

209
22

WHEN RECORDED, MAIL TO:

D.R. Horton, Inc.
12351 South Gateway Park, Suite D-100
Draper, Utah 84020
Attn: Krisel Travis



ENT 27680:2014 PG 1 of 22
JEFFERY SMITH
UTAH COUNTY RECORDER
2014 Apr 25 4:58 pm FEE 209.00 BY SW
RECORDED FOR D R HORTON

**AMENDMENT NO. 1 TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE COMMONS**

THIS AMENDMENT No. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMONS (this "Amendment") is made and executed by D.R. Horton, Inc., a Delaware corporation (the "Declarant") and by Aubrey Rees Ford and Robert Ford, husband and wife ("Rees"), Michael Steven Robbins and Sarah R. Robbins, husband and wife (collectively referred to herein as "Robbins"), Matthew Fallon and Victoria P. Fallon, as joint tenants (collectively referred to herein as "Fallon"), Allicia Johnson, a single woman ("Johnson"), Cameron Schmidt and Sadie Jensen as joint tenants (collectively referred to herein as "Schmidt and Jensen"), Briana M. Winegardner, a single woman ("Winegardner"), Stacy and Seth Levin, husband and wife (collectively referred to herein as "Levin"), David Gibb and Stephen R. Gibb (collectively referred to herein as "Gibb"), Jennifer Lamph, a single woman ("Lamph"), Timpanac Assets, LLC, a Utah limited liability company ("Timpanac"), Matthew T. Miller, a single man ("Miller"), Satit Kongao, a single man ("Kongao"), Tori Christensen, a married women ("Christensen"), Natalie Murphy, a single women ("Murphy"), Janene E. Holman, a single women ("Holman"), Brett Hone and Paige Hone, husband and wife ("Hone"), CB Estates LLC, a Utah limited liability company ("CB Estates"), and The Commons Owners Association, Inc., a Utah nonprofit corporation (the "Association"), D.R. Horton, Rees, Robbins, Gibb, Lamph, Fallon, Johnson, Schmidt and Jensen, Winegardner, Levin, Miller, Kongao, Christensen, Murphy, Holman, Timpanac, Hone, CB Estates and the Association are collectively referred to as the "Commons Owners."

RECITALS:

A. Declarant previously executed that certain Declaration of Covenants, Conditions and Restrictions for The Commons (the "Original Declaration"), which was dated July 31, 2013, and which was recorded in the Office of the Recorder of Utah County, Utah on August 16, 2013 as Entry No. 78755:2013. All of the terms defined in the Original Declaration shall have the same meaning when used in this Amendment, except as otherwise expressly set forth herein.

B. Subsequent to the recording of the Original Declaration in the Office of the Recorder of Utah County, Utah, Declarant has sold to the various Owners Lots and Units within the Project known as The Commons, which Project is subject to the Original Declaration. As of the date of the recording of this Amendment, the Commons Owners described above, together with the Declarant, constitute the Owners of all of the Lots and Units within the Project.

C. Subsequent to the recording of the Original Declaration and the Plat for the Project, Declarant and the Commons Owners have executed certain boundary lines agreements

to adjust the boundaries of Common Area H, Common Area I and a portion of 1800 West, as shown on the Plat. As the result of the adjustments to the boundaries lines of Common Area H, Common Area I and 1800 West, Declarant and the Commons Owners have obtained approval from Pleasant Grove City for the recording of an amendment to the Plat, which is entitled The Commons Plat "A" Amended (the "Amended Plat")

D. In connection with the recording of the Amended Plat, Declarant and the Commons Owners desire to amend the Original Declaration for the purpose of amending the legal description of the Land attached as Exhibit A to the Original Declaration, so that the legal description of the Land subject to the Original Declaration is consistent with the legal description of the Land as shown on the Amended Plat.

NOW THEREFORE, for the reasons recited above, Declarant and the Commons Owners, comprising all of the Owners of the Lots, the Units and the other real property described on the Amended Plat, hereby make the following declaration:

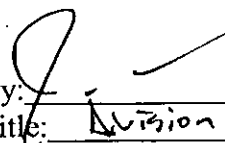
1. The legal description of the Land as set forth in Exhibit A to the Original Declaration is hereby amended and replaced with the amended legal description of the Land attached to this Amendment as Exhibit A. For purposes of the Declaration, the defined term "Land" shall mean that certain real property located in Utah County, State of Utah, that is described in Exhibit A to this Amendment.

