

WHEN RECORDED, PLEASE MAIL TO:

Pepperwood Creek Investment, LLC
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Gary W. Ott
Recorder, Salt Lake County, UT
KIRTON & MCCONKIE
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**AMENDMENT TO FIRST SUPPLEMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,
AND RESERVATION OF EASEMENTS FOR THE PEPPERWOOD CREEK PROJECT,
a Planned Mixed Residential Use Development**

This Amendment to First Supplement to the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for the Pepperwood Creek Project, a Planned Mixed Residential Use Development (this "Amendment to First Supplement") is made this 8th day of August, 2012, by PEPPERWOOD CREEK INVESTMENT, LLC, a Utah limited liability company ("Developer").

RECITALS

A. Legacy Communities, L.L.C. ("Original Developer") executed and caused to be recorded that certain Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the Pepperwood Creek Project, a Planned Mixed Residential Use Development, dated February 8, 2007, and recorded in the office of the Salt Lake County Recorder on February 21, 2007, as Entry No. 10008493 in Book 9424 at Page 4596 (the "Pepperwood Creek Original Declaration"); Original Developer, Ivory Development, LLC ("Co-Developer"), and the predecessor entity to the Pepperwood Creek Master Association, Inc. ("Master HOA"), executed and caused to be recorded that certain Annexation, HOA Membership, and Access Agreement Under Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for the Pepperwood Creek Project, a Planned Mixed Residential Use Development, dated October 8, 2009, and recorded in the office of the Salt Lake County Recorder on November 2, 2009, as Entry No. 10829503 in Book 9776 at Page 1300 (the "Pepperwood Creek Annexation"); and Developer, Co-Developer and Master HOA executed and caused to be recorded that certain First Supplement to the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for the Pepperwood Creek Project, a Planned Mixed Residential Use Development, dated July 6, 2012, and recorded in the office of the Salt Lake County Recorder on July 6, 2012, as Entry No. 11424986 in Book 10033 at Page 4923 (the "First Supplement"). The Pepperwood Creek Original Declaration and the First Supplement are occasionally collectively referred to herein as the "Declaration."

B. The Declaration and Pepperwood Creek Annexation encumber that certain real property located in Salt Lake County, Utah as more particularly described therein.

C. Through a series of recent transfers, title to the unsold portion of the “Tract” (defined below) transferred from Original Developer to the following entities (in no particular order): Alta Ridge Development, L.L.C., Autumn Ridge Development, L.L.C., Scandia Investment, L.L.C., and Hillcrest Investment Company, L.L.C. (the “Interim Owners”), pursuant to certain deeds recorded in the records of the Salt Lake County Recorder. Title to the unsold portion of the Tract is currently held by Developer.

D. Original Developer and Interim Owners assigned any and all of their right, title and interest under the Declaration to Developer, pursuant to that certain Assignment of Developer’s Rights Under the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for the Pepperwood Creek Project, a Planned Mixed Residential Use Development, dated July 6, 2012, and recorded in the records of the Salt Lake County Recorder on July 6, 2012, as Entry No. 11424892, in Book 10033, at Page 4429, as modified by that certain scrivener’s affidavit recorded in the records of the Salt Lake County Recorder on August 1, 2012, as Entry No. 11441898, Book 10041, at Page 8038 in order to correct the legal description of the “Tract” as defined therein.

E. Pursuant to Section 12.4 of the Original Declaration, the Declaration may be amended unilaterally by the Developer prior to the expiration of the Period of Developer’s Control so long as such amendment does not materially adversely affect the substantive rights of any Owner nor does it adversely affect title to any property within the Project without the consent of such Owner.

F. In accordance with Section 12.4 of the Original Declaration, Developer desires to amend the Declaration as more fully stated herein.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual obligations set forth herein and for other good and valuable consideration, the legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **First Supplement.** Recitals D, E, and F, and Sections 1 and 3 (and any other relevant provision) of the First Supplement are hereby amended in order to clarify that the authority for the First Supplement arose out of Section 12.4 of the Original Declaration and not Section 12.1 of the Original Declaration. Accordingly, the aforementioned recitals and sections in the First Supplement are hereby amended to reflect Developer’s unilateral right to amend the Declaration in accordance with Section 12.4 of the Original Declaration, and Developer hereby acknowledges its determination that the First Supplement does not materially adversely affect the substantive rights of any Owner nor does it adversely affect title to any property within the Project.

