


**RESTRICTIVE COVENANT BINDING LARGE SCALE DEVELOPMENT TO
PREVIOUSLY RECORDED DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS, AND FURTHER BINDING DEVELOPMENT TO OTHER
DOCUMENTS AND AGREEMENTS**

We, the undersigned, constituting all of the owners of that certain real property located in Utah County, State of Utah, as described on Exhibit "A," attached hereto and incorporated herein by this reference, herein referred to as the "Property," which Property has been approved for development as a large scale development according to the provisions of the Utah County Land Use Ordinance, as a *Planned Dwelling Group*, designated as the *Timphaven Homes, Plat "13"*, and approved by the Board of County Commissioners on the 26th day of May, 2009, herein referred to as the "New Development," do hereby declare that the Property shall be held, sold, conveyed, leased, rented, encumbered, and used, subject to the Declaration of Covenants, Conditions, and Restrictions, previously recorded in the Office of the Utah County Recorder on the 2nd day of January, 2007, as entry number 100, herein referred to as the "Original Declaration," and incorporated herein by this reference as if fully set forth herein, related to the *Timphaven Homes, Plat "1-A,"* herein referred to as the "Original Development," and which Original Declaration, and the covenants, restrictions, limitations, and conditions contained therein, shall constitute covenants which run with the land and shall be binding on and be for the benefit of the Property, the owners of the Property, and their grantees, successors, heirs, executors, administrators, devisees, and assigns.

The undersigned further agree, on behalf of themselves and their grantees, successors, heirs, executors, administrators, devisees, and assigns, that, in consideration for the approval of said development, they will be legally bound and subject to each of the following described documents and agreements, which documents and agreements are either of record in the Office of the Utah County Recorder, or copies of which are appended hereto, and all of which documents and agreements are incorporated herein by this reference as if fully set forth herein, to wit:

NAME OF DOCUMENT	DATED	RECORDING ENTRY NO.
<u>Timphaven Homes, Plat "1-A"</u>	<u>October 19, 1984</u>	<u>Map Filing No: 627, Entry: 15666</u>
<u>Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Timphaven Homes, Plats 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12</u>	<u>January 2, 2007</u>	<u>Entry: 100</u>


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 RODNEY D. CAMPBELL
 UTAH COUNTY RECORDER
 2010 Dec 09 10:27 am FEE 21.00 BY EQ
 RECORDED FOR BAXTER, SCOTT

together with any other dedication, easement, open space easement, open space maintenance agreement, other maintenance agreement, homeowner's agreement, restriction, condition of approval, all owner's dedications contained on the plat of the Original Development, and all other documents or agreements, related to the Original Development.

This covenant shall run with the land and shall be binding upon all persons owning or leasing the Property. Further, this covenant shall hereinafter be included in any deed dealing with the Property, or any portion thereof, in whole or by reference hereto.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions, which other provisions shall remain in full force and effect.

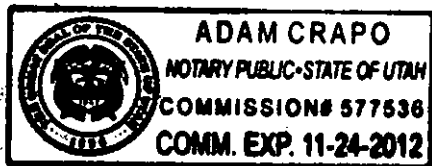
Entity: Trieste Wilde
By: [Signature] Date: 12/7/2010
Its: _____

Entity: Scott C. Baxter
By: [Signature] Date: 12/7/10
Its: _____

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On the 7 day of December, 2010, personally appeared before me Trieste Wilde Scott C. Baxter who duly acknowledged to me that he/she/they executed the foregoing Restrictive Covenant Binding Large Scale Development to Previously Recorded Declaration of Covenants, Conditions, and Restrictions, and Further Binding Development to other Documents and Agreements.



[Signature]
NOTARY PUBLIC

together with any other dedication, easement, open space easement, open space maintenance agreement, other maintenance agreement, homeowner's agreement, restriction, condition of approval, all owner's dedications contained on the plat of the Original Development, and all other documents or agreements, related to the Original Development.

This covenant shall run with the land and shall be binding upon all persons owning or leasing the Property. Further, this covenant shall hereinafter be included in any deed dealing with the Property, or any portion thereof, in whole or by reference hereto.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions, which other provisions shall remain in full force and effect.

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Entity: Educated Guess LLC

X By: [Signature] Date: 4/21/09

Its: Trieste Wilde, Manager

Entity: Heaps Family Trust w/AID

X By: _____ Date: _____

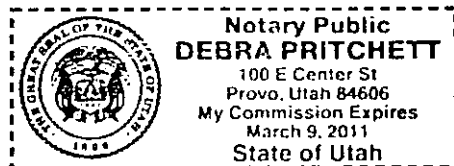
Its: Joseph James Heaps, Trustee

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On the 21 day of Apr. 1, 2009, personally appeared before me Trieste Wilde, who duly acknowledged to me that he/she/they executed the foregoing Restrictive Covenant Binding Large Scale Development to Previously Recorded Declaration of Covenants, Conditions, and Restrictions, and Further Binding Development to other Documents and Agreements.

[Signature]
NOTARY PUBLIC



ACCEPTANCE AND ACKNOWLEDGMENT

We, the undersigned, representing all of the owners of that certain real property located in Utah County, State of Utah, known as the *Timphaven Homes, Plat "1-A,"* and recorded in the office of the Utah County Recorder on the 19th day of **October, 1964**, as entry number **15666**, herein referred to as the "Original Development," hereby accept, acknowledge, and consent to the approval of the **Timphaven Homes, Plat "13,"** herein referred to as the "New Development," and do further accept, acknowledge, and consent to all of the provisions contained in the above Restrictive Covenant Binding Large Scale Development to Previously Recorded Declaration of Covenants, Conditions, and Restrictions, and Further Binding Development to Other Documents and Agreements.

Entity: ^{2u} ~~Educated Guess LLC~~ *Timphaven Home Owners Association*

By: *Jill, Via President* Date: *4/21/09*

Its: *Tracie Wilde, ^{2u} Anna Vice President*

Entity: _____

By: _____ Date: _____

Its: _____

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On the 21 day of Apr., 2009, personally appeared before me Tracie Wilde, the signer(s) of the foregoing instrument who duly acknowledged to me that he/she/they executed the same.

Debra Pritchett

NOTARY PUBLIC

