

3-99

When Recorded, Return to:

The Boyer Company
Attn: Patrick Moffat
90 South 400 West, Suite 200
Salt Lake City, UT 84101

10680189
04/21/2009 12:36 PM \$113.00
Book - 9712 Pg - 4078-4080
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BOYER COMPANY
ATTN: PATRICK MOFFAT
90 S 400 W STE 200
SLC UT 84101
BY: SLR, DEPUTY - WI 3 P.
Space Above for Recorder's Use

Affects Tax Parcel Nos.:

27-20-152-001 thru 27-20-152-009, 27-20-152-012 thru 27-20-152-017, 27-20-107-001 thru
2-20-107-018, 27-20-126-001 thru 27-20-126-015, 27-20-105-002 thru 27-20-105-007, 27-20-106-001
thru 27-20-106-023, 27-20-151-001 thru 27-20-151-023

**AMENDMENT
TO
FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
JORDAN HEIGHTS SUBDIVISION PHASES 1 AND 2 (A PLANNED UNIT DEVELOPMENT)
ADDING
JORDAN HEIGHTS SUBDIVISION PHASE 3 (A PLANNED UNIT DEVELOPMENT)**

This Amendment to First Supplement to Declaration of Covenants, Conditions, and Restrictions for Jordan Heights Subdivision Phase 1 and 2 adding Jordan Heights Subdivision Phase 3 ("Amendment") is made as of March , 2009, by Boyer Jordan Heights L.C., a Utah limited liability company ("Declarant").

BACKGROUND

A. Declarant is the Declarant under the First Supplement to Declaration of Covenants, Conditions, and Restrictions for Jordan Heights Subdivision Phase 1 and 2 (A Planned Unit Development) adding Jordan Heights Subdivision Phase 3 (A Planned Unit Development), recorded March 6, 2007, as Entry No. 10024306 in the official records of Salt Lake County, Utah ("**Declaration**"). Any capitalized term used but not defined in this Amendment will have the meaning attributed to it in the Declaration.

B. Declarant is the Declarant under the Declaration of Protective Covenants, Conditions and Restrictions for Jordan heights Subdivision Phase 1 and 2 (A Planned Unit Development, recorded August 8, 2006, as Entry No. 9812993 in the official records of Salt Lake Count, Utah ("**Original Declaration**").

C. The Declaration encumbers certain real property located in Salt Lake County, Utah, a legal description of which is attached to this Amendment as ("**Property**").

D. Under Section 10.2 of the Original Declaration the Declaration may be unilaterally amended by Declarant for any purpose during the Declarant Control Period.

Declarant hereby declares as follows:

AMENDMENT

Section 2 paragraph 8.1 of the Declaration is amended and restated in its entirety as follows:

Amendment to Declaration (Boyer Jordan Heights)

8.1 **Land Use and Building Type.** Except for the HOA Real Property, which shall be used for the purposes set forth on or contemplated by the Plat, no Lot shall be used except for single family residential purposes. No building shall be erected, altered, placed, or permitted to remain on any Lot other than one (1) single-family dwelling and private garage sufficiently sized for not less than two (2) vehicles with dimensions as required by the City of South Jordan. Carports may not be built. On all Lots: (a) all residential structures shall have 2,400 usable square feet of floor area, including the basement; (b) rambler-style houses shall have a minimum of 1,200 finished square feet of main floor area above finished grade; (c) houses with two or more stories shall have a minimum of 750 finished square feet of main floor area above finished grade; and (d) multi-level houses shall have a minimum of 1000 finished square feet of main floor area above finished grade (only two levels may be used to determine the 1,00 finished square feet and not all levels). Square footage of any style is excluding garages, porches, verandas, patios, eaves, overhangs, and steps. Any deviations from this requirement must be approved in writing by the Committee. The building exteriors of residential structures shall be constructed of brick, stone, rock, stucco, or a combination thereof; provided, however, that an area determined by multiplying two (2) feet by the perimeter of the residential structure's foundation (inclusive of the garage) shall be constructed of brick or stone. Hardiboard may be used as an accent material where appropriate. No vinyl siding or aluminum siding shall be permitted. Roof pitch shall not exceed 12:12, nor shall it be less than 6:12. Notwithstanding anything in this Declaration to the contrary, the installation of underground utility facilities (i.e. electrical wiring, pipelines, etc.) and appurtenant facilities shall be permitted on the Lots, subject to the installation of the same within the Easements shown on the Plat or subsequently granted by the Owner of the affected Lots.

Signature and Acknowledgment Follow

Declarant has executed this Amendment as of the date first set forth above.

Boyer Jordan Heights, L.C.
a Utah limited liability company
by its manager:

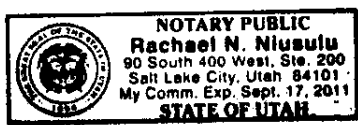
The Boyer Company, L.C.
a Utah limited liability company

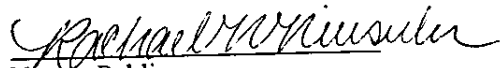
By: 

Name: Steven B. Oster
Title: Manager

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me on March 30th, 2009, by Steven B. Oster, a manager of The Boyer Company, L.C., the manager of Boyer Jordan Heights, L.C.




Notary Public

Exhibit

Legal Description of the Property

Lots 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, Jordan Heights Subdivision Phase 3, according to the official plat on file in the Salt Lake County Recorder's Office.