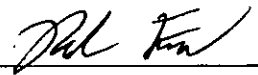
2. For all purposes the defined term "Declaration" shall mean the Original Declaration as amended by this Amendment.

IN WITNESS WHEREOF, Declarant and the Commons Owners have caused this Amendment to be executed by persons duly authorized to execute the same.

DECLARANT:

D.R. HORTON, INC., a Delaware corporation

By: 
Title: Division CFO
Date of Execution: 4/9/14


AUBREY REES
Date of Execution: _____

MICHAEL STEVENS ROBBINS
Date of Execution: _____

to adjust the boundaries of Common Area H, Common Area I and a portion of 1800 West, as shown on the Plat. As the result of the adjustments to the boundaries lines of Common Area H, Common Area I and 1800 West, Declarant and the Commons Owners have obtained approval from Pleasant Grove City for the recording of an amendment to the Plat, which is entitled The Commons Plat "A" Amended (the "Amended Plat")

D. In connection with the recording of the Amended Plat, Declarant and the Commons Owners desire to amend the Original Declaration for the purpose of amending the legal description of the Land attached as Exhibit A to the Original Declaration, so that the legal description of the Land subject to the Original Declaration is consistent with the legal description of the Land as shown on the Amended Plat.

NOW THEREFORE, for the reasons recited above, Declarant and the Commons Owners, comprising all of the Owners of the Lots, the Units and the other real property described on the Amended Plat, hereby make the following declaration:

1. The legal description of the Land as set forth in Exhibit A to the Original Declaration is hereby amended and replaced with the amended legal description of the Land attached to this Amendment as Exhibit A. For purposes of the Declaration, the defined term "Land" shall mean that certain real property located in Utah County, State of Utah, that is described in Exhibit A to this Amendment.

2. For all purposes the defined term "Declaration" shall mean the Original Declaration as amended by this Amendment.

IN WITNESS WHEREOF, Declarant and the Commons Owners have caused this Amendment to be executed by persons duly authorized to execute the same.

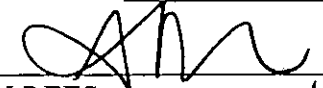

DECLARANT:

