

When Recorded Return to. 10267399
Hamlet Homes
308 East 4500 So #200
Salt Lake City UT
84101

WAVERLY STATION HOMEOWNERS ASSOCIATION, INC.

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment), is made this 2 day of November, 2007, by WAVERLY STATION, L.L.C., a Utah Limited Liability Company ("Declarant").

WITNESSETH:

WHEREAS, Hamlet made, executed and caused to be recorded, as Declarant, that certain Declaration of Covenants, Conditions and Restrictions dated October 2, 2006 and recorded among the Salt Lake County Recorder's Office, Entry #9862959, Book 9359, Pages 8366-8402, pursuant to which the Declarant subjected all that property described in the Declaration (the "Property") and Declarant formed an association known as, "Waverly Station Homeowners Association" ("Association"); and

WHEREAS, pursuant to Article 3.2 of the Declaration, Declarant reserved the right to add to the Property additional land within that area described in Exhibit "B" attached to the Declaration; and

WHEREAS, Declarant, is the owner of that certain property described in Exhibit "A" attached hereto and incorporated herein, and that property is within the area described in Exhibit "B" attached to the Declaration, and Declarant wishes to add that property described in Exhibit "A" attached hereto to the Property subjected to the Declaration.

NOW THEREFORE, the Declarant hereby declares that the Declaration of Covenants, Conditions and Restrictions be amended as follows:

All that property described in Exhibit "A" attached hereto is annexed to the Property subject to the Declaration, and shall be held, sold and conveyed subject to the easements, declarations, covenants and conditions set forth in the Declaration, which are for the purpose of protecting the value and desirability, and enhancing the attractiveness of the Property, and which shall run with the Property and shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner of the Property or any part thereof and their respective heirs, personal representatives, successors and assigns, and the Association.

10267399
11/5/2007 3:24:00 PM \$66.00
Book - 9533 Pg - 9726-9730
Gary W. Ott
Recorder, Salt Lake County, UT
US TITLE OF UTAH
BY: eCASH, DEPUTY - EF 5 P.

In all other respects, the Declaration, as amended, remains unchanged.

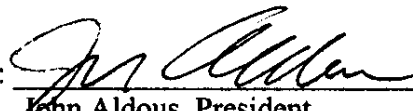
WITNESS the hand and seal of Waverly Station L.L.C. on the day herein above first written.

WITNESS/ATTEST:

WAVERLY STATION L.L.C.

By: HAMLET HOMES CORPORATION,
Member




By:  (SEAL)
John Aldous, President

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

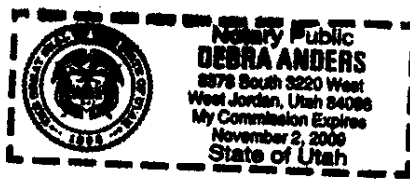
I HEREBY CERTIFY that on this 2nd day of November, 2007, before me, the subscriber, a Notary Public of the State of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Waverly Station, L.L.C., the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.



Notary Public

My Commission Expires: Nov 2, 2009



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

EXHIBIT A

Description of the Additional Property

PHASE IV

BEING all those Lots shown and designated as Lot Nos. 75 through and including 122 and the Common Area shown as "Common Area" on the Plate entitled, "WAVERLY STATION PHASE No. 4" recorded among the Recorder's Office of Salt Lake County on 5/25/2007 in Book #2007P on Page 219 Recorded #10113194.

15-36-279-125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 102, 103, 104,
106, 107, 108, 109, 110, 111, 112, 113, 101, 100, 099, 098, 097, 096, 095, 094, 093, 092,
090, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089

JOINDER AND CONSENT

American Securities Company and Wells Fargo Bank, NA, are, respectively, the Trustee and the Beneficiary under that certain Deed of Trust dated October 2, 2006 and recorded as Entry No. 9862959 in Book 9359 at Pages 8366-8402 of the Official Records of Salt Lake County, Utah hereby join in the foregoing Declaration of Covenants, Conditions and Restrictions for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust in and to the real property described in Exhibit A such to the operation and effect of such Declaration.

Nothing in the foregoing provisions of this Consent and Agreement of Trustee and Beneficiary shall be deemed in any way to create between the person named in such Declaration as "the Declarant" and any of the undersigned any relationship of partnership or joint venture, or to impose upon any of the undersigned any liability, duty or obligation whatsoever.

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed and sealed this Consent and Agreement of Trustee and beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 2nd day of November 2007.

WITNESS OR ATTEST:

[Signature]

TRUSTEE:

[Signature] (SEAL)
By: Shaun Nielson

WITNESS OR ATTEST:

[Signature]

BENEFICIARY:

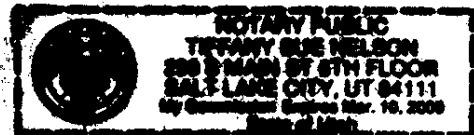
[Signature] (SEAL)
By: Shaun Nielson

STATE OF UTAH
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 2nd day of Nov., 2007, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Shaun Nielson, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged himself to be the VP of Wells Fargo Bank, NA, Trustee, that he has been duly authorized to execute, and has executed, the foregoing instrument on behalf of the said entity for the purposes therein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have sent my hand and Notarial Seal, the day and year first above written.

[Signature]
Notary Public
My commission expires: 3.10.09



STATE OF UTAH
COUNTY OF SALT LAKE

I HEREBY CERTIFY, that on this 2nd day of Nov., 2007, before me, the subscriber, a Notary Public in and for the State of Utah and Salt Lake County aforesaid, personally appeared Shaun Nielson, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged himself to be the VP of Wells Fargo Bank, NA, Beneficiary, that he has been duly authorized to execute, and has executed, the foregoing instrument on behalf of the said entity for the purposes therein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have sent my hand and Notarial Seal, the day and year first above written.

[Signature]
Notary Public
My commission expires: 3.10.09

