

AMENDMENT OF  
MASTER DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS OF  
HARVEST HILLS MASTER PLANNED COMMUNITY  
A MASTER PLANNED DEVELOPMENT  
TOWN OF SARATOGA SPRINGS, UTAH

THIS AMENDMENT OF DECLARATION OF MASTER COVENANTS, CONDITIONS AND RESTRICTIONS (this "Amendment") is made and executed effective as of May \_\_\_\_, 2001 by WINDSOR DEVELOPMENT, LLC, a Utah limited liability company, with a mailing address of 3355 North University Ave., Suite 250, Provo, Utah 84604 ("Declarant").

RECITALS:

A. Declarant as the owner of the property located in the Town of Saratoga Springs, Utah County, Utah more particularly described in Exhibit A attached hereto and made a part hereof, executed as "Declarant" and recorded that certain Master Declaration of Covenants, Conditions and Restrictions of Harvest Hills Master Planned Community dated November 8, 2000 and recorded November 9, 2000 as Entry No. 88977:2000 in the Utah County Recorder's Office (the "Master CC&Rs").

B. Section 12.4 of the Master CC&Rs provides that Declarant reserved the right to amend the Master CC&Rs within twelve months of recording the same in order to, among other things, correct a technical error in the CC&Rs provided that the amendment does not materially affect the rights of "Owners".

C. The property covered by the Master CC&Rs includes two church sites (the "Church Sites") described as follows:

(1) the property designated as Lot 460 "Church Site" in Harvest Hills Planned Unit Development Plat D recorded April 5, 2001 as Entry No. 31861:2001, Map No. 9016.

(2) the property designated as Lot 501 "Proposed Church Site" in Harvest Hills Planned Unit Development Plat X/Y that has not yet been recorded.

D. The Church Sites were not intended to be covered by the Master CC&Rs but the Church Sites inadvertently were not excluded when the Master CC&Rs was recorded.

E. This Amendment is being executed and recorded to specifically exclude the Church Sites from the coverage of the Master CC&Rs pursuant to Section 12.4 of the Maser CC&Rs.

NOW THEREFORE, Declarant hereby amends the Master CC&Rs and it is hereby declared that the Master CC&Rs are amended to exclude the property covered by and included in the Church Sites and the Church Sites shall be held, sold, conveyed, developed, improved, occupied and used free of the covenants, conditions, restrictions, reservations, limitations, easements, liens and charges of the Master CC&Rs.

This Amendment to exclude the Church Sites from the Master CC&Rs shall only be effective so long as the Church Sites are actually used as sites for church meeting houses or similar buildings and related facilities and improvements. Any attempt to use the Church Sites for any purpose other than for church buildings shall invalidate this amendment, and any use of the Church Sites for any purpose other than church buildings and improvements shall make the Church Sites subject to the provisions of the Master CC&Rs.

Declarant is making this amendment to exclude the Church sites from the Master CC&Rs based upon its right to make amendments to correct a technical error in the CC&Rs that does not materially affect the rights of Owners.

IN WITNESS WHEREOF, Declarant has executed this as of the day and year first above written.

WINDSOR DEVELOPMENT, LLC

By: [Signature]  
Its: Manager

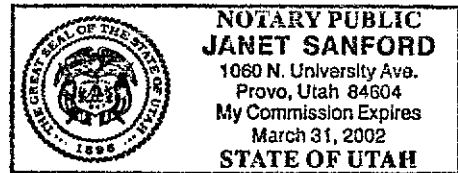
STATE OF UTAH            )  
                                      : ss.  
COUNTY OF UTAH        )

The foregoing instrument was acknowledged before me this 28 day of June, 2001, by Paul Johnson, as Manager of Windsor Development, LLC.

My commission expires:  
3-31-2002

[Signature]  
Notary Public  
Residing at: Provo, Ut.

