15°

When recorded return to: Renard Richter 5371 West 11430 North Highland, UT 84003

ENT 17271:2002 PG 1 of 17 RANDALL A. COVINGTON UTAH COUNTY RECORDER 2002 Feb 12 2:34 pm FEE 65.00 BY SS RECORDED FOR BONNEVILLE TITLE

83065-5UL

## AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS HIGHLAND MEADOWS ESTATES

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS HIGHLAND MEADOWS ESTATES (this "Amendment") is made and entered into as of December 18, 2001, by the undersigned owners in fee for Lots 1 through 18, inclusive, Highland Meadow Estates Subdivision, Highland, Utah County, Utah (collectively, the "Owners") and their respective mortgage holders, if any ("Mortgagees").

## RECITALS

- A. Qwest Corporation, a Colorado corporation ("Qwest"), entered into a Commercial Real Estate Sales Agreement, dated April 30, 2001, as amended by the First Amendment to Commercial Real Estate Sales Agreement, dated October 2, 2001 (collectively, the "Sales Agreement"), for the purchase by Qwest of the real property located at 5352 West Evergreen Circle, Highland, Utah, and more particularly described as Lot 2, Plat "A" HIGHLAND MEADOWS ESTATES SUBDIVISION, according to the Official Plat thereof, on file and of record in the Office of Utah County Recorders Office (the "Property").
- B. The purpose for Qwest's purchase of the Property is to expand its central telecommunications building located to the southeast of the Property. The Property is subject to a Declaration of Covenants, Conditions and Restrictions Highland Meadows Estates, recorded July 12, 2000 under recording number 54284.2000 with the Utah County Recorder (the "CC&R's"), which prevents Qwest from using the Property for non-residential purposes.
- C. The purpose of this Amendment is to remove the Property from the covenants, conditions and restrictions imposed by the CC&R's.
- D. Unless otherwise indicated, capitalized terms used herein will have the meanings given to those terms in the CC&R's.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners and Mortgagees agree as follows:

## **AGREEMENT**

1. <u>Exclusion from CC&R's.</u> The Property is no longer subject to the covenants, conditions and restrictions imposed by the CC&R's. NOTWITHSTANDING THE FOREGOING, IF ANY PORTION OF

THE PROPERTY IS LATER SOLD OR USED FOR RESIDENTIAL PURPOSES, THEN THE PORTION OF THE PROPERTY SOLD OR USED FOR RESIDENTIAL PURPOSES SHALL THEREAFTER BE SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS IMPOSED BY THE CC&R'S.

- 2. <u>Architectural Consideration.</u> Although Lot 2 is released from the covenants, conditions and restrictions of the CC&R's, the owner of Lot 2 is required to landscape, in a commercially reasonable manner, along the perimeter of any new building erected on the Property.
- 3. <u>Counterparts</u>. This Amendment may be executed in counterparts, each of which will constitute an original and all of which together shall constitute one and the same document.
- 4. <u>No Further Amendments</u>. Except as specifically amended by this Amendment, the terms and conditions of the CC&R's shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Owners and Mortgagees have executed this Amendment as of the date first set forth above.

Owner of Lot 1:

David B. Gardner

STATE OF 

The foregoing instrument was acknowledged before me this 

day of 

anuary, 2002 by David B. Gardner.

WITNESS my hand and official seal:

Notary Public

Sandy, UT 84083

My Commission expires:

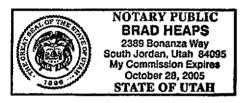
Owner of Lot 2, Lot 8R, Lot 9, Lot 10, Lot 12, Lot 13, Lot 15R-1 and Lot 19	
Renard Richter	
Shana Richter by Revard Richter	<u> </u>
Renard Richter as attorney-in-fact for Shauna Richter	· · · · · · · · · · · · · · · · · · ·
STATE OF Utah  ) ss.  COUNTY OF Davis	<u>-</u> -
The foregoing instrument was acknowledged before me this 4 day of Februs by Renard Richter.	ary, 200 <u>2</u> ,
WITNESS my hand and official seal:    Laye   Commission expires:   S-31-2603   Notary Public   KAYE H CAZIER	¥21
STATE OF Utah ) ss. COUNTY OF Davis )	
The foregoing instrument was acknowledged before me this 4 day of Februs by Renard Richter as attorney-in-fact for Shauna Richter.	ang, 2002
WITNESS my hand and official seal:	
Notary Public KAYE H CAZIER  Notary Public KAYE H CAZIER  273 WEST 500 SOUTH #21  BOUNTIFUL, UT 84010  My Commission Expires  MAY 31, 2003  STATE OF UTAH	

