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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
08/01/2006 04:42 PM
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05-093-0001 - 0021, 0031
05-094-0012 - 0021
05-099-0026 - 0027
05-103-0022 - 0025, 0028
05-105-0029

When Recorded Return To:
Gretta C. Spendlove
Durham Jones & Pinegar
111 E. Broadway, Suite 900
Salt Lake City, Utah 84111

**SUPPLEMENTAL DECLARATION OF AND SIXTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR HIGH POINTE, PHASES I, II, III, IV AND V
A UTAH PLANNED UNIT DEVELOPMENT**

This Supplemental Declaration of and Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, a Utah Planned Unit Development (hereinafter referred to as the "Sixth Amendment") is made and executed this 10th day of July, 2006, by David B. VanOlten as President of the Association of Owners of the High Pointe Planned Unit Development, a Utah nonprofit corporation

RECITALS

A. A certain Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for High Pointe, a Utah Planned Unit Development thereby creating High Pointe, a Utah Planned Unit Development (hereinafter referred to as the "Project"), was recorded in the office of the County Recorder of Davis County, State of Utah, on December 24, 1984, in Book 1017, at Page 780 et seq., as Entry No. 690804; amended by that certain Supplemental Declaration of and First Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, a Utah Planned Unit Development, which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah, on February 3, 1986, as Entry No. 726021, in Book 1072, at Pages 998, et seq.; amended by that certain Supplemental Declaration of and Second Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, a Utah Planned Unit Development, which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah on May 1, 1987, as Entry No. 784171, in Book 1162, at Pages 1151 et seq. as amended by that certain Supplemental Declaration of and Second Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, a Utah Planned Unit Development, which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah on December 30, 1988, as Entry No. 846396, in Book 1272, at Pages 1020 et seq.; as amended by that certain Supplemental Declaration of and Third Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, Phase IV, a Utah Planned Unit Development, which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah on February 19, 1991, as Entry No. 918155, in Book 1396, at

Page 434 et seq.; as amended by that certain Supplemental Declaration of and Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, Phase V, a Utah Planned Unit Development, which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah on February 10, 1994, as Entry No. 1096502, in Book 1723, at Page 305 et seq.; as amended by that certain Supplemental Declaration of and Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for High Pointe, Phases I, II, III, IV and V, a Utah Planned Unit Development; which Supplemental Declaration was recorded in the office of the County Recorder of Davis County, Utah on September 15, 1994, as Entry No. 1142406, in Book 1802, at Page 404 et seq.

B. A related subdivision plat entitled "Record of Survey Map of High Pointe, a Planned Unit Development" was recorded concurrently with the Declaration in Book 1017 of Plats at Page 779, as Entry No. 690803; as supplemented by that certain Plat of High Pointe Phase II, a Planned Unit Development, which was recorded in the office of the County Recorder of Davis, County, Utah on February 3, 1986, as Entry No. 726020; as supplemented by that certain Plat of High Pointe Phase III, a Planned Unit Development, which was recorded in the office of the County Recorder of Davis County, Utah on December 30, 1988, as Entry No. 846391; as supplemented by that certain Plat of High Pointe Phase IV, a Planned Unit Development, which was recorded in the office of the County Recorder of Davis, County, Utah on February 19, 1991, as Entry No. 918154; as supplemented by that certain Plat of High Pointe Phase V, a Planned Unit Development, which was recorded in the office of the county Recorder of Davis County, Utah on February 10, 1994, as Entry No. 1096501 (collectively the "Plat").

C. By recording the Declaration and the Plat, that certain real property defined and described in the Declaration and in the Plat as the "Properties" has been submitted to the covenants, conditions and restrictions set forth in the Declaration, which covenants, conditions and restrictions run with the land and inure to the benefit of and are binding upon all persons having any right, title or interest in the Project.