2001204



SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 161226 as prescribed under the Laws of the State of Utah. I further certify that by the authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as



HARVEST HILLS PLANNED RESIDENTIAL COMMUNITY AREA 'C'

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Beginning at a point 3742.55 feet East and 2733.06 feet South of the North Quarter Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, and running thence S 12°44'00" W 934.28 feet; thence N 77°16'00" W 82.13 feet; thence N 03°24'49" W 156.51 feet; thence 19.84 feet along the arc of a 50.00 foot radius curve to the left through a central angle of 22°43'56" (chord bears N 82°02'50" W 19.71 feet); thence S 19°19'08" W 150.00 feet; thence N 77°22'38" W 75.34 feet; thence N 19°12'14" W 78.69 feet; thence N 54°50'38" W 277.73 feet; thence N 77°57'24" W 208.98 feet to a point on the east right of way line of Harvest Moon Drive; thence along the said right of way line N 9°42'08" E 494.49 feet; thence N 54°42'08" E 171.04 feet; thence S 85°54'25" E 110.80 feet; thence N 49°05'35" E 16.13 feet; thence S 85°54'25" E 106.96 feet; thence 110.70 feet along the arc of a 1049.59 foot radius curve to the left through a central angle of 6°02'35" (chord bears S 88°55'43" E 110.65 feet); thence S 47°14'01" E 14.09 feet; thence 231.47 feet along the arc of a 1211.00 foot radius curve to the left through a central angle of 10°57'05" (chord bears N 81°51'07" E 231.11 feet); thence S 77°22'38" E 95.57 feet to the point of beginning.

Contains 563,430 sq. ft.  
12.93 acres  
59 Lots

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION EXHIBIT A 200

LOT

Beginning at a point that is located on the westerly right-of-way line of Harvest Moon Drive and is 3025.92 feet East and 1710.12 feet South of the North Quarter Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence along said westerly right-of-way of Harvest Moon Drive the following five (5) courses 1) 301.62 feet along a tangent 976.00 foot radius curve to the right whose chord bears S 00°50'57" W 300.42 feet through a central angle of 17°42'23"; thence 2) S 9°42'08" W 365.38 feet; thence 3) S 54°42'08" W 14.14 feet; thence 4) S 9°42'08" W 112.14 feet; thence 5) S 55°42'33" W 180.61 feet to a point on the northerly right-of-way line of Harvest Hills Boulevard and running thence along said northerly right-of-way line of Harvest Hills Boulevard the following eight (8) courses. 1) 325.31 feet along a non-tangent 1949.00 foot radius curve to the right whose chord bears N 73°38'58" W 324.94 feet through a central angle of 9°33'48"; thence 2) N 23°39'36" W 14.13 feet; thence 3) N 68°36'57" W 165.53 feet; thence 4) S 66°23'03" W 14.14 feet; thence 5) N 68°36'57" W 200.55 feet; thence 6) N 23°36'57" W 14.14 feet; thence 7) N 68°36'57" W 190.61 feet; thence 8) N 6°48'18" W 15.78 feet; thence leaving said northerly right-of-way line of Harvest Hills Boulevard and running N 55°00'21" E 191.67 feet; thence S 65°00'00" E 66.22 feet to a point on the westerly right-of-way line of Strawberry Place; thence along said westerly right-of-way line of Strawberry Place 26.18 feet along a non-tangent 50.00 foot radius curve to the right whose chord bears N 40°00'00" E 25.88 feet through a central angle of 30°00'00"; thence leaving said westerly right-of-way of Strawberry Place and running N 35°00'00" W 50.65 feet; thence N 55°00'21" E 505.99 feet; thence S 37°07'54" E 115.32 to a point on the westerly right-of-way line of Raspberry Drive; thence along said westerly right-of-way line of Raspberry Drive N 52°52'06" E 30.00 feet; thence leaving said westerly right-of-way line of Raspberry Drive and running N 37°07'54" W 114.26 feet; thence N 55°00'21" E 164.08 feet; thence S 89°00'00" E 307.39 feet to the westerly right-of-way line of Harvest Moon Drive and the point of Beginning.

