

RETURN TO  
Macart Investment Company  
45 East Fourth South  
Salt Lake City, Utah

BOOK 2 PAGE 46

Entry No. 101379

RECORDED AT THE REQUEST OF

Macart Investment Company  
July 21 AD 1965 at 2:55 o'clock P.M.

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*Handa Spriggs*  
Recorder, Summit County, Utah  
Fee \$82.00

AGREEMENT AND DECLARATION AMENDING  
RESTRICTIONS AND PROTECTIVE COVENANTS  
OF  
HIGHLAND ESTATES SUBDIVISION  
SUMMIT COUNTY, STATE OF UTAH

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WHEREAS, MACART INVESTMENT COMPANY, as the subdivider of Highland Estates Subdivision, filed a declaration of restrictions and protective covenants relating to said subdivision on or about April 16, 1964; and

WHEREAS, the said declaration limited the kind of use to which any lot in said subdivision might be put to uses and activities set forth in the Zoning Ordinance of Salt Lake County, Utah, in the zones designated Residential Zone S-1A, and

WHEREAS, the subdivider and all those having any interest in any lands within the said subdivision through the subdivider have determined that their best interests will be served by the amendment of the aforesaid declaration to permit commercial use of certain lots within the subdivision.

NOW THEREFORE, in consideration of the benefit to each of the undersigned to be derived from the execution of this instrument by each and all of the others, the aforesaid declaration is amended in the following particulars:

I

The paragraph on page 1 of said declaration bearing the general heading "I. GENERAL" is amended to read in its entirety as follows:

That all lots except lots 1 through 4, 20 through 25, 80, 225 through 237, 244 through 246, 278 through 286, and 392 through 399, shall be improved, used and occupied under the conditions set forth in the Zoning Ordinance of Salt Lake County, Utah.

*See # 115402  
BK. M-37 pg. 115  
See Amendment # 434959  
BK. 414 pg. 794*

CLYDE MECHAN  
& PRATT  
ATTORNEYS AT LAW  
291 SO. STATE STREET  
SALT LAKE CITY,  
UTAH 84111

The lots identified in the next preceding paragraph as being excepted from the application of that paragraph shall be designated as commercial use lots and may be improved, used and occupied under the conditions set forth for use of lands within "Commercial Zone C \_\_\_\_\_" as stated in the Zoning Ordinance of Salt Lake County, Utah as the same now reads or as it may hereafter, from time to time, be amended; provided, however, that nothing in this paragraph shall be construed to prohibit the use of any commercial use lots for residential purposes so long as said use is approved by the Committee on Architecture, as herein provided for, and is in compliance with the conditions, restrictions and regulations for residential use as provided for in the next preceding paragraph.

In the event that any of the provisions of this Declaration conflict with any of the sections of any Ordinance, County of Summit, the more restrictive of the two shall govern.

II

The paragraph on page 1 bearing the general heading "II. COMMITTEE OF ARCHITECTURE" is amended to read in its entirety as follows:

A. No building, fence, patio, or other structure shall be erected, altered, added to, placed, or permitted to remain on said lots or any of them or any part of any such lot until and unless the plans showing floor areas, external design and the ground location of the intended structure along with a plot plan been first delivered to and approved in writing by any two (2) members of a "Committee of Architecture" which shall initially be composed of Stewart Mackey, Paul Sherritt, and E. E. Gurr, provided that any vacancy on such committee caused by death, resignation, or disability to serve shall be filled on the nomination of Macart Investment Co. It shall be the purpose of this committee to provide for the maintenance of a high standard of architecture and construction in such manner as to enhance the aesthetic properties of the developed subdivision. Notwithstanding other requirements imposed, this committee shall require not less than eight hundred (800) square feet of floor area for any single

family residence EXCLUDING carport, garage, covered porches, covered contiguous patios, etc., with a minimum floor area of eight hundred (800) square feet for living area in the dwelling portion of the structure. All structures shall basically be of ONE LEVEL construction and/or a split level structure on any hillside area, if in the opinion of the "Committee of Architecture" such a structure conforms to the over-all design and pattern of development. On commercial structures submitted for approval, this "Committee" may require changes, deletions, or revisions in order that the architectural and general appearance of all such commercial buildings and grounds be in keeping with the architecture of the neighborhood and such as not to be detrimental to the public health, safety, general welfare and architectural appearance affecting the property values of the community in which such use or uses are to be located. All structures shall conform to the requirements of the Uniform Building Code, published by the International Conference of Building Officials.

B. It shall remain the prerogative and in the jurisdiction of the "Committee of Architecture" to review applications and grant approvals for exceptions to this declaration. Variations from requirements and, in general, other forms of deviations from these restrictions imposed by this declaration, when such exceptions, variances and deviations do, in no way, detract from the appearance of the premises, nor in any way be detrimental to the public welfare or to the property of other persons located in the vicinity thereof, in the sole opinion of the "Committee".

III

The paragraph designated "LOT SPLIT D. SUBDIVISION OF LOTS" under the general heading "RESIDENTIAL ZONE REGULATIONS" is amended to read in its entirety as follows:

No lot or parcel of land shall be divided into smaller lots or parcels less than two-thirds (2/3) acre under any conditions or circumstances whether for lease, sale, or rental purposes.

IN WITNESS WHEREOF, Macart Investment Company and the other undersigned persons, being all those who have purchased

or agreed to purchase any interest in lands within the sub-division from or through Macart Investment Company since the official Plat thereof was filed with the Summit County Recorder, have executed this instrument, each on the date appearing after his signature.

MACART INVESTMENT COMPANY

By: *Henry J. Blodgett* Dated: June 25, 1965

*Paul W. Merrill* Dated: June 25, 1965

*Darwin C. Krumen* Dated: June 25, 1965

*Ernest L. Peterson* Dated: June 25, 1965

*Eugene T. Lund* Dated: 6-28-65

*Joyce T. Lund* Dated: June 28, 1965

*Annabell Stone* Dated: June 28, 1965

SECURITY TITLE COMPANY, TRUSTEE Dated: June 25, 1965

By: *W. Frank Wilson*

Vice-President

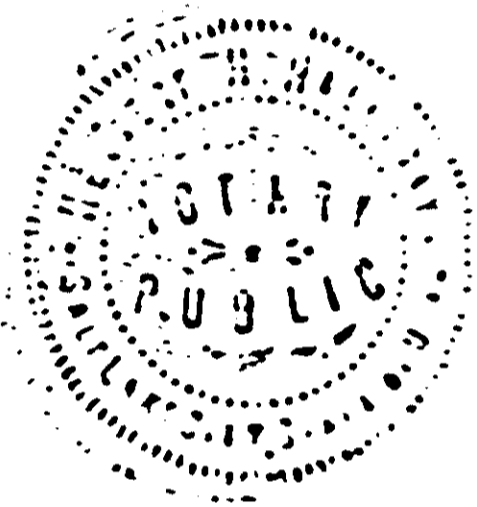
By: *W. Kenner*  
Secretary



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

On the 25th day of June, A. D. 1965, personally appeared before me N. GAYLE NIELSON and H. D. HENAGER, who being by me duly sworn did say, each for himself, that he, the said N. GAYLE NIELSON is the Vice-President, and he, the said H. D. HENAGER is the Secretary of SECURITY TITLE COMPANY, Trustee, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said N. GAYLE NIELSON and H. D. HENAGER each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



*Richard A. Holliday*  
Notary Public  
My Commission Expires 12/21/67  
Residing at Salt Lake City, Utah