

WHEN RECORDED, RETURN TO:

Lee Van Dam, President  
VAN DAM & ASSOCIATES  
8560 Sugarloaf Lane  
Sandy, Utah 84092

5700

4601411  
24 MARCH 88 04:25 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
VAN DAM AND ASSOCIATES  
REC BY: JANET WONG , DEPUTY

AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR WESTCOVE

4601411

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS IS MADE THIS 12<sup>th</sup> day of October, 1987, by the persons signing below being owners of not less than seventy-five percent (75%) of the lots.

A. Original Declaration. On September 10, 1974, a Declaration of Covenants, Conditions and Restrictions was duly executed and acknowledged by the Breitting Alliance, as developer, and Richards-Woodbury Mortgage Corp., a Utah corporation, as declarant, and on September 11, 1974, said declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 2659345 in Book 3977 at pages 288 et seq. (hereinafter referred to as the "Declaration").

B. Original Map. On April 8, 1974, a Subdivision Plat of Westcove entitled "Westcove Phase I A Planned Unit Development" was recorded in the official records of Salt Lake County, State of Utah as Entry No. 2611711, in Book 74-4, at Page 60 (hereinafter referred to as the "Plat").

C. Amended Map. On January 28, 1975, a Subdivision Plat of Westcove entitled "Westcove Amended Phase I" was recorded in the official records of Salt Lake County, State of Utah, as Entry No. 2631009, in Book 75-1, at Page 15 (hereinafter referred to as the "First Amended Plat").

D. Second Amended Map. On October 26, 1984, a Subdivision Plat of Westcove entitled "Westcove Amended and Extended Phase I" was recorded in the official records of Salt Lake County, State of Utah as Entry No. 4008905, in Book 8410, at Page 164 (hereinafter referred to as the "Second Amended Plat").

E. Original Description. The Declaration, the Plat, the First Amended Plat and the Second Amended Plat affect the following described real property situate in Salt Lake County, State of Utah:

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BEGINNING at a Point which is North 00°08'10" West 1275.26 feet along the Section line and North 89°51'30" East 33.00 feet from the Southwest Corner of Section 4, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North 00°08'10" West 101.93 feet; thence North 89°5'38" East 107.00 feet; thence North 00°08'10" West 111.82 feet; thence North 89°51'44" East 93.91 feet; thence North 89°51'51" East 162.17 feet; thence North 00°08'10" West 85.97 feet; thence North 89°51'51" East 131.92 feet; thence North 00°08'10" West 217.00 feet; thence East 120.00 feet; thence South 35.00 feet; thence East 640.79 feet; thence South 484.75 feet; thence North 89°51'30" East 30.08 feet; thence South 00°03'43" East 262.10 feet; thence South 89°51'30" West 968.14 feet; thence North 00°08'10" West 267.05 feet; thence South 89°51'30" West 316.15 feet to the Point of Beginning.

F. Section 5 of Article VII of the Declaration provides that the Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the lots during the first twenty years following the date of the recordation of the Declaration.

G. The undersigned hereby certify that the undersigned constitute owners of no less than seventy-five percent (75%) of the lots.

H. The undersigned hereby amend the Declaration as follows:

- (1) Section 4 of Article I of the Declaration shall be and hereby is amended to read in its entirety as follows:

Section 4. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the owners. The common area owned by the Association is the property described on Page 1 of the Declaration, as amended from time to time, excepting therefrom lots 1 through 77 as described on the Third Amended Plat of Westcove entitled "Westcove Amended & Extended Phase I, Amended" which was recorded in the office of the County Recorder of Salt Lake County, State of Utah on March 9, 1988, ~~1987~~, as Entry No. 4594906, in Book 88-3, at Page 16.

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It is understood that the actual location of certain homes and other improvements constructed or to be constructed on the lots might inadvertently deviate slightly from the location indicated by the official plat of the properties. The above-described common areas shall therefore be subject to minor encroachments and other improvements which extend slightly beyond the boundaries of their respective lots but are in substantial compliance with the official plat. Each owner shall therefore be deemed to have an easement on the common area to the extent of any minor encroachment from his lot.

- (2) Section 5 of Article I of the Declaration shall be amended and restated in its entirety to read as follows:

Section 5. "Lot" shall mean and refer to any numbered plot of land shown upon the last recorded official subdivision plat of the properties, the said number of plots being separate from the Common Area.

- (3) A new Section 8 shall be added to Article VII as follows:

Section 8. Amendment of Plat. The subdivision plat of the properties shall mean for the purposes set forth herein the last official subdivision plat filed of record in the office of the County Recorder of Salt Lake County, State of Utah with respect to the properties. Said plat may and shall be amended from time to time to reflect annexations, additions and changes of whatever nature or description respecting the properties. The procedural requirements for amending said plat shall be identical to the requirements for amending this Declaration set forth in Article VII Section 5 of this Declaration.

