

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS AND RESERVATION
OF EASEMENTS FOR KOTTER CANYON ESTATES,
A PLANNED RESIDENTIAL UNIT DEVELOPMENT**

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR KOTTER CANYON, A PLANNED RESIDENTIAL UNIT DEVELOPMENT is made as of the 6th day of February, 2012, by Kotter Canyon Estates, LLC, a Utah limited liability company ("Declarant").

RECITALS:

- A. Declarant has developed certain residential lots located in Brigham City, Box Elder County, Utah as part of a subdivision known as "Kotter Canyon Estates Subdivision" ("Property");
- B. Declarant has earlier declared that the Property is subject to certain protective covenant, conditions and restriction which are deemed to be covenants running with the land mutually burdening and benefiting each of the Lots and other real property within the Kotter Canyon Estates Subdivision. This Declaration was filed with the Box Elder County Recorder, Entry 260571, Book 1044, Pages 216-254 applying to parcel numbers 03-249-0001 thru 03-249-0128;
- C. Declarant reserved the right to amend the Declaration pursuant to Article XVIII, paragraph 18.6.

NOW, THEREFORE, Declarant hereby declares, covenants, and agrees as follows:

- I. Article XI, RESTRICTIONS ON IMPROVEMENTS, paragraph 11.8.1 is revoked in its entirety and replaced with the following:

11.8.1 No Dwelling shall be permitted on any Lot that is not of a quality workmanship and materials that are substantially the same or better than that of the surrounding structures within the Kotter Canyon Estates Subdivision. Exterior materials on all Dwellings shall be limited to brick, rock, cultured stone, stucco, siding, hardy plank, or similar manufactured materials of equal quality. Upon the express written approval of the ARC, other exterior building materials may be used. Exceptions to the foregoing requirements may be allowed to accommodate an architectural duplication of a certain era or style, such as Victorian. No Dwellings shall be constructed with readily combustible exterior finishes, which prohibition shall preclude without limitation wood shingles, wood soffits, wood fascia and wood siding. At least 40% of each of the front must be finished with exterior material consisting of brick, rock or stone but the remaining 60% may be stucco or

hardy board. At least 25% of the two sides of each Dwelling must be finished with exterior material consisting of brick, rock or stone, as approved by the Kotter Canyon Board of the ARC. Notwithstanding the foregoing, no siding material shall be allowed on the front of the Dwelling.

II. Article XI, RESTRICTIONS ON IMPROVEMENTS, paragraph 11.8.7 is revoked in its entirety and replaced with the following:

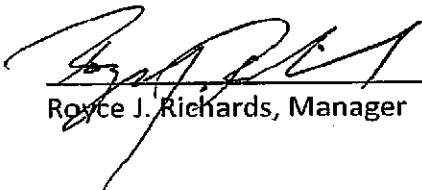
11.8.7 For any Dwelling constructed on a single family residential building lot, the above ground square feet area of such Dwelling, exclusive of garage, basement, and any porches, shall not be less than:

- (a) 1600 square feet for a single level residence;
- (b) 2500 square feet above ground for a two-level residence.

Other than outlined above, the provisions of THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTIRCTIONS AND RESERVATION OF EASEMENTS FOR KOTTER CANYON, A PLANNED RESIDENTIAL UNIT DEVELOPMENT remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to the Declaration to be executed as of this 6th day of February, 2012.

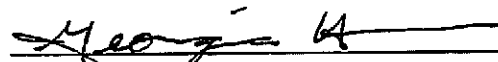
Kotter Canyon Estates, LLC a Utah limited liability company



 Royce J. Richards, Manager

STATE OF UTAH)
 : ss.
 COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 6th day of February, 2012, by Royce J. Richards, the Manager of Kotter Canyon Estates, LLC, a Utah limited liability company.



 NOTARY PUBLIC
 Residing at: Ogden UT
 My commission expires: 10-7-12

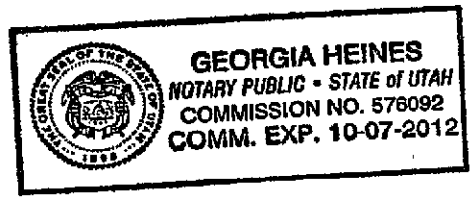


EXHIBIT A

ALL OF THE REAL PROPERTY INCLUDED ON THE SUBDIVISION PLAT FOR THE KOTTER CANYON P.U.D. SUBDIVISION, INCLUDING LOTS 1 THROUGH 128, ALL COMMON AREA, ALL LIMITED COMMON AREA, AND ALL WETLANDS SHOWN THEREON, RECORDED ON FEBRUARY 8TH, 2008, AS ENTRY NO. 258753 IN THE OFFICIAL RECORDS OF BOX ELDER COUNTY, UTAH.