY PUBLIC  
Residing at: Spanish Fork

My Commission Expires:  
12-6-91

APPROVAL OF AMENDMENT

WHEREAS the original Restrictive Covenant to maintain a  
farm unit necessary to qualify for farm caretaker dwellings  
herein was executed by James R. West, Rheuma A. West, Merrill  
W. West, Kenneth E. Burnham, and Elaine W. Burnham and accepted  
by Utah County to enable James R. West, Rheuma A. West, Merrill  
W. West, Kenneth E. Burnham and Elaine W. Burnham to maintain a  
farm unit necessary to qualify for farm caretaker dwellings, and

WHEREAS, this amended restrictive covenant contains a  
substitution of properties from the original Restrictive  
Covenant, and enables the substituted property to continue to  
qualify for farm caretaker dwellings,

THEREFORE, Utah County, by and through its legal counsel  
E. Kent Sundberg, Deputy Utah County Attorney, and Jeff

Mendenhall, its Building Official, hereby approves and accepts this Amended Restrictive Covenant.

*E. Kent Judd*  
Deputy Utah County Attorney

Reviewed and approved prior to recording:

*Jeff Mendenhall*  
JEFF MENDENHALL  
Utah County Building Official

DATE *December 19, 1989*

EXHIBIT A

## Parcel One:

Commencing 11.92 chains West and 4.37 chains North 30' East and 1.23 chains North 88 Deg. 30' West of the Northeast Corner of the Northwest quarter of Section 14, Township 8 South, Range 2 East, Salt Lake Base and Meridian; thence North 88 Deg. 30' West 2.25 chains; thence South 1 5/8 Deg. West 3 chains; thence North 88 Deg. 30' West 1.5 chains; thence South 1 5/8 Deg. West 1 chain; thence South 88 Deg. 10' East 3.75 chains; thence North 1 5/8 Deg. East 4 chains to beginning. Area 1.05 acres.

## Parcel Two:

Commencing 4.74 chains North and 7.93 chains East from the Southwest corner of the Northeast quarter of Section 14, Township 8 South, Range 2 East, Salt Lake Meridian; thence East 5.32 chains; thence North 5.56 chains; thence North 88 3/4 Deg. West 5.24 chains; thence South 45' West 5.68 chains to beginning. Area 2.96 acres.

## Parcel Three:

Commencing 764.28 feet West of the North quarter corner of Section 14, Township 8 South, Range 2 East, Salt Lake Meridian; thence South 1 Deg. 15' West 5.55 chains; thence South 15' West 10.13 chains; thence South 88 Deg. 45' East 11.50 chains more or less to a point 15.93 chains South of the North quarter corner above mentioned; thence South 89 Deg. 30' East 1.63 chains; thence South 89 Deg. East 6.01 chains; thence South 45' West 19.50 chains; thence West 7.43 chains to point 4.74 chains North of the Southwest Corner of the Northeast quarter of Section 14, Township 8 South, Range 2 East; thence South .49 chains to point 4.25 chains North of the Southeast corner of the Northwest quarter of Section 14, Township 8 South, Range 2 East; thence North 89 Deg. 25' West 18.80 chains; thence North 30' East 7.65 chains; thence North 56 Deg. West 4.55 chains; thence South 84 Deg. West 1.16 chains; thence North 87 Deg. 30' West 2.91 chains; thence North 35' East 13.36 chains; thence North 88 Deg. 45' East 9.35 chains; thence North 45' East 6.75 chains; thence North 1 Deg. 15' East 5.47 chains to a point West of Point of Beginning; thence East 352.40 feet more or less to beginning. 73.04 acres.

## Parcel Four:

Commencing South 373.11 feet and East 228.92 feet from the North quarter corner of Section 14, Township 8 South, Range 2 East, Salt Lake Meridian; thence North 3 Deg. 23' 10" East 90.80 feet; thence South 66 Deg. 54' 38" East 352.50 feet; thence South 2 Deg. 20' West 188.20 feet; thence North 53 Deg. 48' West 398.98 feet to beginning. Area 1.06 acres. Subject to a right-of-way.

