

When Recorded, Mail to:
Kaufman and Broad of Utah, Inc.
1225 E. Fort Union Blvd, Suite 215
Midvale, Utah 84047

RECORDED 112.00 SEP 10 1999
ENTRY 1545472 AT 11:01 AM

BOOK # 2557 PAGE # 038
Sheryl White, Davis County Recorder

Bonneville Title Company

E 1545472 B 2557 P 38

Attention: Griff Johnson
Lots 1 thru 39 + Common Areas *
Clinton Towne Center Residential
Subd. Ph I Am d
Lot 43 + thru 78 + Common Areas
Clinton Towne Center Residential
Subd Ph 2

blg document
- amended not by
Phase I Am d

**SUPPLEMENT NO. 1 TO
AMENDED AND RESTATED DECLARATION OF
RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF
CLINTON TOWNE CENTER SUBDIVISION
(Phase II)**

THIS SUPPLEMENT NO. 1 TO THE AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF CLINTON TOWNE CENTER SUBDIVISION ("Supplement No. 1") is made this 9th day of September 1999, by KAUFMAN AND BROAD OF UTAH, INC., a California corporation ("Declarant").

14-282-0001 thru 0043

RECITALS:

14-283-0040 thru 0085

A. Declarant has prepared and has recorded in the office of the County Recorder for Davis County, State of Utah, a plat for CLINTON TOWNE CENTER SUBDIVISION, PHASE I ("Phase I Plat"), which Phase I Plat was recorded on January 8, 1999 as Entry No. 1476194, in Book 2426, at Page 1389.

B. In connection with the creation of the Clinton Towne Center Subdivision, Declarant caused to be recorded in the Office of the Recorder of Davis County, Utah that certain Declaration of Restrictive Covenants, Conditions and Restrictions of Clinton Towne Center Subdivision, Phase I, dated December 2, 1998 and recorded on January 8, 1999, as Entry No. 1476195, in Book 2426, beginning at Page 1390 in the records of the Davis County Recorder's Office ("Initial Declaration"). The Initial Declaration was amended and restated in its entirety by that certain Amended and Restated Declaration of Restrictive Covenants, Conditions and Restrictions of Clinton Towne Center Subdivision, Phase I, dated August 11, 1999 and recorded on August 20, 1999, as Entry No. 1541051, in Book 2548, beginning at Page 974 in the records of the Davis County Recorder's Office ("Restated Declaration"). The Restated Declaration pertains to and affects the real property described on Exhibit A attached to this Supplement No. 1 and incorporated herein by this reference ("Phase I Property").

C. Section 22 of the Restated Declaration refers to certain "Additional Land" which adjoins or is in the vicinity of the Phase I Property, which Additional Land is identified on Exhibit A attached to the Restated Declaration. Section 22 of the Restated Declaration provides that the Declarant may subdivide all or part of the Additional Land and may subject it to the Restated Declaration. Section 22 of the Restated Declaration provides that any of the Additional Land may be subjected to the Restated Declaration by recording a subdivision plat describing

such Additional Land and the lots created on it, and a supplemental declaration stating that such Additional Land has been added to and is subject to the Restated Declaration.

E 1545472 B 2557 P

39

D. Declarant owns certain real property ("Phase II Property") located in Davis County, Utah, which is more particularly described on Exhibit B attached to this Supplement No. 1 and incorporated herein by this reference. The Phase II Property comprises all of the real property which is identified as the Additional Land in the Restated Declaration.

E. Pursuant to the rights granted in the Restated Declaration, Declarant has subdivided the Phase II Property and now desires to add and subject the Phase II Property to the terms, provisions, covenants and restrictions of the Restated Declaration. Upon recordation of this Supplement No. 1, Declarant, its successors and assigns as to the ownership of the Phase II Property, will own, develop and convey all of the Phase II Property subject to all the covenants, conditions and restrictions as set forth in the Restated Declaration, as supplemented and amended by this Supplement No. 1, all of which are deemed to be covenants running with the land, mutually burdening and benefiting all of the Property (as defined below) and each of the Lots (as defined below) therein, and subject to the Restated Declaration as supplemented and amended by this Supplement No. 1.