~~D.R. HORTON, INC., a Delaware corporation~~

~~By: _____~~

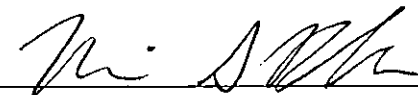
~~Title: _____~~

~~Date of Execution: _____~~

AUBREY REES

Date of Execution: 4/1/14



MICHAEL STEVENS ROBBINS

Date of Execution: 4/1/14

Sarah Robbins

SARAH R. ROBBINS

Date of Execution: 4/1/14

Matthew Fallon

MATTHEW FALLON

Date of Execution: 4/1/14

Victoria P. Fallon

VICTORIA P. FALLON

Date of Execution: 4/1/14

Alicia Johnson

ALLICIA JOHNSON

Date of Execution: 4/1/14

Cameron Schmidt

CAMERON SCHMIDT

Date of Execution: 4/23/14

Sadie Jensen

SADIE JENSEN

Date of Execution: 4.23.14

Briana Winegardner

BRIANA WINEGARDNER

Date of Execution: 4/9/14

Stacy Levin

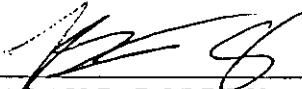
STACY LEVIN

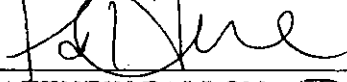
Date of Execution: 04/01/14

Seth Levin

SETH LEVIN

Date of Execution: 4-1-2014


SARAH R. ROBBINS Brett Hone
Date of Execution: _____


MATTHEW FALLON Paige Hone
Date of Execution: _____

VICTORIA P. FALLON
Date of Execution: _____

ALLICIA JOHNSON
Date of Execution: _____

CAMERON SCHMIDT
Date of Execution: _____

SADIE JENSEN
Date of Execution: _____

BRIANA WINEGARDNER
Date of Execution: _____

STACY LEVIN
Date of Execution: _____

SETH LEVIN
Date of Execution: _____

DAVID GIBB
Date of Execution: _____

STEPHEN R. GIBB
Date of Execution: _____

Jennifer Lamp

JENNIFER LAMPH
Date of Execution: 4-4-14

TIMPANAC ASSETS, LLC, a Utah limited liability

By: _____
Title: _____
Date of Execution: _____

MATTHEW T. MILLER
Date of Execution: _____

M. T. Miller

SATTI KONGAO
Date of Execution: 4/22/14

TORI CHRISTENSEN
Date of Execution: _____

NATALIE MURPHY
Date of Execution: _____

Courtney Brown

C B Estates, LC by: Courtney Brown
Date of Execution: 4/24/14

STEPHEN R. GIBB

Date of Execution: _____

JENNIFER LAMPH

Date of Execution: _____

TIMPANAC ASSETS, LLC, a Utah limited liability

By: _____

Title: _____

Date of Execution: _____

MATTHEW T. MILLER

Date of Execution: _____

S. S. M.

SATTI KONGAO

Date of Execution: 4/22/14

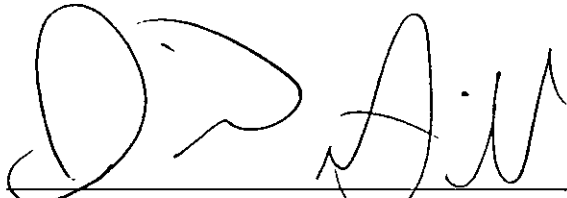
Tori Christensen

TORI CHRISTENSEN

Date of Execution: 4/7/14

NATALIE MURPHY

Date of Execution: _____



DAVID GIBB

Date of Execution: 4/1/2014

ENT 27680:2014 PG 8 of 22

STEPHEN R. GIBB

Date of Execution: _____

JENNIFER LAMPH

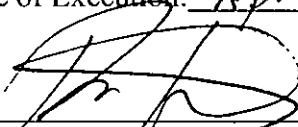
Date of Execution: _____

TIMPANAC ASSETS, LLC, a Utah limited liability

By: Romio R. Nash

Title: member

Date of Execution: April 2014



MATTHEW V. MILLER

Date of Execution: 4-1-14



SATH KONGAO

Date of Execution: 4/22/14

TORI CHRISTENSEN


Date of Execution: _____



NATALIE MURPHY

Date of Execution: 4-4-14

DAVID GIBB
Date of Execution: _____



STEPHEN R. GIBB
Date of Execution: 4/25/14

JENNIFER LAMPH
Date of Execution: _____

TIMPANAC ASSETS, LLC, a Utah limited liability

By: _____
Title: _____
Date of Execution: _____

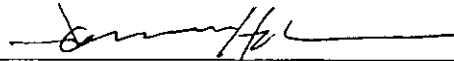
MATTHEW T. MILLER
Date of Execution: _____

SATIT KONGAO
Date of Execution: _____

TORI CHRISTENSEN
Date of Execution: _____

NATALIE MURPHY
Date of Execution: _____

ELIZABETH W. WOFFINDEN
Date of Execution: _____



JANENE ELIZABETH HOLMAN
Date of Execution: _____

By: _____
Date of Execution: _____

By: _____
Date of Execution: _____

THE COMMONS OWNERS ASSOCIATION,
INC., a Utah nonprofit corporation

By: _____
Title: _____
Date of Execution: _____

STATE OF UTAH)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2014 by _____, in such person's capacity as the
_____ of D.R. Horton, Inc., a Delaware
corporation.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

ELIZABETH W. WOFFINDEN

Date of Execution: _____

JANENE ELIZABETH HOLMAN

Date of Execution: _____

THE COMMONS OWNERS ASSOCIATION,
INC., a Utah nonprofit corporation

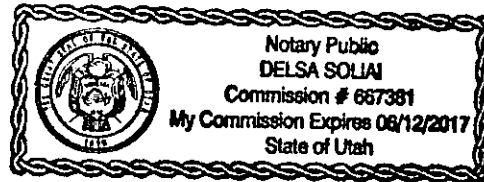
By: *J. Shantler*
Title: BOARD MEMBER
Date of Execution: 4-9-14

STATE OF UTAH)
: ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 9th day of April,
2014 by Jonathan S. Thornley, in such person's capacity as the
Division CFO of D.R. Horton, Inc., a Delaware
corporation.