D. Sixty-seven percent (67%) of the lot owners have approved this Sixth Amendment to the original declaration.

Now, therefore, and for that purpose, the following amendments are made to the Covenants, Conditions and Restrictions of the High Pointe Homeowners Association, Planned Unit Development:

1. The following language is added at the end of Article 6.07: Notwithstanding the foregoing provisions, any assessments for repair, maintenance, or replacement of roofs and related appurtenances, including but not limited to rain gutters and drip strips, may be apportioned by the Board based on either a) the proportion which the square footage of the roof of a particular Lot bears to the total square footage of the roofs being repaired, maintained, or replaced within the Properties; or b) an equitable determination based on the particular configuration of the roof, deterioration, general condition, and square footage of the roof of each Lot so affected.

In witness whereof, the undersigned has executed this instrument on the date and year first above written.

ASSOCIATION OF OWNERS OF THE HIGH POINTE
PLANNED UNIT DEVELOPMENT

By: *David B. Van Otten*
President

STATE OF UTAH)
)
COUNTY OF Davis)

On the 12th day of July, 2006, personally appeared before me, David B. Van Otten, known to me to be the person who executed the foregoing instrument.

Kathryn E. Peterson
NOTARY PUBLIC

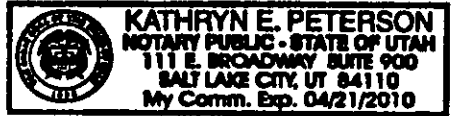


Exhibit A
Legal Descriptions of High Pointe Planned Unit Development

Unit 1: ALL OF UNIT #1, HIGH POINTE, PHASE #1 PUD

Unit 2: ALL OF UNIT #2, HIGH POINTE, PHASE #1 PUD

Unit 3: ALL OF UNIT #3, HIGH POINTE, PHASE #1 PUD

Unit 4: ALL OF UNIT #4, HIGH POINTE, PHASE #1 PUD

Unit 5: ALL OF UNIT #5, HIGH POINTE, PHASE #1, PUD

Unit 6: ALL OF UNIT #6, HIGH POINTE, PHASE #1, PUD

Unit 7: ALL OF UNIT #7, HIGH POINTE, PHASE #1 PUD

Unit 8: ALL OF UNIT 8, HIGH POINTE, PHASE I, PUD

Unit 9: ALL OF UNIT #9, HIGH POINTE, PHASE #1, PUD

Unit 10: ALL OF UNIT #10, HIGH POINTE, PHASE #1, PUD

Unit 11: ALL OF UNIT 11, HIGH POINTE PHASE 1, PUD

Unit 12: ALL OF UNIT 12, HIGH POINTE PUD PHASE II

Unit 13: ALL OF UNIT 13, HIGH POINTE PUD PHASE II

Unit 14: ALL OF UNIT 14, HIGH POINTE PUD PHASE II

Unit 15: ALL OF UNIT 15, HIGH POINTE PUD PHASE II

Unit 16: ALL OF UNIT 16, HIGH POINTE PUD PHASE II

Unit 17: ALL OF UNIT 17, HIGH POINTE PUD PHASE II

Unit 18: ALL OF UNIT 18, HIGH POINTE PUD PHASE II

Unit 19: ALL OF UNIT 19, HIGH POINTE PUD PHASE II

Unit 20: ALL OF UNIT 20, HIGH POINTE PUD PHASE II

Unit 21: ALL OF UNIT 21, HIGH POINTE PUD PHASE II

Unit 22: ALL OF LOT 22, HIGH POINTE PHASE 4 PUD

Unit 23: ALL OF LOT 23, HIGH POINTE PHASE 4 PUD

Unit 24: ALL OF LOT 24, HIGH POINTE PHASE 4 PUD

Unit 25: ALL OF LOT 25, HIGH POINTE PHASE 4 PUD

Unit 26: ALL OF UNIT 26, HIGH POINTE PHASE 3, PUD

Unit 27: ALL OF UNIT 27, HIGH POINTE PHASE 3, PUD

Unit 28: ALL OF LOT 28, HIGH POINTE PHASE IV PUD

Unit 29: ALL OF LOT 29, HIGH POINTE PHASE V PUD, CONTAINS 0.1058 ACRES

Unit 31: ALL OF UNIT #31, HIGH POINTE, PHASE I PUD