ARTICLE I

DECLARATION

1.1 Initial Declaration Incorporated by Reference. The Restated Declaration, in its entirety is hereby incorporated by reference and made a part of this Supplement No. 1 as though it were set forth herein in its entirety. The Restated Declaration, as supplemented and amended by this Supplement No. 1, shall herein collectively be referred to as the "Declaration".

1.2 Phase II Property Subjected to Declaration. Declarant hereby declares that all of the Phase II Property is hereby subjected to the Declaration, and hereafter all of the Phase II Property shall be owned, held, sold, conveyed, encumbered, leased, used, occupied and improved subject to and in strict accordance with all of the terms, covenants, restrictions and conditions of the Declaration, all of which exist and are created for the mutual benefit of the owners of the Property and the Lots in the Subdivision. It is the intention of the Declarant subjecting the Property to the Declaration to impose on the Property the covenants, conditions and restrictions set forth in the Declaration so as to create a generally uniform pattern of development of the Property and to protect and enhance the property values and aesthetic values of the Property, all for the mutual protection and benefit of the Owners of the Lots in the Subdivision. All of the terms and conditions of the Declaration, including without limitation all covenants, conditions and restrictions set forth therein, are intended to and shall in all cases run with the title of the land comprising the Property and shall be binding upon the owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property and shall inure to the benefit of all other Property in the Subdivision. All of the terms and conditions of the Declaration, including without limitation the covenants, conditions and restrictions set forth therein, shall be binding upon Declarant as well as all of Declarant's successors in interest, and

may be enforced by Declarant, by the HOA (as defined in the Restated Declaration), or by any Owner of any Lot in the Subdivision.

E 1545472 B 2557 P

40

Notwithstanding the foregoing, no provisions of the Declaration shall prevent Declarant from the completion of the Subdivision improvements, or from using any Lot owned by Declarant as a model home, temporary construction or sales office, nor limit Declarant's right to post signs or engage in other reasonable activities on the Property incidental to sales or construction which are in compliance with applicable local ordinances.

ARTICLE II

DEFINITIONS

2.1 All of the terms which are defined in the Restated Declaration shall continue to have the same meaning when used in this Supplement No. 1, except with respect to the following terms, which are hereby amended to have the following meanings:

"Declaration" shall mean the Restated Declaration, as supplemented and amended by this Supplement No. 1, together with any subsequent supplements, amendments or additions, and any other matters or conditions shown on the official plat or plats of the Subdivision, which are incorporated into this Declaration by reference.

"Lot" or "Lots" shall mean any numbered building lot or lots shown on the Plat of the Subdivision.

"Owner" or "Owners" shall mean the person or persons having title to any Lot as shown on the Plat of the Subdivision. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title for purposes of securing performance of an obligation.

"Plat" shall mean, collectively, the Phase I Plat and the Plat of Clinton Towne Center Subdivision, Phase II, as approved by the County and recorded in the Office of the Recorder of Davis County, Utah, and any amendments thereto that may be made from time to time, including the addition of subsequent phases to the Subdivision, if any, provided that any such subsequent phase to the Subdivision is made subject to the provisions of the Declaration by a legally authorized supplemental declaration stating that such subsequent phase has been added to the Subdivision and is subject to this Declaration. Any such subsequent declaration must be recorded in the Office of the Recorder of Davis County, Utah.

"Property" shall mean, collectively, all of the Phase I Property and Phase II Property including all Lots, common areas, streets, and open spaces.

"Subdivision" shall mean, collectively, all of Clinton Towne Center Subdivision, Phase I and Clinton Towne Center Subdivision Phase II, including all Lots, common areas, streets, and open spaces.

E 1545472 B 2557 P 41

ARTICLE III

Except as expressly provided in this Supplement No. 1, all other terms and conditions of the Restated Declaration are unmodified and remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Supplement No. 1 as of the date first above written.

KAUFMAN AND BROAD OF UTAH, INC.,
a California corporation

Richard A. Petersen, President

STATE OF UTAH)
 : ss
COUNT OF SALT LAKE)

The foregoing instrument was acknowledged before me this 8th day of Sept., 1999, by Richard A. Petersen, the president of KAUFMAN AND BROAD OF UTAH, INC., a California corporation.

