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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
MORRIS SPERRY
7070 S UNION PARK CENTER
STE 220
MIDVALE UT 84043
BY: TWA, DEPUTY - WI 5 P.

When Recorded Return To:

John D. Morris
MORRIS SPERRY
7070 South Union Park Center, Suite 220
Midvale, Utah 84043

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
COTTAGES AT PARK AVENUE**

This Amendment is made and executed this 30 day of October, 2015, by Brad Reynolds Construction, Inc. (the "Declarant").

Recitals

A. The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR COTTAGES AT PARK AVENUE was recorded on August 7, 2015 in the Salt Lake County Recorder's office as Entry No. 12108792, Book 10351, beginning at Page 236 (the "Declaration").

B. The initial Plat for the Project entitled Residences at Park Avenue Phase 3 Subdivision has also been recorded in the Salt Lake County Recorder's office.¹

C. Exhibit A of the Declaration identifies certain real property located within the Project, which real property is hereinafter referred to as the "Phase 3 Property" of the Project.²

D. Pursuant to Article 2, Section 2.6 and Article 22, Section 22.8 of the Declaration, the Declarant may add land to the Project at any time and for any reason.

E. Pursuant to Article 22, Section 22.7 of the Declaration, until the expiration of the Declarant Control Period, the Declarant shall have the right to amend the Declaration in any way, and at any time, without any additional approvals from anyone, including, but not limited to, the Owners.

F. The Declarant desires to add additional property to the Project and adjust the Terms and Conditions. This additional property is identified on Exhibit A attached hereto under the heading "Phase 4" and is hereinafter referred to as the "Phase 4 Property".³

G. Declarant intends to expand the Project by constructing Units on the Phase 4

¹Unless otherwise set forth herein, defined terms used in this Amendment shall have the same meaning as that set forth in the Declaration.

²Although referred to as the "Phase 3 Property", the Phase 3 Property on Exhibit A hereto is the first phase of the Project.

³Although referred to as the "Phase 4 Property", the Phase 4 Property on Exhibit A hereto is the second phase of the Project.

Property.

H. Declarant now intends that the Phase 4 Property shall become subject to the Declaration.

NOW, THEREFORE, pursuant to the foregoing Recitals which are incorporated herein by reference, the Declarant hereby makes and executes this FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COTTAGES AT PARK AVENUE (the "First Amendment"), which shall be effective as of its recording date, and amends the Declaration as follows:

1. Addition of Phase 4 Property. Declarant hereby declares that the Phase 4 Property shall be added to the Project and become subject to the Declaration upon recordation of this First Amendment and the plat for the Phase 4 Property. The plat for the Phase 4 Property shall be included within the definition of the term "Plat" as used in the Declaration.

2. Total Number of Units Revised. As shown on the plat for the Phase 4 Property, 24 additional Units will be constructed in the Project on the Phase 4 Property. Upon Recordation of the plat for the Phase 4 Property and this First Amendment, the total number of Units in the Project will be 44. Article 2, Section 2.2 of the Declaration is deleted in its entirety and replaced with the following:

2.2 Nature of the Project. The Project is a townhome-style community that contains, or will contain, 44 Units in 15 separate buildings. It includes roadways, parking areas, and open space. The Project is not a cooperative and is not a condominium.

3. Section 1.2 Amended. Section 1.2 of the Declaration is deleted in its entirety and replaced with the following:

1.2 "Allocated Interest" shall mean the interest of that Owner (as set forth in Section 3.3 in this Declaration) in the Common Expense liability, for the purposes of voting in the Association, and for other purposes indicated in this Declaration or the Act.

4. Section 3.1 Amended. A Section 3.1(g) of the Declaration is added as follows:

(g) The Unit shall include the Driveway and back patio deck as indicated on the Plat, although maintenance obligations for the Driveway are assigned to the Association in Section 4.2 below. With respect to any driveways that serves more than one Unit, the Owners of the Units served by such driveway shall each be entitled to use of the entire driveway for ingress and egress as necessary, but shall only be entitled to park (if parking on the driveway is permitted) on the half of the Driveway that is part of the Owner's Unit. Further, an Owner's or an Owner's guest's, or tenant's use of such shared driveway shall not block or otherwise impede or restrict the other Owner(s) use of the driveway to access their Unit.

5. Section 3.2 Amended. Section 3.2 of the Declaration is deleted in its entirety and replaced with the following:

3.2 Limited Common Area.

(a) Specific Identification of Limited Common Areas. The Limited Common Area of each Unit shall consist of areas identified on the Plat as Limited Common Area that is spatially associated with that Unit. No roadways are Limited Common Areas.

(b) No Severance of Limited Common Area. The right to the exclusive use of the Limited Common Area shall be appurtenant to each respective Unit where so identified and may not be severed from the ownership of the Unit.

6. Section 4.2 Amended. A Section 4.2(j) of the Declaration is added as follows which assigns maintenance, repair and replacement responsibility of the driveways to the Association:

(j) All driveways.