Mortgage holder of Lot 9; and Beneficiary of Development Deed of Trust, dated May 9, 2000, and recorded May 20, 2000:	· 
By Name David D. Hansen Title V. H.	
STATE OF 11+ah  ) ss.  COUNTY OF 12015  The foregoing instrument was acknowledged before me this 2 <sup>nd</sup> day of 12010 of 1500 of	, 200 <u>2</u> _,
WITNESS my hand and official seal:  Notary Public My commission expires: 2-16-04  Notary Public State of First National Bank of I  Notary Public My commission expires: 2-16-04  Notary Public State of UTAH	ayton.
Trustee of Development Deed of Trust, dated May 9, 2000, and recorded May 20, 2000	
Bonneville Title Company	
By Kaye H. Carier  Name Kaye H. Carier  Title Entry Officer / Manager  The foregoing instrument was acknowledged before me this 5th day of FeM	= = WN,2002
The foregoing instrument was acknowledged before me this SIVI day of by Have H. Cazlev as Havrow Warder Manager of Bonneville Title Compa	iny:
Notary Public  My commission expires:  May 18, 2004  STATE OF UTAH	

Owner of Lot 3:	1 <b>- 1</b> 2	<u>.                                     </u>
A DM		
Anthony D. Morrill		
pallel ejerreie		
Kathleen M. Morrill		· = .
	··· · · · · · · · · · · · · · · · · ·	
STATE OF Utan ) ss.		
COUNTY OF UALL	· ···-	-
The foregoing instrument was acknowledge by Anthony D. Morrill.	ged before me this 🔼 day of . 🕥 👝	, 200 <u></u> ,
WITNESS my hand and official seal:		·
Illy ley	KELLY TERRY  NOTARY PUBLIC • STATE OF UTAH	
Notary Public  My commission expires: 2-6-03	1501 SOUTH 40 EAST PROVO, UTAH 84809 COMM. EXP. 3-8-2003	
		•
STATE OF UAL	15 1	
) ss.		<del>-</del> -
COUNTY OF UKCU-)	·	
	ged before me this 7 day of Sch	200
by Kathleen M. Morrill.		
WITNESS my hand and official seal:	-	-
\\(lllux\estresses	KELLY TERRY	
Notary Public	MOTARY PUBLIC • STATE OF UTAH	,
My commission expires: 3-9-03	PROVO, UTAH 84808 COMM, EXP. 3-8-2003	

Owner of Lot 4R:	
- (Quela)/4)	
Heidis White	_
Heidi L. White	
STATE OF Utan ) ss. COUNTY OF Dayis	
The foregoing instrument was acknowledged before me this 22 day of January by Derek B. White.	2ry , 200 <u>2</u> ;
WITNESS my hand and official seal:    Vaye H Ca   Notary Public   KAYE H CAZIER   273 WEST 500 SOUTH # BOUNTIFUL, UT 840   My Commission Expir MAY 31, 2003   STATE OF UTAH	10
STATE OF Wah ) ss.  COUNTY OF Davis	<del></del>
The foregoing instrument was acknowledged before me this <u>22</u> day of <u>Janua</u> by Heidi L. White.	<u>ry</u> , 200 <u>2</u> ,
WITNESS my hand and official seal:	
Notary Public  Notary Public  KAYE H CAZIER  273 WEST 500 SOUTH #21  BOUNTIFUL, UT 84010  My Commission Expires  MAY 31, 2003  STATE OF UTAH	

Owner of Lot 5R:		-	
Richard Finlayson	TO THE STATE OF TH		
STATE OF UTAN			
COUNTY OF SACT (ACT) SS.		·- • ·	
The foregoing instrument was acknowledge by Richard Finlayson.	d before me this <u>29<sup>TH</sup></u> day	of <u>Tan.</u>	, 200 <u>2</u> ,
WITNESS pay hand and official seal:			: 
Notary Public My commission expires: 10.28.7105.	The second secon		



