



DEVELOPER CONTRIBUTION AGREEMENT

This Developer Contribution Agreement, (hereinafter referred to as the "Agreement"), is entered into this 17 day of November, 2003, by and between Silvercreek Investors, L.C. (hereinafter referred to as the "Developer"), and Silvercreek Townhomes Association (hereinafter referred to as the "Association"), collectively referred to herein as the "Parties."

WHEREAS, the Developer is in the final phase of developing a 163 unit Planned Development known as Silver Creek Townhomes (the "Project");

WHEREAS, as the final phase of transitioning the costs and expenses for the care and maintenance of the common areas of the Project from the Developer to the Association, the Association has requested that the Developer provide certain specific capital improvements to the Project, along with a certain specific capital contribution. These improvements and contribution are described herein and referred to as the "Developer Contribution."

WHEREAS, the Developer has expressed a willingness to provide the Developer Contribution, subject to certain terms and conditions more specifically set forth herein.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

The Developer Contribution will consist of the following:

The Developer will provide, at Developer's expense, an emulsion coating to the roadways in Phases I, II, and III of the Project. The type and application of said coating will be determined by the Developer.

The Developer will provide, at Developer's expense, certain improvements to the indoor pool area of the clubhouse more specifically set forth as follows:

- (a) Repair of various drywall damage of interior walls.
- (b) Repainting of walls and ceiling of entire indoor pool area.
- (c) Installation of forced air heating and ventilating system for the indoor pool area, consistent with the engineering and design parameters set forth by Howard VanBoreum and Associates.
- (d) Seal concrete deck around indoor pool area.
- (e) Repair (or replace as needed at the discretion of the



Developer) the access doors to the indoor pool area.

The Developer will contribute to the Association ten thousand dollars (\$10,000.00) to be used by the Association for the purpose of providing various improvements to the Project, primarily wall repair and drainage improvements.

Furthermore, the Developer and Association hereby agree that as of January 1, 2004, the Developer will pay to the Association the approved monthly assessment ("monthly association dues") for each completed Townhome owned by the Developer. For purposes of this assessment a Townhome will be deemed complete at the completion of the exterior landscaping on and around the specific lot on which the Townhome is built. The assessment for said completed Townhome(s) will continue until Developer notifies the Association that the Townhome(s) has been sold. As a result of Developer's agreement to pay monthly assessments to the Association as set forth, Developer will no longer be required to pay to the Association any fiscal deficiency of the Association as set forth in Article IV, Section 7 of the CC&R's.

The Developer hereby agrees to provide the Developer Contribution as defined above and the Association hereby agrees that said Developer Contribution constitutes the entire contribution to be made by Developer to the Association. The Developer shall be under no further obligation whatsoever to provide any additional capital contributions to, or payments to or on behalf of, the Association. It is the intention of the Parties that this Agreement shall be effective as a full and final accord and satisfaction of any and all obligations that may be owed to the Association by Developer, and/or to the Developer by the Association.

IN WITNESS WHEREOF, the Developer and the Association hereby agrees to the terms and conditions of this Developer Contribution Agreement.

Developer:

by: *Harold Kuhn* 11-27-03
Date

Association:

by: *Alfred L. Quinn* 11-17-2003
President Date

by: *Ruth Stett* 11-18-2003
Executive Vice-President Date

This is to affirm the Developer Contribution Agreement dated 11-7-03 agreed to and signed by the Developer Silver Creek Investors, L.C. (Hans R. Kuhni) and the Silver Creek Townhomes Association (Al Sigman - President and Robert Scott - Executive Vice President).

State of Utah

Donald E. Toomey 3/19/07

: ss.

County of Washington)

On this 19th day of March, 2007, before me personally appeared Donald E. Toomey, President of the Silver Creek Townhomes Association, and proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the President of the Silver Creek Townhomes Association, and that the foregoing document is affirmed as fully in effect and was signed by those named parties on behalf of the Silver Creek Investors, L.C. and Silver Creek Townhomes Association.

Amy Hansen
Notary Public

Address: 1827 W Sunset Blvd, Ste. UT 84776
My Commission expires: 11/19/2010



LEGAL DESCRIPTION:

SILVER CREEK TOWNHOMES, PHASES 1-4.

SG- SUTH-1, 2, 3, 4