

AFTER RECORDING PLEASE RETURN TO:
SunCrest, L.L.C.
Attn: Edward L. Grampp, Jr.
2021 East Village Green Circle
Draper, Utah 84020

ENT 143621:2004 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Dec 23 10:37 am FEE 55.00 BY LJ
RECORDED FOR FIRST AMERICAN TITLE CO

**SECOND AMENDMENT
TO
SUPPLEMENTAL DECLARATION
TO
THE DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
SUNCREST, A PLANNED COMMUNITY**

(EAGLE CREST NO. 1 – TO REDESIGNATE LOT NUMBERS)

THIS SECOND AMENDMENT to Supplemental Declaration to the Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community (this “Second Amendment”), is executed pursuant to the provisions of the Declaration described in Recital “B” below by SunCrest, L.L.C., a Delaware limited liability company (“Declarant”) (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company (“DAE/Westbrook”)).

WITNESSETH:

A. Declarant was formerly known as DAE/Westbrook and it properly changed its name to SunCrest, L.L.C. Declarant has the power to execute this Second Amendment pursuant to the provisions of the Declaration described in Recital “B” below.

B. On December 28, 1999, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 7543075 at Book 8332, Page 4708, which Declaration Declarant also recorded with the Recorder of Utah County, Utah on December 22, 2000, as Entry No. 101565:2000 (“Original Declaration”), covering the initial real property and improvements situated in Salt Lake County, Utah, more particularly described in Exhibit “A” attached thereto (“SunCrest”).

C. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, a First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 8383413 at Book 8664, Page 2560, which First Amendment Declarant also recorded with the Recorder of Utah County, Utah on August 14, 2002 as Entry No. 93174:2002 (“First Amendment to Original Declaration”).

D. On February 2, 2003, Declarant recorded with the Recorder of Salt Lake County, Utah, an Official Plat of EAGLE CREST NO. 1 AT SUNCREST as Entry No. 8523794 at Book 2003P, Page 34, which Official Plat Declarant also recorded with the Recorder of Utah County, Utah on February 7, 2003, as Entry No. 19498:2003 (“Eagle Crest No. 1 Plat”).

E. On May 7, 2004, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, as Entry No. 9059059 in Book 8986, Page 1240, which Supplemental Declaration Declarant also recorded with the Recorder of Utah County, Utah on May 7, 2004, as Entry No. 52991:2004 ("Eagle Crest No. 1 Supplemental Declaration"), covering the real property and improvements located in Salt Lake County, Utah and Utah County, Utah, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

F. On September 8, 2004, Declarant recorded with the Recorder of Utah County, Utah, an amendment to the Eagle Crest No. 1 Plat entitled EAGLE CREST NO. 1 AT SUNCREST, LOTS 275-296 & LOT "BB", AMENDED AND VACATING HAWK STONE CIRCLE as Entry No. 102945:2004, which amendment combined former Lots 275-296 and Lot "BB" of Eagle Crest No. 1 into a single Lot known as Lot "N" ("Lot N Amended Plat").

G. On December 16, 2004, Declarant recorded with the Recorder of Utah County, Utah, an amendment to the Eagle Crest No. 1 Plat entitled EAGLE CREST NO. 1 AT SUNCREST LOTS 50-52 & 59-63 AMENDED as Entry No. 140730:2004, which amended Plat combined former Lots 50-52 and 58-63 into six new Lots numbered 50A, 52A, 60A, 61A and 63A ("Lot Reconfiguration Amended Plat").

H. On December 21, 2004, Declarant recorded with the Recorder of Utah County, Utah, that certain First Amendment to Supplemental Declaration to the Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 142971:2004 ("First Amendment to Supplemental Declaration"). The Eagle Crest No. 1 Supplemental Declaration and the First Amendment to Supplemental Declaration shall, for all purposes hereof or of any related document, be together referenced as the "Eagle Crest No. 1 Supplemental Declaration."

I. The Eagle Crest No. 1 Plat, the Lot N Amended Plat and the Lot Reconfiguration Amended Plat shall, for all purposes hereof or of any related document, be together referenced as the "Eagle Crest No. 1 Plat."

J. The Original Declaration, as amended and supplemented pursuant to the First Amendment to Original Declaration, the Eagle Crest No. 1 Supplemental Declaration, the First Amendment to Supplemental Declaration, and this Second Amendment as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, is collectively referred to as the "Declaration," which term shall, for all purposes hereof or of any related document, mean and refer to the Original Declaration as so amended, supplemented, or otherwise modified.

