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WHEN RECORDED MAIL TO:  
THE BOYER COMPANY, ATTN: DICK MOFFAT  
127 SOUTH 500 EAST, SUITE 310  
SALT LAKE CITY, UTAH 84102

5407646  
04 JANUARY 93 10:14 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
BOYER CO  
REC BY: VALERIE ASHBY , DEPUTY

THIRD AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS

OF

EMIGRATION OAKS, A PLANNED UNIT DEVELOPMENT

5407646

THIS THIRD AMENDMENT (the "Third Amendment") is made and entered into this 4th day of January, 1993, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

- A. Declarant previously executed and recorded the following:
  - (i) A Declaration of Covenants, Conditions & Restrictions of Emigration Oaks, a Planned Unit Development, dated February 4, 1985 which was recorded April 26, 1985 as entry No. 4078735, in Book 5648, at Page 2997, of the official records of Salt Lake County, State of Utah (the "Declaration").
  - (ii) A plat for Emigration Oaks Phase 1A, a Planned Unit Development, recorded April 26, 1985 as Entry No. 4078734 in Book 85-4 at Page 77 of the official records of Salt Lake County, State of Utah ("Phase 1A").
  - (iii) An Amendment to Declaration of Covenants, Conditions & Restrictions of Emigration Oaks, a Planned Unit Development dated July 3, 1985 which was recorded July 10, 1985 as Entry No. 4108691 in Book 5670, at Page 816, of the official records of Salt Lake County, State of Utah (the "Amendment").
  - (iv) A plat for Emigration Oaks Phase 2A, a Planned Unit Development, recorded January 3, 1991 as Entry Number 5008247 in Book 9101 of Plats, at Page 0001 of the the official records of Salt Lake County, State of Utah ("Phase 2A").
  - (v) A plat for Emigration Oaks Phase 2B, a Planned Unit Development, recorded January 3, 1991 as Entry Number 5008248 in Book 9101 of Plats, at Page 002 of the official records of Salt Lake County, State of Utah ("Phase 2B").
  - (vi) A Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development, dated August 8, 1991, which was recorded August 9, 1991 as Entry Number 5109545 in Book 6344, at Pages 2221-2227 of the official records of Salt Lake County, State of Utah (the "Second Amendment").

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(vii) A Supplement to Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development, dated August 27, 1991, which was recorded August 29, 1991 as Entry Number 5118708 in Book 6351, at Pages 0237-0340 of the official records of Salt Lake County, State of Utah (the "Supplement").

(viii) A plat for Emigration Oaks Phase 3, a Planned Unit Development, recorded January 4, 1993 as Entry Number 5407643 in Book 93-01 of Plats, at Page 001 of the official records of Salt Lake County, State of Utah ("Phase 3").

B. Declarant desires to amend the Declaration in certain respects.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant agrees as follows:

1. The following sections of the Declaration shall be amended as follows:

(a) Article I, Subparagraph 21 Stream Protection Zone shall be amended to read as follows:

21. Stream Protection Zone shall mean and refer to the "Stream Protection Zone" and/or "Drainage Protection Zone" identified as such on the Plat.

(b) Article IV, Subparagraph 2 Form for Conveyance of the Declaration shall be amended by substituting an entirely new sentence for the following existing sentence: "ALSO TOGETHER WITH the share of the capital stock in the Freeze Creek Water Company, a nonprofit mutual water company, that is appurtenant to such lot." The amended sentence shall read as follows:

ALSO TOGETHER WITH a share of the capital stock in the Freeze Creek Water Company, a nonprofit mutual water company, upon application and payment of connection fee.

(c) Article IV, Subparagraph 4 Limitation of Easement shall be amended by adding an entirely new and additional paragraph which shall constitute a new Subparagraph 4(e), to read as follows:

(e) The Drainage Protection Zone that passes over, through or otherwise encumbers Lot 71 and Lot 73 of Emigration Oaks Phase 3, shall not be construed as granting an easement to the public or other Lot owners. Nothing herein shall be construed to prohibit the Association or governing municipalities from access to maintain proper drainage, flood control or for other emergencies. Specifically, the rights specified in the Declaration to "fishing, hiking or jogging" shall not apply to the common land within the boundaries of Lot 71 and Lot 73.

(d) Article V, Subparagraph 1 Personal Obligation and Lien For Assessments shall be amended by replacing the word "including" with the word "excluding" so that the first line shall read as follows:

Each owner (excluding Declarant) shall,...

2. In all other respects the Declaration, The Amendment, The Second Amendment and the Plat Phase 1A, Phase 2A, Phase 2B, and Phase 3 and the Supplement are ratified and affirmed.

3. The vote required for amendment of the declaration of covenants has occurred, in accordance with Part XII, Paragraph 5, of the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development, as made and executed on February 4, 1985.

EXECUTED by Declarant on this 4th day of January, 1993.

"DECLARANT"

THE BOYER COMPANY,  
a Utah general partnership

By H. Roger Boyer  
H. Roger Boyer, General Partner  
and as President of Pioneer Fork Road  
Owners Association

NOTARY

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

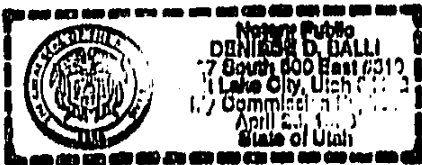
On this 4 day of January, 1993, personally appeared before me H. Roger Boyer, why duly acknowledged to me that he executed the foregoing instrument as one of the Partners of THE BOYER COMPANY, a Utah general partnership, and as President of Pioneer Fork Road Owners Association, and that the statements contained therein are true.

My commission expires:

4-28-93

Denise D. Balli  
NOTARY PUBLIC

Residing at: Salt Lake County



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EXHIBIT "A"

Real property situated in Salt Lake County, State of Utah and more particularly described as follows:

Lots 1 through 40, inclusive, **EMIGRATION OAKS PHASE 1A**, a planned unit development, located in the Southwest Quarter of Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah, according to the official plat thereof, filed in Book "85-4" of Plats at Page 77 of the Official Records of the Salt Lake County Recorder.

Lots 41 through 60, inclusive, **EMIGRATION OAKS PHASE 2A**, a planned unit development, located in the Northeast Quarter of Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah, according to the official plat thereof, filed in Book "9101" of Plats at Page 0001 of the Official Records of the Salt Lake County Recorder.

Lots 61 through 69, inclusive, **EMIGRATION OAKS PHASE 2B**, a planned unit development, located in Section 32, Township 1 North, Range 2 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah, according to the official plat thereof, filed in Book "9101" of Plats at Page 0002 of the Official Records of the Salt Lake County Recorder.

Lots 70 through 105, inclusive, **EMIGRATION OAKS PHASE 3**, a planned unit development, located in parts of Section 28, 29, 32, and 33, Township 1 North, Range 2 East, Salt Lake Base and Meridian, Salt Lake County, State of Utah, according to the official plat thereof, filed in Book "93-01" of Plats at Page 001 of the Official Records of the Salt Lake County Recorder.

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