

AFTER RECORDING PLEASE RETURN TO:  
SunCrest, L.L.C.  
Attn: Edward L. Grampp, Jr.  
2021 East Village Green Circle  
Draper, Utah 84020

ENT 142971:2004 PG 1 of 6  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2004 Dec 21 4:37 pm FEE 41.00 BY SS  
RECORDED FOR FIRST AMERICAN TITLE CO

**FIRST AMENDMENT  
TO  
SUPPLEMENTAL DECLARATION  
TO  
THE DECLARATION OF COVENANTS,  
CONDITIONS, EASEMENTS AND RESTRICTIONS  
FOR  
SUNCREST, A PLANNED COMMUNITY**

(EAGLE CREST NO. 1 – TO DESIGNATE LOT N AS CHURCH USE)

THIS FIRST AMENDMENT to Supplemental Declaration to the Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community (this “First Amendment”), is executed pursuant to the provisions of the Declaration described in Recital “B” below by SunCrest, L.L.C., a Delaware limited liability company (“Declarant”) (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company (“DAE/Westbrook”)).

**WITNESSETH:**

A. Declarant was formerly known as DAE/Westbrook and it properly changed its name to SunCrest, L.L.C. Declarant has the power to execute this First Amendment pursuant to the provisions of the Declaration described in Recital “B” below.

B. On December 28, 1999, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 7543075 at Book 8332, Page 4708, which Declaration Declarant also recorded with the Recorder of Utah County, Utah on December 22, 2000, as Entry No. 101565:2000 (“Original Declaration”), covering the initial real property and improvements situated in Salt Lake County, Utah, more particularly described in Exhibit “A” attached thereto (“SunCrest”).

C. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, a First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 8383413 at Book 8664, Page 2560, which First Amendment Declarant also recorded with the Recorder of Utah County, Utah on August 14, 2002 as Entry No. 93174:2002 (“First Amendment to Original Declaration”).

D. On February 2, 2003, Declarant recorded with the Recorder of Salt Lake County, Utah, an Official Plat of EAGLE CREST NO. 1 AT SUNCREST as Entry No. 8523794 at Book 2003P, Page 34, which Official Plat Declarant also recorded with the Recorder of Utah County, Utah on February 7, 2003, as Entry No. 19498:2003 (“Eagle Crest No. 1 Plat”).

E. On May 7, 2004, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, as Entry No. 9059059 in Book 8986, Page 1240, which Supplemental Declaration Declarant also recorded with the Recorder of Utah County, Utah on May 7, 2004, as Entry No. 52991:2004 ("Eagle Crest No. 1 Supplemental Declaration"), covering the real property and improvements located in Salt Lake County, Utah and Utah County, Utah, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

F. On September 8, 2004, Declarant recorded with the Recorder of Utah County, Utah, an amendment to the Eagle Crest No. 1 Plat entitled EAGLE CREST NO. 1 AT SUNCREST, LOTS 275-296 & LOT "BB", AMENDED AND VACATING HAWK STONE CIRCLE as Entry No. 102945:2004, which amendment vacated Hawk Stone Circle and various easements previously granted to Draper City and combined the vacated Hawk Stone Circle former Lots 275-296 and Lot "BB" of Eagle Crest No. 1 into a single Lot known as Lot "N" ("Lot N Amended Plat").

G. The Eagle Crest No. 1 Plat and the Lot N Amended Plat, as both may be amended and supplemented, shall, for all purposes hereof or of any related document, be together referenced as the "Eagle Crest No. 1 Plat".

H. The Original Declaration, as amended and supplemented pursuant to the First Amendment to Original Declaration, the Eagle Crest No. 1 Supplemental Declaration, and this First Amendment as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, is collectively referred to as the "Declaration," which term shall, for all purposes hereof or of any related document, mean and refer to the Original Declaration as so amended, supplemented, or otherwise modified.

I. Pursuant to Section 18.3 of the Declaration, for so long as its Class B Membership exists, Declarant reserved the right to unilaterally amend the Declaration for any purpose that does not materially adversely affect the substantive rights of any Owner thereunder. Such unilateral amendment rights also extend to Supplemental Declarations and Amendments which are collectively a part of the Declaration. Accordingly, Declarant hereby exercises its unilateral right to execute and record this First Amendment for the purposes of amending and restating Exhibit "B" of the Eagle Crest No. 1 Supplemental Declaration, a copy of which amended Exhibit B is attached hereto and incorporated herein by this reference, and to make certain other amendments as set forth and described in this First Amendment.

NOW, THEREFORE, Declarant hereby unilaterally exercises its right to record this First Amendment to amend and restate Exhibit B of the Eagle Crest No. 1 Supplemental Declaration and to make certain other amendments as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this First Amendment shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this First Amendment.

2. Amended and Restated Exhibit B. Exhibit B attached to the Eagle Crest No. 1 Supplemental Declaration, setting forth certain restrictions and Land Use Classifications, is hereby amended and restated in its entirety and replaced with Exhibit B attached to this First Amendment.