Mortgage holder for Lot JK.		<del>. *</del>
Salt Lake City Credit Union  By Meuser a lace		
Name MICHAEL K. MOGES		
Title Exec VP		
STATE OF <u>Utah</u> ) ss.		=
The foregoing instrument was acknowled by Mike Moyes as Via President	ged before me this 15 day of Salt Lake City Credit Unio	of February, 200 <u>2</u> ,
WITNESS my hand and official seal:  October Public  My commission expires: 40105	MARH 1380 South Sail Lake Ci My Commil Februa	y Public EA DILLE In Main Street Ity, Utah 84115 ssion Expires Iy 1, 2005 of Utah

Owner of Lot 6R:  Jon E. Bready	10 mm
Stacie L. Bready	
STATE OF UTAH ) ss.  COUNTY OF UTAH	<u>-</u> .
The foregoing instrument was acknowledged before me this ZNL day of Sylvan E. Bready.  WITNE\$S my hand and official seal:  JUDY G. DUDLEY	unuary, 2002,
Notary Public Notary Notary Public Notary No	
STATE OF UTAH ) ss.  COUNTY OF UTAH )	
The foregoing instrument was acknowledged before me this Znd day of Stacie L. Bready.  WITNESS my hand and official seal:  JUDY G. DUDLEY  MOTARY PUBLIC. STATE OF UTAH  150 S. MTNWAY DR.  OREM, UTAH 84058	mary , 200 <u>2</u> ,

ENT 17271:2002 PG 10 of 17

Mortgage holder of Lot 6R:	The second secon	15 1 -2."
Chase Manhattan Mortgage Corporation  By Tamara M. Aziz  Title Assistant Vice President	No.	
	ANN-MARIE VESS  MY COMMISSION # CC 920034	, 200 <sub>2</sub> , Chase
Notary Public My commission expires:	EXPIRES: March 20, 2004 Bonded Thru Notary Public Underwriters	inger Samen en e

Owner of Lot 7R:
Kevin M. Orgill
Mindy T. Orgili
STATE OF Wtah.
COUNTY OF Davis
The foregoing instrument was acknowledged before me this 22 day of January, 2002 by Kevin M. Orgill.
WITNESS my hand and official seal:    Carrow   Carrow
STATE OF Utah) ss. COUNTY OF Davis
The foregoing instrument was acknowledged before me this 22 day of February, 2002 by Mindy T. Orgill.
WITNESS my hand and official seal:
Notary Public  Notary Public  My commission expires: 5-31-2003  My commission expires: 5-31-2003  Notary Public  KAYE H CAZIER  273 WEST 500 SOUTH #21  BOUNTIFUL, UT 84010  My Commission Expires  MAY 31, 2003  STATE OF UTAH

Owner of Lot 11:	-	=	-	-
Bonald & Junet J-		- <u> </u>		<del>allera</del> it
Ronald E. Jewett/Jr.				
				<u></u>
STATE OF IITAH	) 			
COUNTY OF UTAH	) ss. ).	-		· <u></u> ·
The foregoing instrument was ack	mowledged befo	re me this <u>22</u>	nday of <u>Janu</u>	arv,200 <u>_2</u>
by Ronald E. Jewett, Jr.			e :	<u> </u>
WITNESS my hand and official seal:		N.		. <del></del>
Alined Denne			·	
Notary Public				<u> </u>
My commission expires: 9/17/2002				· <u>=</u>
TEN IENGEN				ے
NOTARY PUBLIC STATE OF UTAH				-
\$ 5378 WEST 10400 NORTH HIGHLAND UT 84003	,			

Owner of Lot 14.	* is the state of	= "
Reta W. Jardner		
STATE OF Utak	· · · <del>· · ·</del> · · · ·	
COUNTY OF Sall Salle) SS.	21/2	
The foregoing instrument was acknowled by Reta W. Gardner.	lged before me this/_ da	y or January, 2002
WITNESS my hand and official scal:  Notary Public  My commission cymics:	REBEC 6661 So Sand My Com Janu	ARY PUBLIC CCA F. HICKS outh 1700 East y, UT 84093 mission Expires ery 10, 2004