Delsa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

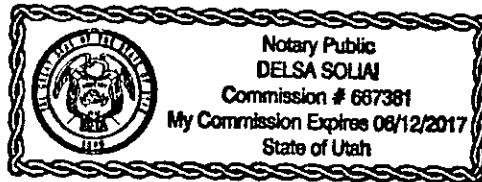


STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Aubrey Rees.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

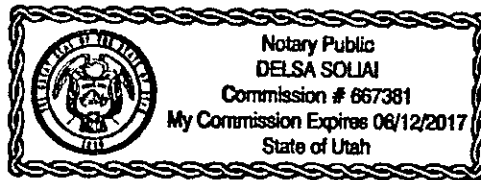


STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Michael Steven Robbins.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

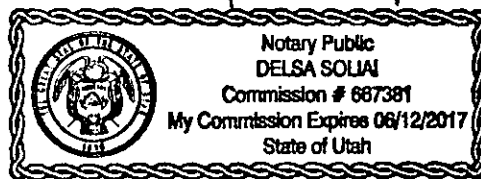


STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Sarah R. Robbins.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

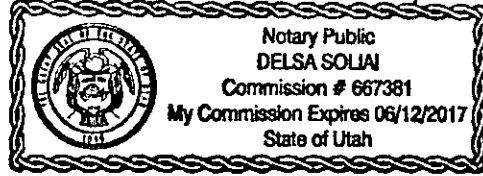


STATE OF UTAH)
) : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Matthew Fallon.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

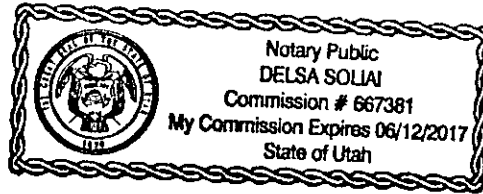


STATE OF UTAH)
) : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Victoria P. Fallon.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

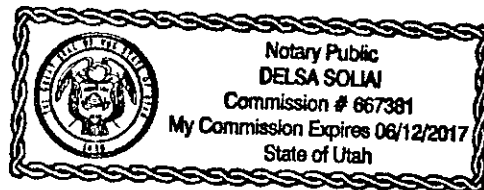


STATE OF UTAH)
) : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Alicia Johnson.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:
06/12/2017

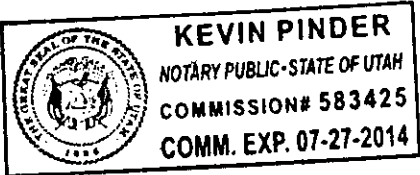


STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 23 day of April, 2014 by Cameron Schmidt.

Kevin Pinder
NOTARY PUBLIC
Residing at: Orem, UT

My Commission Expires:
7/27/14



STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 23 day of April, 2014 by Sadie Jensen.

Kevin Pinder
NOTARY PUBLIC
Residing at: Orem, UT

My Commission Expires:

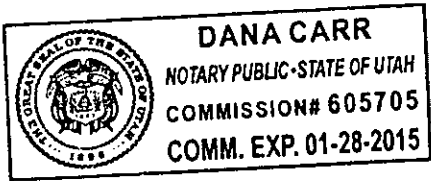


STATE OF UTAH)
 : SS.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 9th day of April, 2014 by Briana Winegardner.

Dana Carr
NOTARY PUBLIC
Residing at: Provo, Utah

My Commission Expires:
1/28/2015



STATE OF UTAH)
 : ss.
COUNTY OF Utah)

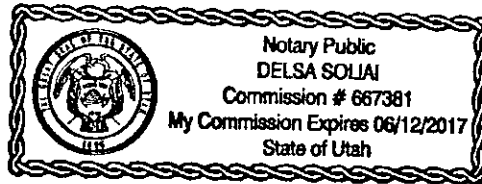
The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Stacy Levin.

