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9/21/2012 3:15:00 PM \$31.00
Book - 10058 Pg - 6233-6237
Gary W. Ott
Recorder, Salt Lake County, UT
MERIDIAN TITLE
BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED, MAIL TO:

SEB Legal
2225 East Murray Holladay Road, Suite 111
Salt Lake City Utah 84117

SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF HIGHLAND GARDENS TOWN HOME ASSOCIATION,
A PLANNED UNIT DEVELOPMENT

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF HIGHLAND GARDENS TOWN HOME ASSOCIATION, A PLANNED UNIT DEVELOPMENT (this "Amendment") is made and entered into effective as of September 20, 2012 (the "Effective Date"), by Destination Homes at Highland Gardens, L.L.C. ("Declarant").

RECITALS

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions of Highland Garden Town Home Association, a Planned Unit Development, which was recorded in the official records of the Salt Lake County Recorder's Office as Instrument Number 11311624, which was amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions of Highland Garden Town Home Association, a PUD, which was recorded in the official records of the Salt Lake County Recorder's Office as Instrument Number 11458976 (collectively, the "Declaration"). Capitalized terms used, but not defined herein, shall have their meanings set forth in the Declaration.

WHEREAS, the Declaration was recorded against certain real property which was described on Exhibit "A" attached to the Declaration.

WHEREAS, the legal description attached to the Declaration as Exhibit "A" included property that was not owned by Declarant and Declarant desires to amend Exhibit "A" attached to the Declaration to include only such real property as is owned by Declarant.

WHEREAS, Declarant is the sole owner of all of the Units, and by signing below, in accordance with the provisions of Section 13.2 of the Declaration, the Board of Directors certifies that this Amendment has been approved by an affirmative vote of at least two-thirds (2/3rds) of the Owners of the Units.

NOW THEREFORE, in consideration of the foregoing, Declarant hereby amends the Declaration as follows:

AGREEMENT

1. Exhibit "A" attached to the Declaration is hereby deleted in its entirety and replaced with Exhibit "A" attached to this Amendment. All references to Exhibit "A" in the Declaration shall be deemed to be references to such Exhibit as modified and replaced by this Amendment.

2. Any and all other terms and provisions of the Declaration are hereby amended and modified wherever necessary, even though not specifically addressed herein, so as to conform to the amendments set forth in the preceding paragraph hereof. Except as expressly modified and amended hereby, all other terms and conditions of the Declaration shall continue in full force and effect.

3. This Amendment may be executed in counterparts each of which shall be deemed an original.

4. This Amendment shall inure for the benefit of and shall be binding on each of the parties hereto and their respective successors and/or assigns.

5. Each individual executing this Amendment does thereby represent and warrant to each other person so signing (and to each other entity for which such other person may be signing) that he or she has been duly authorized to deliver this Amendment in the capacity and for the entity set forth where she or he signs.

[THE REST OF THIS PAGE LEFT BLANK INTENTIONALLY]

IN WITNESSETH WHEREOF, Declarant has executed this Amendment as of the date first set forth above.

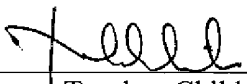
DECLARANT:

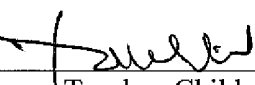
Destination Homes at Highland Gardens,
L.L.C.

By: 
Name: Brad Wilson
Title: Manager

ACKNOWLEDGED AND AGREED TO:

THE HIGHLAND GARDENS TOWN
HOME OWNERS ASSOCIATION

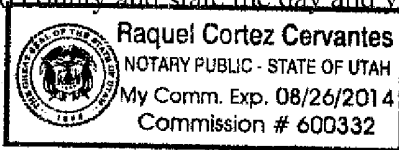
By: 
Name: Targhee Child
Title: President

By: 
Name: Targhee Child
Title: Secretary

STATE OF Utah)
)
COUNTY OF Salt Lake) SS:

On this 20th day of September, 2012, before me appeared Brad Wilson, to me personally known, who, being by me duly sworn, did say that s/he is the Manager of Destination Homes at Highland Gardens, L.L.C., and that said instrument was signed and sealed in behalf of said company by authority of its board of managers or directors, and said David S. Bailey acknowledged said instrument to be the free act and deed of said company.

In testimony whereof I have hereunto set my hand and official seal at my office in said county and state the day and year last above written.



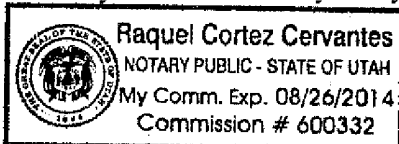
Raquel Cortez Cervantes
Notary Public

My term expires: 08/26/2014

STATE OF Utah)
)
COUNTY OF Salt Lake) SS:

On this 20th day of September, 2012, before me appeared Targhee Child, to me personally known, who, being by me duly sworn, did say that s/he is the President and Secretary of The Highland Gardens Town Home Owners Association, and that said instrument was signed and sealed in behalf of said company by authority of its board of directors, and said Targhee Child acknowledged said instrument to be the free act and deed of said association.

In testimony whereof I have hereunto set my hand and official seal at my office in said county and state the day and year last above written.



Raquel Cortez Cervantes
Notary Public

My term expires: 08/26/2014

EXHIBIT "A"
TO
FIRST AMENDMENT TO DECLARATION

(ASC/MOB Parcel Legal Description)

Lots 101-111 and 122-132, of HIGHLAND GARDENS PHASE 1, Amending a Portion of Lot 3 of Junction at Midvale Southeast Residential Plat, according to the Plat thereof recorded in Book 2012, Page 3, of the Official Records of Salt Lake County, and within Highland Gardens Town Home Association, a Planned Unit Development identified in the "Declaration of Covenants, Conditions, and Restrictions of Highland Gardens Town Home Association, a Planned Unit Development", Recorded as Entry No. 11311624 in Book 9981 at Page 9825. Subject to the covenants, conditions, restrictions, easements, charges and liens provided for in said Declarations of Covenants, Conditions and Restrictions.

21-26-476-008 , 21-26-476-009 , 21-26-476-010
21-26-476-011 , 21-26-476-012 , 21-26-476-013
21-26-476-014 , 21-26-476-021 , 21-26-476-022
21-26-476-023 , 21-26-476-024 , 21-26-476-025
21-26-476-020 , 21-26-476-019 , 21-26-476-018
21-26-476-017 , 21-26-476-016 , 21-26-476-015