

Articles of Amendment  
to the  
Declaration of Covenants, Conditions and Restrictions and Reservation of Easements  
for the  
Mountain Air Estates Subdivision

THIS DECLARATION is made this 29 day of November, 1999 by UPPER PHILLIPS DEVELOPMENT, L.C., a Utah Limited Liability Company ("Declarant").

RECITALS

A. Declarant is the owner of that certain property located in Hobbble Creek Canyon, County of Utah, State of Utah and more particularly described on that Subdivision Map recorded previously on September 12, 1995 at the office of the recorder of Utah County, State of Utah.

B. Pursuant to that general plan set forth in that Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the Mountain Air Estates Subdivision recorded previously on \_\_\_\_\_, 1995 at the office of the recorder of Utah County, State of Utah, Declarant hereby causes the following amendments to be effected:

Article X. Use Restrictions

Section 16: Shall be amended to include the following: "Fencing installed along the Hobbble Creek road frontage of each Lot and any fencing installed by the Lot owner in other areas on his/her Lot (lot lines, etc.) shall be a routed three rail, white, PVC type fencing manufactured by Kroy Industries or a suitable equivalent approved by the Committee. The required fencing along Hobbble Creek road frontage of each Lot shall be installed by the Lot owner no later than twelve months from the date of purchase of said Lot by the owner. It is the intent of the Committee to avoid gaps in the fencing along the frontage of Hobbble Creek road due to a Lot owner electing not to construct a home for an extended period of time into the future. There may be some areas of a Lot's frontage along Hobbble Creek road that are difficult to fence because of slope conditions. The Committee may in its sole and exclusive discretion waive the requirement for fencing due to slope considerations. However, in no event shall the fencing requirement along the road frontage of lots 1-6 be waived. This requirement shall not be caused to be reduced or changed by any future Committee or action by the Association.

Executed at Provo, Utah on this 29<sup>th</sup> day of November, 1999

Tracy MacDonald  
Tracy MacDonald, Declarant

STATE OF UTAH )  
                          : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of Nov, 1999, by Tracy MacDonald.

Lonny T. Brown  
Notary Public