Delisa Soljai

NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017



STATE OF UTAH)
 : ss.
COUNTY OF Utah)

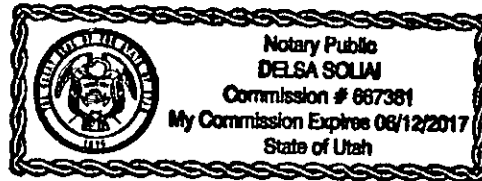
The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Seth Levin.

Delisa Soljai

NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017



STATE OF UTAH)
 : ss.
COUNTY OF Utah)

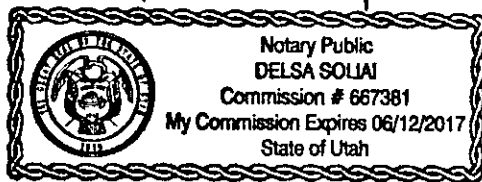
The foregoing instrument was acknowledged before me this 1st day of April, 2014 by David Gibb.

Delisa Soljai

NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017

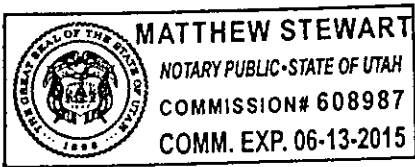


STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 25th day of April, 2014 by Stephen R. Gibb.

[Signature]
NOTARY PUBLIC
Residing at: Down, Utah

My Commission Expires:

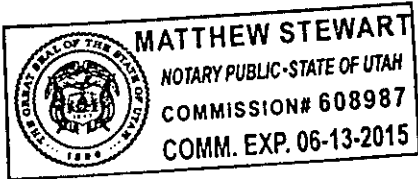


STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 25th day of April, 2014 by Jennifer Lamph.

[Signature]
NOTARY PUBLIC
Residing at: Down, Utah

My Commission Expires:



STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2014 by _____, in such person's capacity as the _____ of Timpanac Assets, LLC, a Utah limited liability company.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014 by Stephen R. Gibb.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 23 day of April, 2014 by Jennifer Lamph.

Kevin Pinder

NOTARY PUBLIC
Residing at: Orem, UT

My Commission Expires:



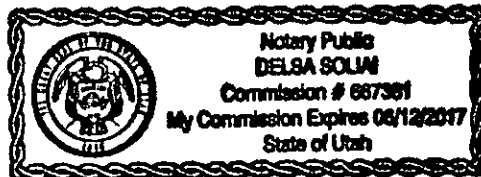
STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Ronnie R. Madham, in such person's capacity as the member of Timpanac Assets, LLC, a Utah limited liability company.

Delisa Solim

NOTARY PUBLIC
Residing at: Orem, UT

My Commission Expires:
04/01/2014

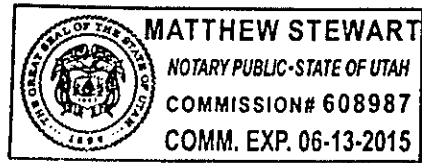


STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 24th day of April, 2014 by ~~Matthew T. Miller~~ Brett & Paige Hone.

[Signature]
NOTARY PUBLIC
Residing at: Down, Utah

My Commission Expires:



STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 23 day of April, 2014 by Satit Kongao.

[Signature]
NOTARY PUBLIC
Residing at: _____

My Commission Expires:



STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 7 day of April, 2014 by Tori Christensen.

Linda Hales
NOTARY PUBLIC
Residing at: 770N 350E Pl. Grove ut

My Commission Expires:

08-17-2014



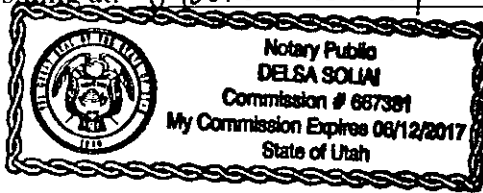
STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Matthew T. Miller.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah Canty

My Commission Expires:

06/12/2017



STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by Satit Kongao.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by Tori Christensen.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

