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**FIRST AMENDMENT  
TO  
DECLARATION OF HOMEOWNERS ASSOCIATION  
COVENANTS CONDITIONS AND RESTRICTIONS  
OF  
ELK RUN COTTAGES, P.U.D.,  
A PLANNED UNIT DEVELOPMENT  
MAGNA, UTAH**

THIS FIRST AMENDMENT TO DECLARATION OF HOMEOWNERS ASSOCIATION (this "Amendment") is made and executed this 29 day of NOVEMBER, 2000, by ELK RUN, L.C., a Utah limited liability company, for itself, its successors, grantees and assigns ("Developer").

RECITALS:

A. This Amendment modifies that certain document titled Declaration of Homeowners Association, Covenants Conditions and Restrictions of Elk Run Cottages, P.U.D., a Planned Unit Development, Magna, Utah, made and executed by Developer on November 22, 1999 (the "Declaration"), which was recorded on February 3, 2000, as Entry No. 7569053 in Book 8340, Page 4223 in the office of the Recorder, Salt Lake County, Utah. Capitalized terms that are not defined in this Amendment shall have the same meaning as set forth in the Declaration.

B. Developer desires to amend the Declaration as set forth below.

NOW, THEREFORE, Developer hereby declares as follows.

1. The name "ELK RUN COTTAGES P.U.D., PROPERTY OWNERS ASSOCIATION" set forth in Paragraph C of the Recitals of the Declaration is hereby deleted and shall be replaced with "ELK RUN COTTAGES HOMEOWNERS ASSOCIATION, INC."

2. Section 1.8 of the Declaration is hereby deleted in its entirety and shall be replaced with the following:

"1.8 Association shall mean ELK RUN COTTAGES HOMEOWNERS ASSOCIATION, INC., a Utah nonprofit corporation."

3. In the second sentence of Article VII, Subsection (i) of the Declaration, the name "Elk Run Cottages, P.U.D. Property Owners' Association" shall be replaced with "Elk Run Cottages Homeowners Association, Inc."

4. Section 10.4 of the Declaration is hereby deleted in its entirety and shall be replaced with the following:

"10.4 Consent in Lieu of Vote. In any case in which this Declaration requires for authorization or approval of a transaction, the assent or affirmative vote of a stated percentage of the votes present or represented at a meeting, such requirement may

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be fully satisfied by obtaining, with or without a meeting, consents in writing to such transaction from all Members entitled to vote with respect to such transaction."

5. Effect of Amendment. Except as modified by this Amendment, the Declaration is ratified and affirmed.

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Signature page follows*

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first above written.

"DEVELOPER"

ELK RUN, L.C., a Utah limited liability company, by its Members:

Nu-Team, Inc.

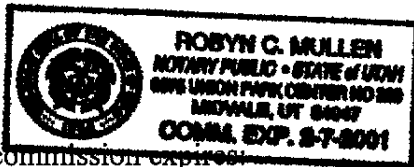
By: [Signature]  
Its: [Signature]

Arbor Homes, Inc.

By: [Signature]  
Its: Corporate Secretary

STATE OF UTAH )  
 ) :SS  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of November, 2000, by Stephen Howarth, the Secretary of Nu-Team, Inc., which is a Member of ELK RUN, L.C., a Utah limited liability company.

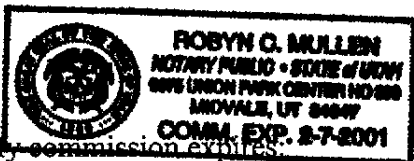


My commission expires: 2-7-01

[Signature]  
NOTARY PUBLIC  
Residing at: Midvale, ut

STATE OF UTAH )  
 ) :SS  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of November, 2000, by Cory Gust, the Secretary of Arbor Homes, Inc., which is a Member of ELK RUN, L.C., a Utah limited liability company.



My commission expires: 2-7-01

[Signature]  
NOTARY PUBLIC  
Residing at: Midvale, utah

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**PHASE I - COTTAGES**

Beginning at a point N.89°35'44" W. 695.00 ft. along the section line and S.00°24'16"W. 33.00 ft. from the N 1/4 Corner Section 32, T. 1 S., R. 2 W., S.L.B. & M.; thence S.00°24'16"W. 7.00 ft.; thence S.89°35'44"E. 5.00 ft.; thence Southeasterly 31.42 ft. along the arc of a 20.00 ft. radius curve to the right (Note: long chord bears S.44°35'44"E. 28.28 ft. with a central angle of 90° 00'00"); thence S.00°24'16"W. 240.00 ft.; thence Southerly 268.04 ft. along the arc of a 355.00 ft. radius curve to the right (Note: long chord bears S.22°02'05"W. 261.72 ft. with a central angle of 43°15'38"); thence S.43°39'54"W. 75.39 ft.; thence Southerly 239.37 ft. along the arc of a 265.00 ft. radius curve to the left (Note: long chord bears S.17°47'17"W. 231.31 ft. with a central angle of 51°45'14"); thence Southwesterly 22.66 ft. along the arc of a 15.00 ft. radius curve to the right (Note: long chord bears S.35°10'47"W. 20.56 ft. with a central angle of 86°32'13"); thence S.11 33'06"E. 60.00 ft.; thence Easterly 80.99 ft. along the arc of a 670.00 ft. radius curve to the right (Note: long chord bears N.81°54'40"E. 80.94 ft. with a central angle of 6°55'33"); thence Easterly 31.79 ft. along the arc of a 230.00 ft. radius curve to the right (Note: long chord bears N.89 20'00"E. 31.76 ft. with a central angle of 7°55'07"); thence S.86°42'26"E. 152.31 ft.; thence Easterly 41.84 ft. along the arc of a 762.17 ft. radius curve to the left (Note: long chord bears S.88 °16'48"E. 41.83 ft. with a central angle of 3°08'43"); thence S.89°51'09"E. 174.00 ft.; thence N.00° 08'51"E. 856.84 ft.; thence N.89°35'44"W. 284.36 ft. to the point of beginning containing 6.829 acres, 35 lots.