- (4) A new Section 9 shall be added to Article VII as follows:

Section 9. Ratification of the First Amended Plat and the Second Amended Plat. The undersigned hereby ratify and approve the First Amended Plat and the Second Amended Plat and the annexation of the

BOOK 6013 PAGE 2701

additional residential property and common area located to the south of Westcove Drive as more particularly described in the Second Amended Plat.

I. Except as herein modified, all other terms of the Declaration shall remain in full force and effect.

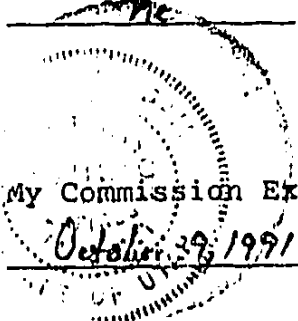
DATED this 12<sup>th</sup> day of October, 1987.

HARMONS CITY PROFIT SHARING TRUST

By [Signature]  
Its PROFIT SHARING TRUSTEE

STATE OF UTAH )  
  : ss.  
COUNTY OF SALT LAKE )

On the 12<sup>th</sup> day of October, 1987, personally appeared before me Don Carroll, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



[Signature]  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

2007 6 113 P. 05 2702

{ Bob Spaul  
 HARMONY PROFIT SHARING TRUSTEE  
 { Russell (Richards Woodbury)  
Lucy Scumble  
Ernesta / Woods  
Diane Bytling  
Kathleen Beach  
Dorothy Johnson  
Melanie Dinterton  
Lucas A. (Coates)  
Charles Nail Oliver  
Carole O. Ellis  
David Newman

Alex G. Karpinalis  
Spide Semoral  
Rosalyn J. Field  
 { HOME SAVINGS AND LOAN  
 BY James A. Guolha, PRES.  
[Signature]  
Leon J. Watts  
Marceline M. Atton  
Keri [Signature]  
[Signature]  
Thomas R. Hamblin

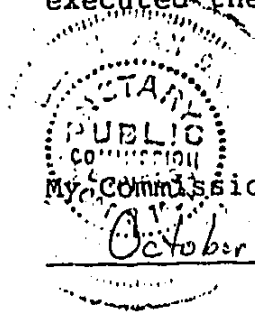
CDN6808C

FORM 6013 REV. 2703

6 lots

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 15<sup>th</sup> day of October, 1987, personally appeared before me Dennis A. Coates, who being by me duly sworn did say that he is the Secretary of Coates Brothers, Inc., the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Dennis A. Coates acknowledged to me that said corporation executed the same.



[Signature]  
NOTARY PUBLIC

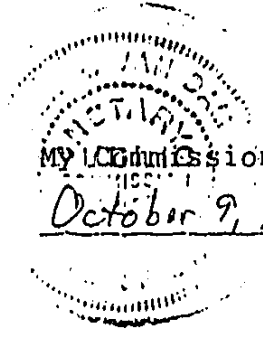
My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah

4 units

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 22<sup>nd</sup> day of October, 1987, personally appeared before me Fred A. Smolka, who being by me duly sworn did say that he is the President of Home Savings & Loan, the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Fred A. Smolka acknowledged to me that said corporation executed the same.



J. H. Van Der...  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

BOOK 6013 PAGE 2705

1 lot

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 16th day of October, 1987, personally appeared before me Fred Brumble, who being by me duly sworn did say that he is the Vice President of Richardson-Woodbury Mortgage Co., the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Fred Brumble acknowledged to me that said corporation executed the same.

[Signature]  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

NOTARY PUBLIC  
My Commission Expires:  
October 9, 1991



Lender

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 20<sup>th</sup> day of December, 1987, personally appeared before me Paul Sommer, who being by me duly sworn did say that he is the Asst. Vice President of Valley Bank & Trust, the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Paul Sommer acknowledged to me that said corporation executed the same.



My Commission Expires:

October 9, 1991

Lee H. Van Ra  
NOTARY PUBLIC

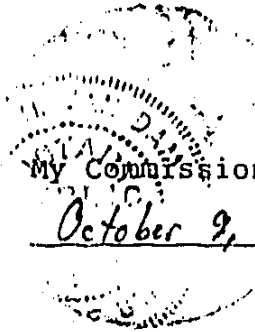
Residing At:

Sandy, Utah

64 lots

STATE OF Utah )  
COUNTY OF Salt Lake ) : ss.

On the 12<sup>th</sup> day of October, 1987, personally appeared before me Don Carroll, who being by me duly sworn did say that he is the Trustee of trust Harmon City Profit Sharing Plan, the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of ~~directors~~ <sup>trustees</sup> and said Don Carroll acknowledged to me that said corporation executed the same.