K. Pursuant to Section 18.3 of the Declaration, for so long as its Class B Membership exists, Declarant reserved the right to unilaterally amend the Declaration for any purpose that does not materially adversely affect the substantive rights of any Owner thereunder. Such unilateral amendment rights also extend to Supplemental Declarations and Amendments which are collectively a part of the Declaration. Accordingly, Declarant hereby exercises its unilateral

right to execute and record this Second Amendment for the purposes of amending Exhibit "B" of the Eagle Crest No. 1 Supplemental Declaration, a copy of which amended Exhibit B is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, Declarant hereby unilaterally exercises its right to record this Second Amendment to amend Exhibit B of the Eagle Crest No. 1 Supplemental Declaration as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Second Amendment shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this Second Amendment.

2. Amendment of Exhibit B. Section 1(a) of Exhibit B attached to the Eagle Crest No. 1 Supplemental Declaration, setting forth certain restrictions and Land Use Classifications, is hereby deleted in its entirety and replaced with the following:

(a) Single Family Residential Use. All two hundred and seventy-seven (277) Lots numbered 1-23, 24-49, 50A, 52A, 60A, 61A, 63A, 64-73, 74-157, 158-274 and 297-302 in Eagle Crest No. 1 are designated for Single Family Residential Use as further described in the Original Declaration.

3. Binding Provisions. The provisions of this Second Amendment shall be binding upon all parties having any right, title, or interest in the real property covered by the Eagle Crest No. 1 Plat, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

4. Effective Date. This Second Amendment shall be effective as of the date of its recordation in the real property records of the Recorder in and for Salt Lake County, Utah and/or its recordation in the real property records of the Recorder in and for Utah County, Utah.

5. Declaration Remains in Effect. The Supplemental Declaration, the First Amendment to Supplemental Declaration and this Second Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration and Exhibit A attached hereto shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Second Amendment.

EAGLE CREST NO. 1

All real property located within EAGLE CREST NO. 1 AT SUNCREST as shown on the Official Plat recorded in the Official Records of Salt Lake County, Utah on February 2, 2003 as Entry No. 8523794 at Book 2003P, Page 34, and subsequently recorded in the Official Records of Utah County, Utah on February 7, 2003, as Entry No. 19498:2003 and Lot N as shown on the Official Plat of EAGLE CREST NO. 1 AT SUNCREST, LOTS 275-296 & LOT "BB", AMENDED AND VACATING HAWK STONE CIRCLE recorded in the Official Records of Utah County, Utah on September 8, 2004, as Entry No. 102945:2004 and Lots 50A, 52A, 58A, 60A, 61A and 63A as shown on the Official Plat of EAGLE CREST NO. 1 AT SUNCREST LOTS 50-52 & 59-63 AMENDED recorded in the Official Records of Utah County, Utah on December 16, 2004, as Entry No. 140730:2004.

Salt Lake County APNos. _____

Utah County APNos. 38-334-0061

EXHIBIT "B"

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EAGLE CREST NO. 1

1. Land Use Classifications —

(a) Single Family Residential Use. All two hundred and seventy-seven (277) Lots numbered 1-23, 24-49, 50A, 52A, 60A, 61A, 63A, 64-73, 74-157, 158-274 and 297-302 in Eagle Crest No. 1 are designated for Single Family Residential Use as further described in the Original Declaration.

(b) Limited Use Driveways. The five (5) Lots lettered AA, CC, DD, EE and FF in Eagle Crest No. 1 are designated as Limited Use Driveways for the use and benefit of the Benefited Owners thereof as further described in the Eagle Crest No. 1 Supplemental Declaration.

2. Neighborhood Designation — All Lots in Eagle Crest No. 1 comprise a Residential Neighborhood. The name of such Residential Neighborhood shall be "Eagle Crest No. 1."

3. Size Restrictions — No residence shall be constructed wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than 1,000 square feet for a single story dwelling; and no less than 1,200 square feet for a two story dwelling not including basement area.

4. Limits of Disturbance — No grading or vegetation removal shall take place within the established "Home Owners Limits of Disturbance" on Natural Lots 1-23 as depicted on the Eagle Crest No. 1 Plat, except as may be provided in Paragraph 4, Section 4.2.3 and Section 3.4.9 of the SunCrest Development Guidelines. Limits of Disturbance as depicted on the Eagle Crest No. 1 Plat shall be marked by construction fencing, colored tape or other means acceptable to the City of Draper on such Natural Lots prior to commencing construction to prevent incidental incursion into areas to be protected.