NOTARY PUBLIC
Residing at: Salt Lake

My commission expires:
4/5/02



EXHIBIT A
TO
SUPPLEMENT NO. 1

042

E 1545472 B 2557 P 42

^{NAMD}
(Legal Description of Phase I Property)

BEGINNING AT A POINT NORTH 00°07'29" EAST ALONG THE SECTION LINE 1243.80 FEET AND NORTH 89°59'29" WEST 987.15 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 185.88 FEET TO A POINT ON A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS SOUTH 01°03'03" EAST 400.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 85°32'38" WEST 47.52 FEET) AND THROUGH A CENTRAL ANGLE OF 6°48'41", 47.55 FEET TO A POINT OF A REVERSE CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS NORTH 07°51'44" WEST 400.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 88°54'17" WEST 94.27 FEET) AND THROUGH A CENTRAL ANGLE OF 13°32'03", 94.49 FEET TO A POINT OF A REVERSE CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS SOUTH 05°40'19" WEST 368.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 87°09'48" WEST 36.41 FEET) AND THROUGH A CENTRAL ANGLE OF 05°40'19", 36.43 FEET TO A POINT OF TANGENCY; THENCE SOUTH 128.70 FEET; THENCE SOUTH 29°32'55" EAST 10.14; THENCE SOUTH 362.48 FEET; THENCE SOUTH 71°18'53" WEST 84.83 FEET; THENCE SOUTH 46°07'50" EAST 43.71 FEET TO A POINT OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 43°52'10" WEST 150.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 23°03'55" EAST 117.53 FEET) AND THROUGH A CENTRAL ANGLE OF 46°07'50", 120.77 FEET TO A POINT OF TANGENCY; THENCE SOUTH 145.03 FEET TO A POINT OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS WEST 149.50 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 18°00'36" WEST 92.45 FEET) AND THROUGH A CENTRAL ANGLE OF 36°01'13", 93.99 FEET TO A POINT OF A REVERSE CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS SOUTH 53°58'47" EAST 90.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 18°00'37" WEST 55.65 FEET) AND THROUGH A CENTRAL ANGLE OF 36°01'13", 56.58 FEET TO A POINT OF TANGENCY; THENCE SOUTH 94.87 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 1800 NORTH STREET (S.R. 37); THENCE NORTH 89°59'06" WEST ALONG SAID NORTH LINE, 50.00 FEET; THENCE NORTH 94.86 FEET TO A POINT OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS EAST 140.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 18°00'37" EAST 86.57 FEET) AND THROUGH A CENTRAL ANGLE OF 36°01'13", 88.01 FEET TO A POINT OF A REVERSE TO THE LEFT, THE RADIUS POINT OF WHICH IS NORTH 53°58'47" WEST 99.50 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 18°00'36" EAST 61.53 FEET) AND THROUGH A CENTRAL ANGLE OF 36°01'13", 62.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 156.38 FEET TO A POINT OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS WEST 100.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 11°17'08" WEST 39.14 FEET) AND THROUGH A CENTRAL ANGLE OF 22°34'17", 39.39 FEET TO A POINT OF NON-TANGENCY; THENCE WEST 151.92 FEET; THENCE NORTH 00°04'22" EAST 779.10; THENCE SOUTH 89°59'29" EAST 365.54 FEET TO THE POINT OF BEGINNING. CONTAINS 4.58 ACRES.

EXHIBIT B
TO
SUPPLEMENT NO. 1

043

E 1545472 B 2557 P 43

(Legal Description of Phase II Property)