Owner of Lot 16:  Darrell M. Ostler  Susan E. Ostler	
STATE OF	nber, 2001
WITNESS my hand and official seal:    Kaye H Cay   Notary Public   KAYE H CAZIER   273 WEST 500 SOUTH #21     My commission expires: 5 3 - 2003   My Commission Expire   MAY 31, 2003     STATE OF UTAH	) <b>[</b>
STATE OF	ber, 200 <u>1</u> ,
WITNESS my hand and official seal:  Laye L. C.  Notary Public  My commission expires:  5-31-2003  Notary Public  KAYE H CAZ  273 WEST 500 SOI  BOUNTIFUL, UT  My Commission  MAY 31, 200  STATE OF U	IER JTH #21 84010 Expires 33 _

	Owner of Lot 17R:  Lee J. Peacock		· <u>=</u> _		
	Lee J. Peacock	· • • •	•		
	Catherine S. Peacock Catherin S. Peacock	**************************************			
	STATE OF <u>UTAH</u> ) ss.  COUNTY OF <u>UTAH</u> )	<u> </u>			· · · ·
	The foregoing instrument was acknowl by Lee J. Peacock.	dged before m	ne this <u>10</u> t	<sub>h</sub> day of <u>Janua</u>	<u>iry <sup>—   </sup> ,</u> 200 <u>2  </u> ,
	WITNESS my hand and official seal:  Notary Public  My commission expires: 9/17/2002			WINIT RED N. JEN NOTARY PUBLIC * STATE OF 1378 WEST 10400 N HIGHLAND UT 8 COMM. EXP. 9-17-	<i>IUTAH</i> IORTH 4003⊑
	STATE OF <u>UTAH</u> ) ss. COUNTY OF <u>UTAH</u>	 - <del></del>			<u> </u>
	The foregoing instrument was acknowl by Catherine S. Peacock.	lged before m	e this <u>10 t</u>	hday of <u>Janu</u>	uary ,2002,
(	WITNESS my hand and official seal:  With the seal of t		NOTARY 5378 WI HIGHL	RED N. JENSEN PUBLIC STATE OF UTAH EST 10400 NORTH AND UT 84003	
		N. 1000	т сомм	. EXP. 9-17-2002	

THE PROPERTY IS LATER SOLD OR USED FOR RESIDENTIAL PURPOSES, THEN THE PORTION OF THE PROPERTY SOLD OR USED FOR RESIDENTIAL PURPOSES SHALL THEREAFTER BE SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS IMPOSED BY THE CC&R'S.

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- 4. <u>No Further Amendments</u>. Except as specifically amended by this Amendment, the terms and conditions of the CC&R's shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Owners and Mortgagees have executed this Amendment as of the date first set forth above.

ENT 17271:2002 PG 16 of 17

Mortgage holder of Lot 17R:	
Countrywide Home Loans, Inc.	_
By Dimple	<del>-</del> :
Name Ronn A. Pisapia Title Vice President	
	· <del></del>
STATE OF CALIFORNIA	
COUNTY OF VENTURA ) ss.	_
The foregoing instrument was acknowledged before me this day of Feb by Ronn A. Pisapia as Vice President of Countrywide Hom	ruary , 2002 , e Loans, Inc.
WITNESS my hand and official seal:  TERRI STALLINGS Commission # 1184820	
Notary Public  Notary Public — California  My commission expires: 05/25/2002  Notary Public — California  Ventura County  My Comm. Expires May 25, 200	2

of 17

	ENT 1727	71:2002 PG 17
Owner of Lot 18:		a
Nicholas H. Franklin		
Mindy L. Franklin	 - ·	- - 3
STATE OF <u>Utah</u> ) ss.		
The foregoing instrument was acknowledged before by Nicholas H. Franklin.	re me this 6th day of Felor	vary, 200 1
WITNESS my hand and official seal:	NOTARY PUBLIC	· · · · · · · · · · · · · · · · · · ·
Notary Public My commission expires: aug. 11, 1004	STATE OF UTAH My Commission Expires August 21, 2004 ROBERT V. CARTER 9863 North Meadow Drive Pleasant Grove, Utah 84062	
STATE OF <u>Utah</u> ) ss.	-	<u> </u>
COUNTY OF Utah  The foregoing instrument was acknowledged before	the Ada	waru 200 1
The foregoing instrument was acknowledged beto by Mindy L. Franklin.	re me this day of	
WITMESS my hand and official seal:	NOTARY PUBLIC	State : 12
Notary Public	STATE OF UTAH My Commission Expires	1
My commission expires: Aug. 21, 2004	August 21, 2004 ROBERT V. CARTER 9863 North Meadow Diesant Grove State and	ve .