

**AMENDMENT TO DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS OF
MILLCREEK COTTAGES**

This is an Amendment of the Declaration of Covenants Conditions and Restrictions of Millcreek Cottages recorded December 31, 1987, at Book 473, Pages 705-730, as Document No. 325821, and the amendment thereto recorded at Book 478, Page 355, Washington County Recorder's Office.

Article IV, Section 8 of the above document is hereby amended to read as follows:

Section 8. Uniform Rate of Assessment: Periodic Assessment Both annual and special assessments must be fixed at a uniform rate for all lots. Notwithstanding the foregoing, no assessment shall be levied upon a lot upon which no townhome has been constructed. Further, the rate of assessment upon a lot upon which a townhome has been constructed but not certified for occupancy shall be one-half (1/2) the assessment of other lots. This method of determining the assessments, dues and charges may not be changed without the prior written approval of all first mortgagees.

Both annual and special assessments may be collected on a monthly basis.

Article X - Expansion shall be amended to read as follows:

Declarant reserves the right at its sole election to expand the properties to include additional property more particularly described below by unilateral action of Declarant without the consent of owners for a period of seven (7) years from the date of recording of this Declaration in the office of the Washington County Recorder, County of Washington, State of Utah.

The property, all or part of which may be included in one or more expansions, is located in Washington County, Utah, and is more particularly described as follows:

Beginning at a point N 89°28'15" E 1112.92 ft. along the Section line and NORTH 305.75 ft. from the S1/4 Cor. Sec. 14, T42S, R16W, SLB&M., and running thence NORTH 70.23 ft., thence N 89°32'40" E 17.01 ft., thence NORTH 327.21 ft., thence S 89°31'58" W 14.45 ft., thence N 00°22'26" W 96.14 ft., thence N 89°32'40" E 754.52 ft., thence S 00°36'20" E 502.40 ft., thence S 89°32'40" W 539.65 ft., thence N 00°24'31" W 9.06 ft., thence S 89°29'06" W 222.06 ft. to the point of beginning.

Expansion shall occur by the Declarant filing:

1. an additional subdivision plat or plats creating additional planned unit developments on the property described above, stating on each plat the intention to have the property described on said plat bound by the terms, covenants and conditions of this Declaration upon the filing of a Declaration of Annexation, and
2. a Declaration of Annexation (after satisfying conditions hereafter stated), which shall state the Declarant's intention to have the area described therein subject to this Declaration. Upon the recording of such a Declaration of Annexation, the property described therein shall be subject to this Declaration.

Any additional properties annexed hereto by the Declarant shall be exclusively for residential single family dwellings, architecturally compatible to the existing townhomes, substantially identical to the townhomes already constructed, constructed out of similar materials, with substantially similar lot size. The maximum number of units to be added shall be 100. The Declarant shall have the sole discretion as to development of the common area in any expansion area and may include any facilities or amenities thereon that Declarant deems necessary and such common areas shall be owned by the Association. Additional common and limited common area shall be added in any expansion area to