Due to the creation and development of several Lots in the Project subsequent to the recordation of the Original Declaration, Developer determined that in order to perpetually protect and maintain the aesthetic characteristics and quality of life expected within the Project, it would be a material benefit to the Owners and in accordance with Section 12.4 of the Original Declaration to execute and record the First Supplement. The First Supplement (i) defines the Developer, and clarifies the rights, obligations and responsibilities of the Developer; and (ii) properly establishes and/or clarifies the organization of the Master HOA (including, but not limited to, the Board of

Directors), the RARC and the Neighborhood Associations. As a matter of courtesy, the consents of Co-Developer and the Master HOA were also obtained for the First Supplement.

2. **Definition of Tract.** In order to clarify the description of the real property included within the Project, the term “Tract” as defined in the Declaration is amended to be that certain real property described on Exhibit A attached hereto. To the extent the Tract (or any portion thereof) was not previously encumbered by the Declaration, either originally or by annexation, Developer hereby ratifies and consents to the Declaration encumbering the entire Tract as described herein.

3. **Pepperwood Creek Annexation.** In order to clarify Developer’s annexation rights as set forth under Article II of the Original Declaration, to the extent the Pepperwood Creek Annexation was not previously incorporated into the Declaration, the Pepperwood Creek Annexation is hereby incorporated into, and made a part of, the Declaration as of the date of its recordation in the office of the Salt Lake County Recorder. The term “Declaration” in Section 4 below shall include the Pepperwood Creek Annexation.

4. **General Provisions.** Any term used in this Amendment to First Supplement that is capitalized but not defined shall have the same meaning as set forth in the Declaration, as amended by this Amendment to First Supplement. In the event of any conflict between the provisions of the Declaration and the provisions of this Amendment to First Supplement, the provisions of this Amendment to First Supplement shall control. Except as set forth in this Amendment to First Supplement, the Declaration is ratified and affirmed in its entirety. This Amendment to First Supplement shall inure to the benefit of, and be binding on, the Developer, the Master HOA, the Owners and their respective successors and assigns. This Amendment to First Supplement shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the state of Utah. This Amendment to First Supplement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document. The individual executing this Amendment to First Supplement represents and warrants that he has been duly authorized to execute and deliver this Amendment to First Supplement in the capacity and for the entity set forth where such individual signs. The Declaration and any exhibit referred to in this Amendment to First Supplement are an integral part of this Amendment to First Supplement and are incorporated in this Amendment to First Supplement by this reference.

[Signature and notary acknowledgment on following page.]

ENTERED INTO AND AGREED TO on the first date set forth above.

Developer:

PEPPERWOOD CREEK INVESTMENT, LLC,
a Utah limited liability company

By: *David L. Evans*
David L. Evans, Manager

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



On this 2nd day of August, 2012, personally appeared before me David L. Evans who acknowledged being, or who is personally known to me to be, the Manager of PEPPERWOOD CREEK INVESTMENT, LLC, a Utah limited liability company, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signing on behalf of such company as an authorized officer of the company.

Sergio Conant Hernandez
Notary Public

EXHIBIT A
To

AMENDMENT TO FIRST SUPPLEMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENTS FOR THE PEPPERWOOD CREEK PROJECT,
a Planned Mixed Residential Use Development
(Legal Description of the Tract)

That certain property located in Salt Lake County, Utah, specifically described as follows:

Parcel 1:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 1, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

28-14-376-042-0000
28-14-376-043-0000
28-14-376-044-0000
28-14-376-046-0000
28-14-376-047-0000
28-14-376-048-0000
28-14-376-049-0000
28-14-376-050-0000
28-14-376-051-0000
28-14-376-052-0000
28-14-376-053-0000
28-14-376-054-0000
28-14-376-055-0000
28-14-376-025-0000

Parcel 2:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 2, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

Also:

Beginning North 768.43 feet, more or less, and East 641.43 feet, more or less, from the North Quarter Corner of Section 23, Township 3 South, Range 1 East, Salt Lake Meridian; thence North 85°14'13" East 58.72 feet; thence North 68°55'51" East 47.62 feet, more or less; Thence South 30°19' East 15.57 feet, more or less; South 58°51'56" West 71.08 feet, more or less; thence

Westerly along a 116 foot radius curve to the left 8.49 feet, more or less; thence North 56°10' West 49.95 feet, more or less to the point of Beginning. (Being part of Lot 206, Pepperwood Creek Phase 2, a planned unit development.)