7. First Amendment's Exhibit A Replaces Declaration's Exhibit A.⁴ The exhibit attached hereto and identified as Exhibit A shall replace the Exhibit A attached to the Declaration. Exhibit A sets forth the legal description for the Phase 3 Property and the Phase 4 Property.

8. Conflicts. All remaining provisions of the Declaration and any prior amendments not specifically amended in this First Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall govern and control in all respects.

⁴As this Amendment does not contain an Exhibit B, the Exhibit B to the Declaration shall remain in effect.

EXECUTED this 30 day of October, 2015.

BRAD REYNOLDS CONSTRUCTION, INC.

By: 
Its: President

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

On the 30 day of October, 2015, personally appeared before me
Brad Reynolds, the signer of the foregoing FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COTTAGES
AT PARK AVENUE on behalf of Brand Reynolds Construction, Inc., who duly acknowledged to
me that he executed the same.



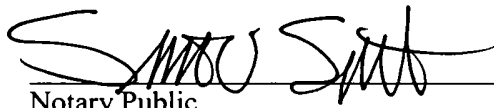

Notary Public

EXHIBIT A⁵

LEGAL DESCRIPTION

PHASE 3

BEGINNING AT A POINT 8.00 FEET WEST AND SOUTH 00°16'33" WEST 1320.77 FEET AND SOUTH 89°53'46" EAST 882.16 FEET FROM THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 260.52 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PARK AVENUE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) THENCE NORTH 89°45'34" EAST 404.00 FEET; 2) THENCE SOUTHWESTERLY 23.56 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, (CHORD BEARS SOUTH 45°14'13" EAST 21.21 FEET) TO A POINT ON THE WEST RIGHT OF WAY LINE OF 1950 WEST STREET; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) THENCE SOUTH 00°14'26" EAST 132.26 FEET; 2) THENCE SOUTH 00°28'33" EAST 115.79 FEET; THENCE NORTH 89°53'46" WEST 420.58 FEET TO THE POINT OF BEGINNING.

Contains 2.522 Acres, More or Less

27-34-151-017

PHASE 4

Beginning at a point on the Westerly Boundary Line of Residences at Park Avenue Phase 1 Subdivision, recorded as Entry No. 11541372, in Book 2012P, at Page 216 in the Office of the Salt Lake County Recorder, said point being South 89°58'55" West 1,319.77 feet along the Section Line and South 342.91 feet from the North Quarter Corner of Section 34, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 62.93 feet along the Westerly Boundary Line of said Residences at Park Avenue Phase 1 Subdivision;
thence East 30.00 feet to the Westerly Right-of-Way Line of Trail Heights Drive;
thence South 35.00 feet along the Westerly Right-of-Way Line of said Trail Heights Drive;
thence West 30.00 feet to the Westerly Boundary Line of said Residences at Park Avenue Phase 1 Subdivision;
thence South 390.68 feet along the Westerly Boundary Line of said Residences at Park Avenue Phase 1 Subdivision;
thence East 26.92 feet to the Westerly Right-of-Way Line of Park Heights Drive;
thence South 35.00 feet along the Westerly Right-of-Way Line of said Park Heights Drive;
thence West 26.92 feet to the Westerly Boundary Line of said Residences at Park Avenue Phase 1 Subdivision;
thence South 110.87 feet along the Westerly Boundary Line of said Residences at Park Avenue Phase 1 Subdivision to the Northerly Right-of-Way Line of Park Avenue;
thence South 85°55'43" West 34.85 feet along the Northerly Right-of-Way Line of said Park Avenue;
thence South 89°44'29" West 567.29 feet along the Northerly Right-of-Way Line of said Park Avenue;
thence Northwesterly 22.58 feet along the arc of a 25.00 foot radius curve to the right (center bears North 00°15'33" West and the chord bears North 64°22'55" West 21.82 feet with a central angle of 51°45'16") along the Northerly Right-of-Way Line of said Park Avenue;
thence Northwesterly 18.86 feet along the arc of a 80.00 foot radius curve to the left (center bears South 51°29'43" West and the chord bears North 45°15'31" West 18.82 feet with a central angle of 13°30'24") along the Northerly Right-of-Way Line of said Park Avenue;
thence Northwesterly 22.58 feet along the arc of a 25.00 foot radius curve to the right (center bears North 37°59'17" East and the chord bears North 26°08'07" West 21.82 feet with a central angle of 51°45'12") along the Northerly Right-of-Way Line of said Park Avenue to the Easterly Right-of-Way Line of said Park Avenue;
thence North 00°15'31" West 597.04 feet along the Easterly Right-of-Way Line of said Park Avenue;
thence North 89°58'55" East 647.40 feet to the point of beginning.

Contains 413,615 Square Feet or 9.496 Acres and 24 Townhomes and 1 Parcel

⁵Although referred to as "Phase 3" and "Phase 4," the property described in this Exhibit A constitutes the only two phases in the Project.