## Parcel Five:

Commencing 15.55 chains East of the Southwest corner of Section 12, Township 8 South, Range 2 East, Salt Lake Meridian; thence North 1/4 Deg. East 5.07 chains; thence North 89 7/8 Deg. West 31 links North 1/4 Deg. East 10.16 chains; thence South 89 1/2 Deg. East 8.86 chains; thence South 40 1/2 Deg. East 2.56 chains; thence South 40 3/4 Deg. East 2.25 chains; thence South 71 Deg. East 1.72 chains; thence South 62 1/2 Deg. East 3.25 chains; thence South 40 Deg. East 3.80 chains; thence South 34 1/4 Deg. East 2.63 chains; thence South 26 3/4 Deg. East 6.95 chains (crossing South line of SD Section 1.20 chains West of Southeast corner of Southwest quarter); thence South 89 1/4 Deg. West 11.35 chains; thence South 23 1/2 Deg. West 1.37 chains; thence South 10 1/2 Deg. East 1.60 chains; thence South 10 1/2 degrees West 1 chain; thence North 89 1/2 Deg. West 11.32 chains; thence North 35' East 5.79 chains to point in section line 16.74 chains East of the Southwest corner of SD Section; thence West 19 links to Beginning. Being part of the South One-half of the Southwest Quarter of SD Section 12 and in the North One Half of the Northwest Quarter of SD Section 13 in Township 8 South, Range 2 East, Salt Lake Meridian. Area 34.50 acres.

EXHIBIT B

## Parcel One:

Commencing at a point located North 0 Deg. 24' 48" West along the One-Quarter Section line 268.50 feet and West 885.25 feet from the South One-Quarter corner of Section 11, Township 8 South, Range 2 East, Salt Lake Base and Meridian; thence South 1 Deg. 31' 00" West 276.73 feet; thence North 89 Deg. 20' 44" West 207.79 feet; thence North 1 Deg. 58' 00" East along a fence line 104.41 feet; thence South 88 Deg. 30' 00" East 66.97 feet; thence North 1 Deg. 31' 00" East 173.33 feet; thence South 89 Deg. 20' 44" East along a fence line 140.00 feet to the point of beginning. Area 1 acre.

## Parcel Two:

Commencing 764.28 feet West of the North Quarter Corner of Section 14, Township 8 South, Range 2 East, Salt Lake Base and Meridian; thence South 1 Deg. 15' West 5.55 chains; thence South 0 Deg. 15' West 150.00 feet; thence North 369.73 feet; thence North 0 Deg. 45' East 164.24 feet; thence North 1 Deg. 15' East 5.47 chains; thence East 352.40 feet to the point of beginning. Area 4.50 acres.

## Parcel Three:

Commencing at a point 16.55 chains East of the Southwest corner of Section 12, Township 8 South of Range 2 East of the Salt Lake Base and Meridian; running thence North 1/4 Deg. East 5.07 chains; thence North 89-7/8 Deg. West 31 links; thence North 1/4 Deg. East 10.16 chains; thence South 89 1/2 Deg. East 8.86 chains; thence South 40 1/2 Deg. East 2.56 chains; thence South 40 3/4 Deg. East 2.25 chains; thence South 71 Deg. East 1.72 chains; thence South 62 1/4 Deg. East 3.25 chains; thence South 40 Deg. East 3.80 chains; thence South 34 1/4 East 2.63 chains; thence South 26 3/4 Deg. East 6.95 chains (crossing the South line of said Section at a point 1.20 chains West of the Southeast corner of the Southwest Quarter thereof); thence South 89 1/4 Deg. West 11.35 chains; thence South 23 1/2 Deg. West 1.37 chains; thence South 10 1/2 Deg. East 1.60 chains; thence South 10 1/4 Deg. West 1.00 chain; thence North 89 1/2 Deg. West 11.32 chains; thence North 0 Deg. 35' East 5.79 chains to a point in Section line 16.74 chains East of the Southwest Corner of said section; thence West 19 links to the point of beginning, the same being a part of the South half of the Southwest Quarter of said Section 12, and in the North half of the Northwest Quarter of said Section 13, in said Township 8 South, Range 2 East of the Salt Lake Base and Meridian, and containing an area of 34.50 acres, more or less.