3. Limited Use Driveway and Benefited Owners. Recital L and Paragraph 4 of the Eagle Crest No. 1 Supplemental Declaration fixed former Lot "BB" as a Limited Use Driveway and designated the respective Owners of former Lots 282, 283, 284 and 285 as Benefited Owners. Because the Lot N Amended Plat combined the vacated Hawk Stone Circle former Lots 275-296 and Lot "BB" of Eagle Crest No. 1 into a single Lot known as Lot "N" and terminated and vacated various easements, all designations and references to Limited Use Driveway Lot "BB" and Benefited Owners of former Lots 282, 283, 284 and 285 in the Eagle Crest No. 1 Supplemental Declaration are hereby deleted in their entirety. The Master Association shall have no duty to maintain, repair, replace or service Lot "N"; provided that Lot "N" shall have the same use and benefit of any easements that benefit other Owners.

4. Land Use Classification – Church Use. Lot "N" is designated for Church Use and may be owned and occupied by a church or religious organization and may be used as a permanent church facility including a chapel used for religious services and church cultural and recreational activities. Notwithstanding the above designation, Lot "N" may also be used for Single Family Residential Use and related purposes including individual residential lots, subject to compliance with any applicable municipal ordinances. As long as Lot "N" is owned by a religious organization and remains undeveloped or is used for religious services or church cultural and recreation activities, Lot "N" shall constitute Exempt Property and shall be exempt from Assessments and Membership in the Master Association (provided, however, the Declarant or a Declarant related entity shall remain a Member in the Master Association at all times as a Class B Member with voting rights, notwithstanding its temporary exemption status from required Assessment payments) and its associated privileges and responsibilities, but shall nevertheless be subject to all other provisions of this Declaration, including but not limited to, the use restrictions and architectural controls.

5. Binding Provisions. The provisions of this First Amendment shall be binding upon all parties having any right, title, or interest in the real property covered by the Eagle Crest No. 1 Plat, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

6. Effective Date. This First Amendment shall be effective as of the date of its recordation in the real property records of the Recorder in and for Salt Lake County, Utah and/or its recordation in the real property records of the Recorder in and for Utah County, Utah.

7. Declaration Remains in Effect. The Supplemental Declaration and this First Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration and Exhibit A attached hereto shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this First Amendment.



**EXHIBIT "A"****EAGLE CREST NO. 1**

All real property located within EAGLE CREST NO. 1 AT SUNCREST as shown on the Official Plat recorded in the Official Records of Salt Lake County, Utah on February 2, 2003 as Entry No. 8523794 at Book 2003P, Page 34, and subsequently recorded in the Official Records of Utah County, Utah on February 7, 2003, as Entry No. 19498:2003 and Lot N as shown on the Official Plat of EAGLE CREST NO. 1 AT SUNCREST, LOTS 275-296 & LOT "BB", AMENDED AND VACATING HAWK STONE CIRCLE recorded in the Official Records of Utah County, Utah on September 8, 2004, as Entry No. 102945:2004.

Salt Lake County APNos. \_\_\_\_\_

Utah County APNos. 38-350-0001

**EXHIBIT "B"****EAGLE CREST NO. 1**1. Land Use Classifications —

(a) Single Family Residential Use. All two hundred and eighty (280) Lots numbered 1-23, 24-73, 74-157, 158-274 and 297-302 in Eagle Crest No. 1 are designated for Single Family Residential Use as further described in the Original Declaration.

(b) Open Space. Lots E, F and L in Eagle Crest No. 1 are dedicated to Draper City as open space.

(c) Future Development. Lots A, B, C, D, G, H, I, J, K and M in Eagle Crest No. 1 are designated for future development and shall be owned and maintained by Declarant.

(d) Church Use. Lot N in Eagle Crest No. 1 is designated as Church Use and Single Family Residential Use.

(e) Limited Use Driveways. The five (5) Lots lettered AA, CC, DD, EE and FF in Eagle Crest No. 1 are designated as Limited Use Driveways for the use and benefit of the Benefited Owners thereof as further described in the Eagle Crest No. 1 Supplemental Declaration.

2. Neighborhood Designation — All Lots in Eagle Crest No. 1 comprise a Residential Neighborhood. The name of such Residential Neighborhood shall be "Eagle Crest No. 1."

3. Size Restrictions — No residence shall be constructed wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than 1,000 square feet for a single story dwelling; and no less than 1,200 square feet for a two story dwelling not including basement area.

4. Limits of Disturbance — No grading or vegetation removal shall take place within the established "Home Owners Limits of Disturbance" on Natural Lots 1-23 as depicted on the Eagle Crest No. 1 Plat, except as may be provided in Paragraph 4, Section 4.2.3 and Section 3.4.9 of the SunCrest Development Guidelines. Limits of Disturbance as depicted on the Eagle Crest No. 1 Plat shall be marked by construction fencing, colored tape or other means acceptable to the City of Draper on such Natural Lots prior to commencing construction to prevent incidental incursion into areas to be protected.