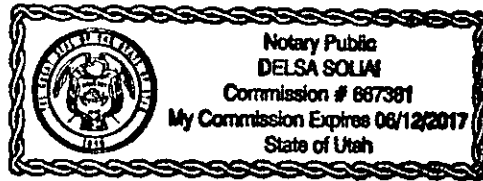
STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 11th day of April, 2014 by Natalie Murphy.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017



STATE OF UTAH)
 : ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by Elizabeth W. Woffinden.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

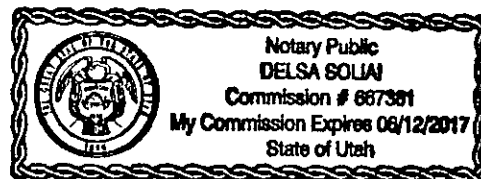
STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 1st day of April, 2014 by Janene Elizabeth Holman.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017



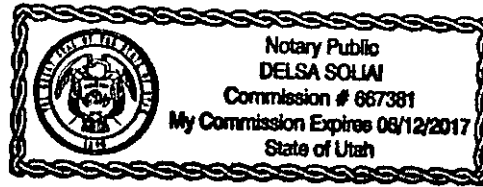
STATE OF UTAH)
)
COUNTY OF Utah) : ss.

The foregoing instrument was acknowledged before me this 9th day of April, 2014 by D. Grant Lefgren, in such person's capacity as the HOA Board Member of The Commons Owners Association, Inc., a Utah nonprofit corporation.

Delisa Solari
NOTARY PUBLIC
Residing at: Utah County

My Commission Expires:

06/12/2017



**EXHIBIT A
TO
AMENDMENT NO. 1 TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE COMMONS**

Amended Legal Description of the Land

ALL OF LOT 3 OF THE GROVE COMMONS SUBDIVISION PLAT 'A' AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE BETTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3 OF GROVE COMMONS SUBDIVISION SAID POINT BEING LOCATED EAST, 1703.95 FEET AND SOUTH 1879.18 FEET FROM THE WEST QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING THIRTEEN (13) COURSES: 1) EAST, 652.65 FEET; 2) S1°06'07"E, 194.60 FEET; 3) S3°00'28"E, 11.52 FEET; 4) S0°13'01"W, 44.88 FEET; 5) S1°26'45"E, 90.39 FEET; 6) S0°14'08"E, 346.59 FEET; 7) 23.58 FEET ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S44°48'29"W, 21.23 FEET); 8) S89°51'05"W, 113.72 FEET; 9) 485.58 FEET ALONG A 515.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N63°08'14"W, 467.79 FEET; 10) 238.24 FEET ALONG A 622.00 FOOT RADIUS REVERSE CURVE TO THE LEFT (CHORD BEARS N47°05'55"W, 236.79 FEET); 11) N0°14'58"W, 71.24 FEET; 12) N22°45'00"E, 208.38 FEET; 13) N17°37'00"W, 70.58 FEET TO THE POINT OF BEGINNING.

CONTAINS: 412,843 SQFT OR 9.48 ACRES

ALL OF LOT 4 OF THE GROVE COMMONS SUBDIVISION PLAT 'A' AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE BETTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 OF GROVE COMMONS SUBDIVISION SAID POINT BEING LOCATED EAST, 1625.86 FEET AND SOUTH 2298.68 FEET FROM THE WEST QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 4 THE FOLLOWING TWO (2) COURSES: 1) 196.03 FEET ALONG A 508.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S48°56'15"E, 194.82 FEET); 2) 466.71 FEET ALONG A 585.00 FOOT RADIUS REVERSE CURVE TO THE LEFT (CHORD BEARS S60°44'16"E, 454.43 FEET) TO A POINT ON THE EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE THE FOLLOWING TWO (2) COURSES: 1) NORTH 89°57'31" WEST, 524.48 FEET; 2) SOUTH 89°23'18" WEST, 159.94 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 4; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 4 THE FOLLOWING TWO (2) COURSES: 1) NORTH 32°01'00" EAST, 229.75 FEET; 2) THENCE NORTH 07°01'00" EAST, 157.81 FEET TO THE POINT OF BEGINNING.

CONTAINS: 90,175 SQFT OR 2.07 ACRES