Lee H. Van Lan  
NOTARY PUBLIC

My Commission Expires:

October 9, 1991

Residing At:

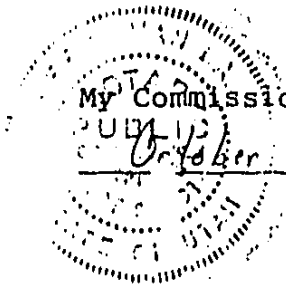
Sandy, Utah

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ; SS.

On the 20<sup>th</sup> day of October, 1987, personally appeared before me Ervette Herndon, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Lee W. Van Dan  
NOTARY PUBLIC



My Commission Expires:  
October 9, 1991

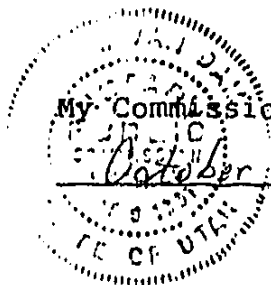
Residing At:  
Sandy, Utah

BOOK 6013 PAGE 2709

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) SS.

On the 20<sup>th</sup> day of October, 1987, personally  
appeared before me Diane Breitling, the signer of the  
foregoing instrument, who duly acknowledged to me that  
she executed the same.



My Commission Expires:

October 9, 1991

[Signature]

NOTARY PUBLIC

Residing At:

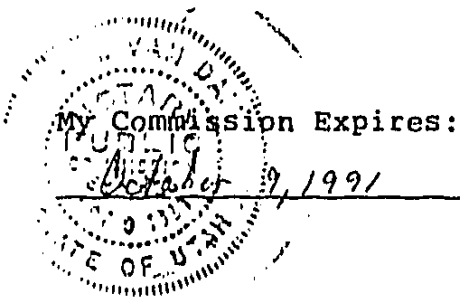
Sandy, Utah

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 20<sup>th</sup> day of October, 1987, personally appeared before me Kathleen M. Beech the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

[Signature]  
NOTARY PUBLIC

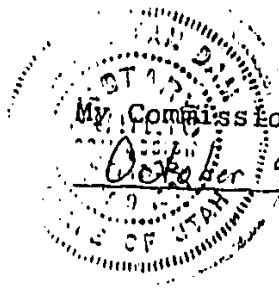


Residing At:  
Sandy, Utah

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 20<sup>th</sup> day of October, 1987, personally appeared before me Wendy L. Johnson, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.



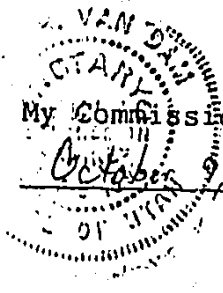
Lee W. Van Dine  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 20<sup>th</sup> day of October, 1987, personally appeared before me Melanie Winterton, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.



Lee H. Van Dam  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

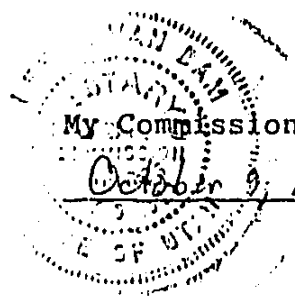
My Commission Expires:  
October 9, 1991

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) SS.

On the 21<sup>st</sup> day of October, 1987, personally appeared before me Charles Gail Oliver, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Lee H. Vandam  
NOTARY PUBLIC



My Commission Expires: October 9, 1991

Residing At: Sandy, Utah

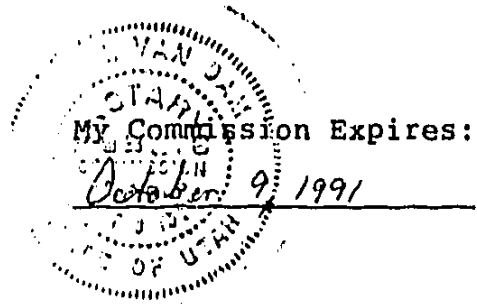


1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 21<sup>st</sup> day of October, 1987, personally appeared before me Carilee O. Ellis, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

[Signature]  
NOTARY PUBLIC



Residing At:  
Sandy, Utah

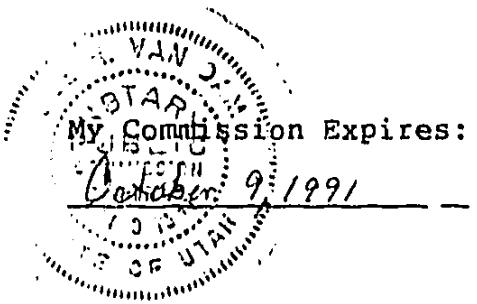
1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 21<sup>st</sup> day of October, 1987, person Arvid O. Newman appeared before me, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Lee N. Van Dam  
NOTARY PUBLIC

