



**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR
BRIARCREEK HOMEOWNERS ASSOCIATION**

This FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BRIARCREEK HOMEOWNERS ASSOCIATION ("First Amendment") is effective when recorded with the Salt Lake County Recorder's Office by the Briarcreek Homeowners Association ("Association").

RECITALS

- A. The Declaration of Covenants, Conditions & Restrictions for Briarcreek Homeowners was recorded on August 18, 2017, as Entry No. 12599860 in the Office of the Salt Lake County Recorder ("Declaration").
- B. This First Amendment affects the real property situated in Salt Lake County, Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated in this First Amendment by reference (the "Project") and shall be binding on all parties having or acquiring any right, title, or interest to the Project or any part thereof.
- C. Pursuant to Section 17 of the Covenants, Conditions & Restrictions in the Declaration, the undersigned hereby certifies that this First Amendment was approved by at least 67% of the undivided ownership interest in the Common Areas.
- D. Unless specifically modified herein, all remaining provisions of the Declaration shall remain in full force and effect.
- E. In case of any conflict between the terms of this First Amendment and the terms of the Declaration, the provisions of this First Amendment shall control.
- F. Unless otherwise provided in this First Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.

FIRST AMENDMENT

NOW, THEREFORE, the Declaration is amended as follows:

1. Covenants, Conditions & Restrictions, Subsection 13(a) (Reinvestment Fee) is hereby added to the Declaration and shall read as follows:

- (a) Reinvestment Fee. The Association shall have the right to collect a "Reinvestment Fee" assessment in accordance with this Section and Utah Code §57-1-46. The following terms and conditions shall govern Reinvestment Fees:
- (1) Upon the occurrence of any sale, transfer, or conveyance of any Unit as reflected in the office of the Salt Lake County recorder, regardless of whether it is pursuant to the sale of the Unit or not (as applicable, a "Transfer"), the party receiving title to the Unit (the "Transferee") shall pay to the Association a Reinvestment Fee.
 - (2) The Board shall have the power to set the amount of the Reinvestment Fee, in the Board's sole discretion, provided that in no event shall the amount of the Reinvestment Fee exceed the maximum rate permitted by law. If no amount is otherwise set by the Board, the amount of the Reinvestment Fee shall be the maximum rate permitted by law.
 - (3) The Association shall not levy or collect a Reinvestment Fee for any of the Transfers exempted by Utah Code §57-1-46.
 - (4) The Reinvestment Fee shall be due and payable by the Transferee to the Association at the time of the Transfer giving rise to the payment of such Reinvestment Fee and shall be treated as an assessment against the Unit and, if unpaid, may be collected in the same manner as an unpaid assessment.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT A

Legal Description

Beginning at a point which is North 89° 56' 59" west along the quarter section line 2055.47 feet and South 159.57 feet from the East Quarter Corner of Section 3, Township 2 South, Range 1 East, Salt Lake Base and Meridian; said point also being on the South Right of Way line of 4500 Street; thence North 66° 08' 30" east along said Right of Way line 148.96 feet to the point of curve of a 1106.30 Foot Radius Curve to the right, the radius point of which bears South 23° 51' 30" east; thence along the arc of said curve 188.41 feet through a central angle 9° 45' 28" west; thence South 12°20' 00" east 139.69 feet; thence South 70° 45' 13" West 160.11 feet; thence South 66° 08' 30" West 188.07 feet; and thence North 8° 15' 00" West 145.36 feet to the point of beginning. Containing 1.109 acres (48,323 sq. ft.).

Less a parcel of land being part of the above described parcel, The boundaries of said parcel of land are described as follows"

Beginning at the Northeast corner of said entire tract, which point is 1,741.23 feet North 89°56'59" West, along the North line of said Northwest ¼ of the Southeast ¼, and 37.84 feet, South 00°03'01" West, from the East Quarter corner of said Section 3, said point also being the intersection of the westerly right of way line of Butternut Road and the southerly right of way line of 4500 South Street, being 35.00 feet westerly of the monument line of said Butternut Road and 40.00 feet southerly of the center line of said 4500 South Street; and running thence along the East line of said entire tract and said westerly line of Butternut Road South 12°20'00" East 10.68 feet; thence North 68°27'46" West 18.16 feet to the North line of said entire tract and point of curvature; thence northeasterly 15.09 feet along the arc of a 1106.30 feet radius non tangent curve to the right (Note: Center bears South 14°51'20" East) through a central angle of 00°46'53" (Chord to said curve bears North 75°32'06" East for a distance of 15.09 feet) to the point of beginning.

The above described parcel of land containing 81 square feet in area or 0.002 acres more or less.

(Note: Rotate above bearings 00°13'48" clockwise to equal Highway (Project) bearings.)