- 28-14-452-026-0000
28-14-452-025-0000
28-14-452-024-0000
28-14-452-023-0000
28-14-452-022-0000
28-14-452-035-0000
28-14-452-036-0000
28-14-452-037-0000
28-14-452-020-0000
28-14-452-019-0000
28-14-452-018-0000
28-14-452-017-0000
28-14-379-003-0000
28-14-379-002-0000
28-14-379-001-0000
28-14-452-027-0000

Parcel 3:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 3, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

- 28-14-451-014-0000
28-14-451-013-0000
28-14-451-012-0000
28-14-451-015-0000
28-14-451-010-0000
28-14-451-016-0000
28-14-451-017-0000
28-14-451-008-0000
28-14-451-007-0000
28-14-376-031-0000
28-14-378-009-0000
28-14-378-008-0000
28-14-378-007-0000
28-14-378-019-0000

Parcel 4:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 4, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

28-14-376-030-0000
28-14-376-029-0000
28-14-376-028-0000
28-14-376-027-0000
28-14-376-026-0000
28-14-378-017-0000
28-14-378-016-0000
28-14-378-015-0000
28-14-378-014-0000
28-14-378-013-0000
28-14-378-012-0000
28-14-378-011-0000
28-14-378-018-0000

Parcel 5:

Beginning at a point that is S89°57'12"W 360.446 feet and N00°02'48"W 974.226 feet from the North Quarter Corner of Section 23, Township 3 South, Range 1 East, Salt lake Base & Meridian; and running thence N47°07'33"E 265.111 feet; thence S82°38'17"E 74.376 feet; thence N28°16'00"E 173.037 feet; thence N89°41'39"W 1003.130 feet; thence S78°27'00"W 20.500 feet; thence S11°33'00"E 19.962 feet; thence southeasterly 345.104 feet along the arc of 219.000 foot radius curve to the left, chord bears S56°41'38"E 310.489 feet; thence southeasterly 443.546 feet along the arc of a 431.000 foot radius curve to the right, chord bears S72°21'21"E 424.231 feet; thence S42°52'27"E 8.000 feet to the point of beginning.

28-14-376-045-0000

Parcel 6:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 6, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

28-14-452-028-0000
28-14-452-029-0000
28-14-452-030-0000
28-14-452-031-0000
28-14-452-032-0000
28-14-452-033-0000
28-14-452-034-0000

Parcel 7A:

All of the lots, limited common areas and common areas contained within the official plat of PEPPERWOOD CREEK PHASE 7A, a planned unit development project, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

28-14-376-040-0000
28-14-376-039-0000
28-14-376-038-0000
28-14-376-037-0000
28-14-376-036-0000
28-14-376-035-0000
28-14-376-034-0000
28-14-376-033-0000
28-14-377-015-0000
28-14-377-016-0000
28-14-377-017-0000
28-14-377-018-0000
28-14-377-019-0000
28-14-377-020-0000
28-14-377-021-0000

Parcel 7B:

Beginning South $89^{\circ}57'18''$ West 560.61 feet, more or less and North 785.14 feet, more or less, from the South Quarter Corner of Section 14, Township 3 South, Range 1 East, Salt Lake Meridian; running thence along the boundary of Pepperwood Creek Phase 7A the following two (2) calls, North $82^{\circ}30'52''$ West 567.04 feet; thence North $20^{\circ}35'$ West 219.27 feet, to a South line of Pepperwood Creek Phase 1; thence along said Pepperwood Creek Phase 1 the following four (4) calls. East 183.81 feet; thence North $39^{\circ}21'53''$ East 47.443 feet; thence Easterly along a 282 foot radius curve to the left, 242.807 feet (Chord Bears South $77^{\circ}10'17''$ East 235.377); thence Easterly along a 368 foot radius curve to the right, 162.997 feet (Chord Bears South $89^{\circ}08'56''$ East 161.667 feet); thence South $29^{\circ}19'54''$ East 178.643, to a point North $26^{\circ}46'07''$ East from the point of beginning; thence South $26^{\circ}46'07''$ West 118.18 feet to the point of Beginning.

28-14-376-041-0000