Description Contains 13.11 Acres or 571,095.98 Square Feet. (65 Lots)

OWNER'S DEDICATION

Know all men by these presents that \_\_\_\_\_, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

HARVEST HILLS UNIT DEVELOPMENT PLAT 'B' ENT 63413:2001 PG 4 of 5

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as indicated for public use.

In witness whereby \_\_\_\_\_ have hereunto set \_\_\_\_\_ hands this \_\_\_\_\_ day of \_\_\_\_\_ AD, 2000

Paul A. Anderson for Harvest Hills Development, LLC



and that the same has been correctly surveyed and staked on the ground as shown on this plat.

ENT 63413:2001 PG 3 of 3

BOUNDARY DESCRIPTION

EXHIBIT A 3 of 3

Beginning at a point on the south right of way line of Harvest Hills Boulevard, said point being 2771.956 feet East and 2688.72 feet South of the North Quarter Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, and running thence S 35°17'52" E 160.71 feet to a point on the west line of Harvest Moon Drive; thence along said right of way line the following two (2) courses 1) S 9°42'08" W 543.64 feet; thence 2) 164.82 feet along the arc of a 458.00 foot radius curve to the right, through a central angle of 20°37'08" (chord bears S 20°00'43" W 163.93 feet); thence leaving said right of way line, N 56°44'52" W 134.10 feet; thence 24.24 feet along the arc of a 50.00 foot radius curve to the right through a central angle of 27°46'40" (chord bears S 47°08'29" W 24.00 feet); thence S 28°58'11" E 136.03 feet; thence S 33°20'48" W 43.20 feet; thence N 88°10'03" W 202.81 feet; thence N 33°42'32" W 141.47 feet; thence 20.03 feet along the arc of a 50.00 foot radius curve to the right through a central angle of 22°57'24" (chord bears S 67°46'10" W 19.90 feet); thence S 10°45'08" E 109.63 feet; thence N 88°10'03" W 113.06 feet; thence N 22°13'50" W 316.85 feet; thence N 12°02'36" E 255.82 feet to a point on the south right of way line of Vineyard Way; thence along said right of way line the following three (3) courses 1) 276.13 feet along the arc of a 375.00 foot radius curve to the right through a central angle of 42°11'20" (chord bears N 56°51'44" W 269.93 feet); thence 2) N 35°46'04" W 169.10 feet; thence 3) 108.72 feet along the arc of a 150.00 foot radius curve to the left through a central angle of 41°31'40" (chord bears N 56°31'54" W 106.355 feet); thence leaving said right of way line, N 12°42'16" E 177.19 feet; thence S 71°05'51" E 221.82 feet; thence 20.03 feet along the arc of a 50.00 foot radius curve to the left through a central angle of 22°57'24" (chord bears N 30°22'51" E 19.90 feet); thence N 48°08'27" W 148.28 feet; thence N 65°23'03" E 129.75 feet; thence S 68°36'57" E 164.15 feet; thence S 23°36'57" E 14.14 feet; thence S 68°36'57" E 179.90 feet; thence N 66°23'03" E 14.14 feet; thence S 68°36'57" E 70.87 feet; thence S 70°01'33" E 173.09 feet; thence N 61°21'02" E 18.46 feet; thence 168.57 feet along the arc of a 2060.62 foot radius curve to the left through a central angle of 4°41'13" (chord bears S 76°01'09" E 168.52 feet) to the point of beginning.

MENT

KS:

3'  
28'  
LOT  
FORMING

Contains 766,168 sq. ft.  
17.58 acres  
59 LOTS

ENT 63413:2001 PG 5 of 5

OWNER'S DEDICATION

Know all men by these presents that \_\_\_\_\_, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

HARVEST HILLS PLANNED UNIT DEVELOPMENT PLAT 'D'

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as indicated for public use.

In witness whereby \_\_\_\_\_ have hereunto set \_\_\_\_\_ hands this 14 day of Feb. AD, 2000

*[Handwritten signature]*

NGTH