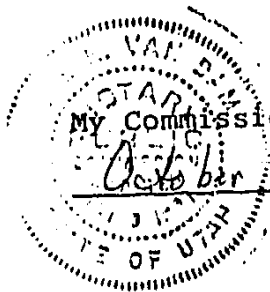
Residing At:  
Sandy, Utah



1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 21<sup>st</sup> day of October, 1987, personally appeared before me Alecks G. Kapsimalis, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



Alex N. Van Wan  
NOTARY PUBLIC

Residing At:

Sandy, Utah

1 Unit

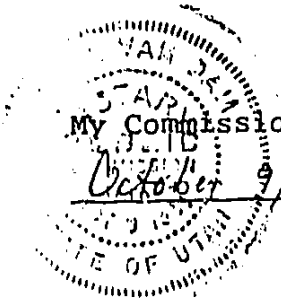
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 21<sup>st</sup> day of October, 1987, personally appeared before me Sheila D. R. Gamonal, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Lee H. Vandam  
NOTARY PUBLIC

My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah



1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 21st day of October, 1987, personally  
appeared before me Rosalyn J. Field, the signer of the  
foregoing instrument, who duly acknowledged to me that  
she executed the same.

Rosalyn J. Field  
NOTARY PUBLIC

Residing At:  
Sandy, Utah

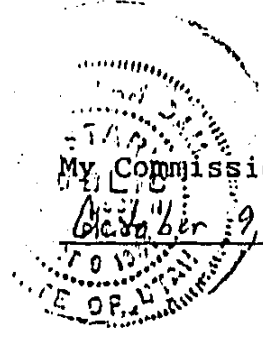
My Commission Expires:  
October 9, 1991

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 22<sup>nd</sup> day of October, 1987, personally appeared before me Michael D. Murphy, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Lee H. Van Lan  
NOTARY PUBLIC



My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah

BOOK 6013 PAGE 2720

1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 22<sup>nd</sup> day of October, 1987, personally appeared before me Deon Watts, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

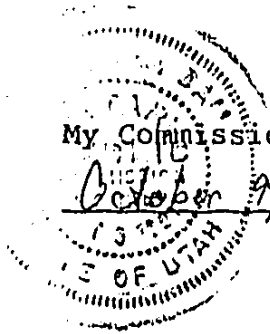
Dee H. Vanden  
NOTARY PUBLIC

My Commission Expires:

October 9, 1991

Residing At:

Sandy, Utah



BOOK 6013 PAGE 2721

1 Unit

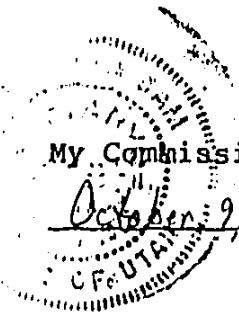
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 22<sup>nd</sup> day of October, 1987, personally appeared before me Marché Altom, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Lee H. Van Don  
NOTARY PUBLIC

My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah



BOOK 6013 PAGE 2722



1 Unit

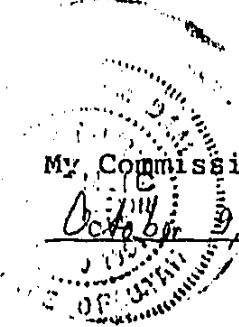
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 23<sup>rd</sup> day of October, 1987, personally appeared before me Kris Abet, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Lee W. Van der  
NOTARY PUBLIC

My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah



BOOK 6013 PAGE 2723

1 Unit

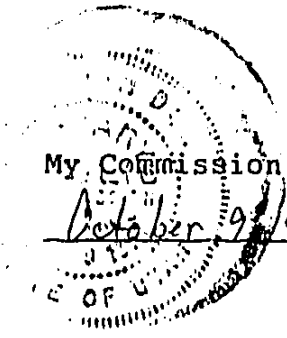
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 23<sup>rd</sup> day of October, 1987, personally appeared before me Lora Ann Short, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah



1 Unit

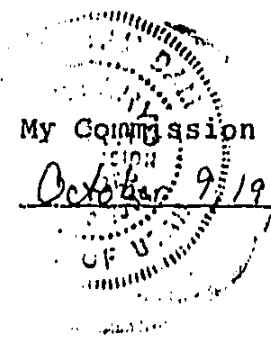
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 23<sup>rd</sup> day of October, 1987, personally appeared before me Jim Short, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Lee H. Vandam  
NOTARY PUBLIC

My Commission Expires:  
October 9, 1991

Residing At:  
Sandy, Utah



1 Unit

STATE OF Utah )  
COUNTY OF Salt Lake ) SS.

On the 30<sup>th</sup> day of October, 1987, personally appeared before me Thomas R. Haraldson, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Lee H. Van Lan  
NOTARY PUBLIC

My Commission Expires:

October 9, 1991

Residing At:

Sandy, Utah