~~BEGINNING AT A POINT ON THE NORTHEAST CORNER OF CLINTON TOWNE CENTER SUBDIVISION PHASE 1, SAID POINT BEING NORTH 00°07'29" EAST ALONG THE SECTION LINE 1234.80 FEET AND NORTH 89°59'29" WEST 967.15 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°59'29" EAST 594.42 FEET; THENCE SOUTH 00°06'40" WEST 273.99 FEET; THENCE SOUTH 89°59'25" EAST 339.55 FEET TO A POINT ON THE WEST RIGHT OF WAY OF 2000 WEST STREET (STATE ROUTE 108); THENCE ALONG SAID RIGHT OF WAY SOUTH 00°07'29" WEST 35.10 FEET; THENCE NORTH 89°59'25" WEST 377.84 FEET; THENCE NORTH 88°44'17" WEST 94.54 FEET; THENCE WEST 634.00 FEET TO A POINT ON THE EAST PROPERTY LINE OF CLINTON TOWNE CENTER SUBDIVISION PHASE 1; THENCE NORTH 29°32'55" WEST ALONG SAID SUBDIVISION 10.14 FEET; THENCE NORTH ALONG SAID SUBDIVISION 128.70 FEET TO A POINT ON A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 368.00 FEET; THENCE ALONG SAID SUBDIVISION AND ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 87°09'51" EAST 36.415 FEET) THROUGH A CENTRAL ANGLE OF 5°40'15" 36.43 FEET TO A POINT OF A REVERSE CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS NORTH 05°40'19" EAST 400.00 FEET; THENCE ALONG SAID SUBDIVISION AND ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 88°54'18" EAST 94.266 FEET) THROUGH A CENTRAL ANGLE OF 13°32'03" 94.49 FEET TO A REVERSE CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 07°51'44" EAST 400.00 FEET; THENCE ALONG SAID SUBDIVISION AND THE ARC OF SAID CURVE (CHORD BEARS NORTH 85°32'37" EAST 47.525 FEET) THROUGH A CENTRAL ANGLE OF 06°48'41" 47.55 FEET; THENCE NORTH ALONG SAID SUBDIVISION 165.88 FEET TO THE POINT OF BEGINNING. CONTAINS 218.034 SQUARE FEET OF 5.01 ACRES.~~

See attached
for
legal description

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF CLINTON TOWNE CENTER RESIDENTIAL SUBDIVISION PHASE 1 AMENDED, SAID POINT BEING NORTH 00°07'29" EAST ALONG THE SECTION LINE 1243.80 FEET AND NORTH 89°59'29" WEST 967.15 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°59'29" EAST 594.42 FEET; THENCE SOUTH 00°06'40" WEST 273.99 FEET; THENCE SOUTH 89°59'25" EAST 339.55 FEET TO A POINT ON THE WEST RIGHT OF WAY OF 2000 WEST STREET (STATE ROUTE 108); THENCE ALONG SAID RIGHT OF WAY SOUTH 00°07'29" WEST 35.10 FEET; THENCE NORTH 89°59'25" WEST 377.84 FEET; THENCE NORTH 89°44'17" WEST 94.54 FEET; THENCE WEST 634.00 FEET TO A POINT ON THE EAST PROPERTY LINE OF CLINTON TOWNE CENTER ~~RESIDENTIAL SUBDIVISION~~ *PHASE 1 AMENDED* THENCE NORTH 29°32'55" WEST ALONG SAID SUBDIVISION 10.14 FEET; THENCE NORTH ALONG SAID SUBDIVISION 128.70 TO A POINT ON A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 368.00 FEET; THENCE ALONG SAID SUBDIVISION AND ALONG THE ARC OF SAID CURVE (CHORD BEARS SOUTH 87°09'51" EAST 36.415 FEET) THROUGH A CENTRAL ANGLE OF 5°40'19" 36.43 FEET TO A POINT OF A REVERSE CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS NORTH 05°40'19" EAST 400.00 FEET; THENCE ALONG SAID SUBDIVISION AND ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 88°54'18" EAST 94.266 FEET) THROUGH A CENTRAL ANGLE OF 13°32'03" 94.49 FEET TO A REVERSE CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 07°51'44" EAST 400.00 FEET; THENCE ALONG SAID SUBDIVISION AND ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 85°32'37" EAST 47.525 FEET) THROUGH A CENTRAL ANGLE OF 06°48'41" 47.55 FEET; THENCE NORTH ALONG SAID SUBDIVISION 165.88 FEET TO THE POINT OF BEGINNING. CONTAINS 218.034 SQUARE FEET OR 5.01 ACRES.