

RICHARD EVANS  
2412 OAKCREST LN.  
HOLLADAY UT 84121

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7/17/2018 3:03:00 PM \$29.00  
Book - 10694 Pg - 2351-2356  
ADAM GARDINER  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 6 P.

**FIRST AMENDMENT TO  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE OAKCREST WAY P.U.D.**

This First Amendment to Declaration of Covenants, Conditions And Restrictions of Oakcrest Way P.U.D. (the "Amendment") is dated and effective as of the day of the recording of this document in the offices of the County Recorder of Salt Lake County, Utah.

WHEREAS the DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF OAKCREST WAY P.U.D. (the "Declaration") was originally recorded in the offices of the Salt Lake County Recorder on December 23, 2005 as Entry No. 9592087 in Book 9234 at Page 5553-5581; and

WHEREAS the Declarant therein reserved the right, under ARTICLE XI, (specifically 11.5) of the Declaration to amend the Declaration ("Right to Amend"); and

WHEREAS the Declarant has determined that it now wishes to exercise the Right to Amend as provided in ARTICLE XI of the Declaration to amend the Declaration.

THEREFORE, based on the foregoing recitals, Declarant hereby amends the Declaration and exercises its Right to Amend as follows:

1. Recitals David H. Wathen and Gail Wathen are hereby removed as Declarant of Oakcrest Way P.U.D. Declarant shall be amended to reflect the following individuals as defined as the new Declarant: RICHARD P. EVANS and JOEL RICHARDS.

22-22-202-056

2. Article 1.3 Common Area shall be amended to read: **Common Area** shall mean and refer to that part of the Property which is maintained by the Association. All real property in Oakcrest Way P.U.D. is privately owned by one of the Lot Owners; however, some of the real property and the improvements thereto are open to common use by all the Lot Owners. Thus, the term "Common Area" as used herein does not mean or grant an undivided ownership interest in another Lot Owner's property, but is used to define the real property in Oakcrest Way P.U.D. that shall be openly used, jointly maintained, and in which the remaining Lot Owners shall presently own and in the future shall continue to own an easement over and across. The Common Area as defined herein shall include the following: the roadway which serves as a right of way for ingress and egress, hereinafter referred to as the road as well as the real property referenced and described as Parcel No(s). 22-22-202-056 and 22-22-202-057. The Common Area shall be jointly

22-22-202-057

22-22-202-052

22-22-202-050

22-22-202-046

22-22-202-054

22-22-202-053

22-22-202-055

22-22-202-058

22-22-202-059

maintained and/or replaced at the expense of the HOA.

3. **Article 4.1 Owners' Easements of Use and Enjoyment.** Every owner shall have a nonexclusive right and easement of use and enjoyment over those portions of the common area consisting of the roadway which serves as a right of way for ingress and egress, hereinafter referred to as the road. Every owner shall also have a nonexclusive right and easement of use and enjoyment over those portions of the common area consisting of Parcel No(s). 22-22-202-056 and 22-22-202-057. Such rights and easements, if applicable, shall be appurtenant to and shall pass with title to each lot and in no event shall be separated therefrom. Such rights and easements shall be subject to the following:

- (a) The right of the Association to adopt, rescind, amend and enforce rules and regulations governing the use of the Common Area.

- (b) The right of the City of Holladay, of Salt Lake County, and any other governmental or quasi-governmental authority having jurisdiction over the Property to access and ingress and egress over and across any private open space contained within the Common Area for purposes of providing police and fire protection, and providing any other municipal or governmental service.

- (c) The rights and easements set forth below in Article V of this Declaration.

**Survival of Declarations.** Except as expressly modified and amended herein, the Declaration shall remain in full force and effect.

**Effective Date.** This Amendment shall take effect upon its filing for record in the office of the County Recorder of Salt Lake County, Utah.

By: David H. Wathen

David H. Wathen in his capacity as previous Declarant

By: Gail Wathen

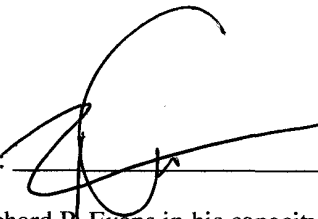
Gail Wathen in her capacity as previous Declarant

STATE OF UTAH )  
 )  
 :SS  
COUNTY OF SALT LAKE )

On June 10<sup>th</sup>, 2018, personally appeared before me David H. Wathen and Gail Wathen, in their capacity as previous Declarant of THE OAKREST WAY P.U.D., who duly acknowledged to me that they executed the same.



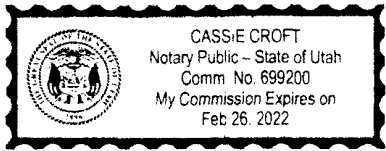
Janet L. Price  
Notary Public  
Residing at Salt Lake, Utah:  
My Commission Expires:

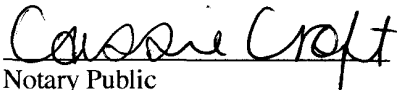
By: 

Richard P. Evans in his capacity as Declarant.

STATE OF UTAH            )  
  :SS  
COUNTY OF SALT LAKE )

On ~~June~~ <sup>July</sup> 5, 2018, personally appeared before me Richard P. Evans, in his capacity as Declarant of THE OAKREST WAY P.U.D., who duly acknowledged to me that they executed the same.



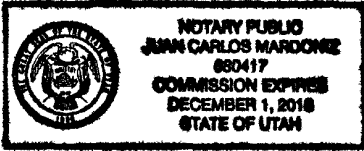
  
Notary Public  
Residing at Salt Lake, Utah:  
My Commission Expires: Feb 26, 2022.

By: Joel Richards

Joel Richards in his capacity as Declarant.

STATE OF UTAH            )  
  :SS  
COUNTY OF SALT LAKE )

On June 3, 2018, personally appeared before me Joel Richards, in his capacity as Declarant of THE OAKREST WAY P.U.D., who duly acknowledged to me that they executed the same.



Juan Carlos Maldonado  
Notary Public  
Residing at Salt Lake, Utah:  
My Commission Expires:

## Legal Description

All parcels contained within **Oakcrest Way PUD** and **Oakcrest Way PUD Amended**, according to the official plats thereof, on file in the office of the Salt Lake County Recorder.

22-22-202-056

22-22-202-057

22-22-202-052

22-22-202-050

22-22-202-046

22-22-202-054

22-22-202-053

22-22-202-055

22-22-202-058

22-22-202-059