**ALSO:**

Beginning at a point being N.89°35'44"W. 410.79 ft. along the section line and S.00°08'51"W. 829.84 ft. from the North 1/4 Corner Section 32, T. 1 S., R. 2 W., S.L.B. & M.; thence S.89° 51'09"E. 351.29 ft.; thence Northeasterly 31.42 ft. along the arc of a 20.00 ft. radius curve to the left to the west right of way of 8400 West Street (Note: long chord bears N.45°08'51"E. 28.28 ft. with a central angle of 90°00'00"); thence S.00°09'51"W. 106.00 ft. along said right of way; thence Northwesterly 31.42 ft. along the arc of a 20.00 ft. radius curve to the left (Note: long chord bears N.44°51'09"W. 28.28 ft. with a central angle of 90°00'00"); thence N.89°51'09"W. 115.50 ft.; thence N.87°33'43"W. 150.12 ft.; thence N.89°51'09"W. 115.50 ft.; thence N.87°33'43"W. 150.12 ft.; thence N.89°51'09"W. 85.78 ft.; thence N.00°08'51"W. 60.00 ft. to the point of beginning containing 0.544 acres.

**PHASE II - COTTAGES**

Phase II to become part of this agreement at the time Phase II is recorded. The boundary description will be included as an addendum to this agreement at that time.

Excluding all presently existing or to be constructed or installed sewer lines, water mains, gas lines, electrical conduits, telephone lines, and related facilities to the extent they are located outside the Lots included within the above-described tract.

Reserving unto Developer its employees, agents, and successors, however, such easements and rights of ingress and egress over, across, through, and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for the Developer, its employees, agents and successors (in a manner not inconsistent with the provisions of this Declaration) to engage in construction upon or to improve the Hammer Head Roadways with such structures and facilities (including, but not limited to parking areas, sidewalks, parking area and sidewalk lighting, and various landscaped areas) designed for the use and enjoyment of all the Members, as Developer may reasonably determine to be appropriate. If, pursuant to this reservation, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall, unless sooner terminated in accordance with its

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OR RECORDED

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RXLP COTTAGES AT ELK RUN PUD			BLK, LOT-QUAR		OBSOLETE?
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	
		L	1	14-32-127-001-0000	NO
		L	2	14-32-127-002-0000	NO
		L	3	14-32-127-003-0000	NO
		L	4	14-32-127-004-0000	NO
		L	5	14-32-127-007-0000	NO
		L	6	14-32-127-006-0000	NO
		L	7	14-32-127-005-0000	NO
		L	8	14-32-127-008-0000	NO
		L	9	14-32-127-009-0000	NO
		L	ST	99-99-999-999-9999	YES
		L	10	14-32-127-010-0000	NO
		L	11	14-32-127-011-0000	NO
		L	12	14-32-127-014-0000	NO
		L	13	14-32-127-013-0000	NO
		L	14	14-32-127-012-0000	NO
		L	15	14-32-127-015-0000	NO
		L	16	14-32-127-016-0000	NO
		L	17	14-32-127-017-0000	NO
		L	18	14-32-127-019-0000	NO
		L	19	14-32-127-020-0000	NO

PF1=VTDI PF5=RKXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP COTTAGES AT ELK RUN PUD				BLK, LOT-QUAR	
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLETE?
		L	20	14-32-127-021-0000	NO
		L	21	14-32-127-022-0000	NO
		L	22	14-32-127-034-0000	NO
		L	23	14-32-127-035-0000	NO
		L	24	14-32-127-036-0000	NO
		L	25	14-32-127-033-0000	NO
		L	26	14-32-127-032-0000	NO
		L	27	14-32-127-029-0000	NO
		L	28	14-32-127-026-0000	NO
		L	29	14-32-127-025-0000	NO
		L	30	14-32-127-024-0000	NO
		L	31	14-32-127-023-0000	NO
		L	32	14-32-127-027-0000	NO
		L	33	14-32-127-028-0000	NO
		L	34	14-32-127-031-0000	NO
		L	35	14-32-127-030-0000	NO
		L	AREA	14-32-127-018-0000	NO

PF1=VTDI PF5=RKKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

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12/26/2000 05:00 PM 54.00  
Book - 8410 Pg - 7196-7201  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
PARR MADDUPS BROWN GEE &  
185 S STATE #1300 LOVELESS  
SLC UT 84111-1536  
BY: SLH, DEPUTY - WI 6 P.