

INVERNESS SQUARE HOMEOWNER'S ASSOCIATION, INC.

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment), is made this 29 day of June, 2005, Inverness Square L.L.C., a Utah limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Inverness Square L.L.C. made, executed and caused to be recorded, as Declarant, that certain Declaration of Covenants, Conditions and Restrictions dated June 20, 2005 and recorded among the Salt Lake County Recorder's Office, Entry #9408796, Book 9147, Pages 1635-1659, pursuant to which the Declarant subjected all that property described in the Declaration (the "Property") and Declarant formed an association known as, "Inverness Square Homeowner's Association, Inc."; and

WHEREAS, Declarant, is the sole owner of certain property described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein;

NOW THEREFORE, the Declarant hereby declares that the Declaration of Covenants, Conditions and Restrictions be amended and revised as follows:

1. The property described in Exhibit "A" attached hereto is revised to read "Being all those Lots shown and designated as Lot Nos. 1 through and including 26, and Lot Nos. 39 through and including 61 and the Common Area shown on the plat entitled, "Inverness Square P.U.D."

AND;

2. The property described in Exhibit "B" "Description of the Additional Property" attached hereto is revised to read "Phase II - 56 Lots (*To be determined and described in future amendment*) and any additional contingent properties and common areas.

In all other respects, the Declaration, as amended, remains unchanged.

WITNESS the hand and seal of Inverness Square L.L.C. on the day herein above first written.

WITNESS/ATTEST:

INVERNESS SQUARE L.L.C.  
By: HAMLET HOMES CORPORATION,  
Member



By:  (SEAL)  
John Aldous, President

94224304  
07/06/2005 12:00 PM #76-00  
Book - 9155 Pg - 4815-4820  
GARREY M. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
HAMLET HOMES  
308 E 4500 S STE 200  
MURRAY UT 84107  
BY: SBM, DEPUTY - M 6 P.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

EXHIBIT B

Description of the Additional Property

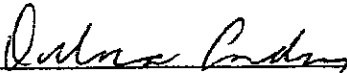
PHASE II

None

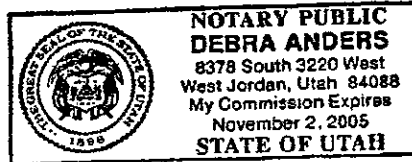
STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 29<sup>th</sup> day of June, 2005, before me, the subscriber, a Notary Public of the State of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Inverness Square, L.L.C., the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.

  
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Notary Public

My Commission Expires: Nov 2 2005



**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**EXHIBIT A**

**Description of the Property**

**PHASE I**

BEING ALL THOSE LOTS SHOWN AND DESIGNATED AS LOT NOS. 1 THROUGH AND INCLUDING 26, AND LOT NOS. 39 THROUGH AND INCLUDING 61, AND THE COMMON AREA SHOWN ON THE PLAT ENTITLED, "INVERNESS SQUARE P.U.D."

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**EXHIBIT B**

**Description of the Property**

**PHASE II**

56 LOTS (*TO BE DETERMINED AND DESCRIBED IN FUTURE AMENDMENT*) AND ANY  
ADDITIONAL CONTINGENT PROPERTIES AND COMMON AREAS.

**CONSENT AND AGREEMENT OF TRUSTEE AND BENEFICIARY**

US Title and Wells Fargo Bank, are, respectively, the Trustee and the Beneficiary under that certain Deed of Trust dated June 20, 2005 and recorded as Entry No. 9408796 in Book 9147 at Pages 1635-1659 of the Official Records of Salt Lake County, Utah hereby join in the foregoing Declaration of Covenants, Conditions and Restrictions for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust in and to the real property described in Exhibit A such to the operation and effect of such Declaration.

Nothing in the foregoing provisions of this Consent and Agreement of Trustee and Beneficiary shall be deemed in any way to create between the person named in such Declaration as "the Declarant" and any of the undersigned any relationship of partnership or joint venture, or to impose upon any of the undersigned any liability, duty or obligation whatsoever.

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed and sealed this Consent and Agreement of Trustee and Beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 29 day of June 2005.

WITNESS/ATTEST:

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TRUSTEE:

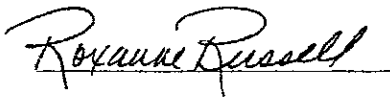
US TITLE



(SEAL)

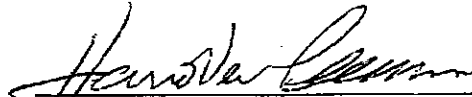
By: Larry Burton  
Its: President

WITNESS/ATTEST:



BENEFICIARY:

WELLS FARGO BANK



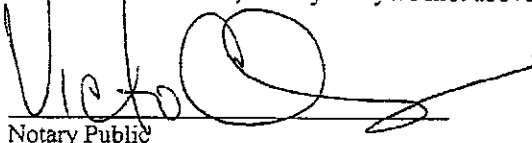
(SEAL)

By: Harro Van Leeuwen  
Its: Vice President

STATE OF UTAH: COUNTY OF Salt Lake TO WIT:

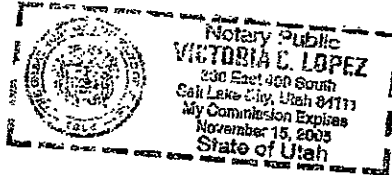
I HEREBY CERTIFY that on this 30 day of June 2005, 2005, before me, a Notary Public for the state aforesaid, personally appeared Larry Burton on behalf of U.S. Title, Trustee, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he has executed it on behalf of the Trustee for the purposes therein set forth, and that it is his act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



Notary Public

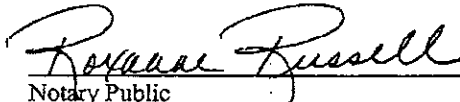
My commission expires on 11/15/05.



STATE OF UTAH, COUNTY OF SALT LAKE: TO WIT:

I HEREBY CERTIFY that on this 29th day of JUNE, 2005, before me, a Notary Public for the state aforesaid, personally appeared Harro Van Leeuwen the Vice President of Wells Fargo Bank, Beneficiary, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he/she has executed it as Beneficiary for the purposes therein set forth, and that it is his/her act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



Notary Public

My commission expires on December 15, 2005

