

**AMENDMENT TO THE  
DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
of  
TRAPPER'S POINTE  
(Planned Residential Unit Development)**

This Amendment to the Declaration of Covenants, Conditions and Restrictions of Trapper's Pointe ("Amended Declaration") is made and executed this 6 day of Apr, 2009, by the Trapper's Pointe Homeowners Association. The purpose of this Amended Declaration is to amend various provisions of the previously recorded amended and original Declarations ("Prior CC&Rs") recorded in the Morgan County Recorder's Office.

**RECITALS**

WHEREAS, the planned residential unit development that is the subject of this Amended Declaration is situated in and upon that certain real property located in Morgan County, State of Utah, as specifically described in Exhibit "A" attached hereto and incorporated herein by this reference, and including the common area that is appurtenant to each lot as shown on the plat maps for Trapper's Pointe PRUD, Plat "A" and Plat "B", as recorded in the office of the County Recorder for Morgan County, State of Utah. There are 68 lots in two phases of Trapper's Pointe PRUD (24 Lots in Plat "A" and 44 Lots in Plat "B"); and

WHEREAS, On November 29, 2006, an "Amended Declaration of Covenants, Conditions and Restrictions of Trapper's Pointe" ("2006 Amendment") was recorded in the Morgan County Recorder's Office as entry number 105435, in Book 239, beginning on Page 4, and on May 27, 2008, an "Amendment to the Declaration of Covenants, Conditions and Restrictions of Trapper's Pointe" ("2008 Amendment") was recorded in the Morgan County Recorder's Office as entry number 112196, in Book 264, beginning on Page 577; and

WHEREAS, It is the desire and intent of the members of the Trapper's Pointe Homeowner's Association to amend various portions of the 2006 Amendment and 2008 Amendment as stated herein.

NOW THEREFORE, the Trapper's Pointe 2006 Amendment and 2008 Amendment and the prior CC&Rs are hereby amended as follows:

Ent 116164 Bk 276 Pg 1439  
Date: 06-APR-2009 11:17AM  
Fee: \$83.00 Check  
Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: TRAPPERS POINTE HOME OWNERS ASS  
OCIATION

## AMENDMENT

1. Section VI, paragraph 1, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Use of Common Area" is hereby repealed and replaced with the following paragraph 1:

1. Use of Common Area The common areas shall be used only in a manner consistent with their community nature and with the use of restrictions applicable to lots and living units. Additionally, no dumping of any kind, including but not limited to dirt, trash, junk, waste materials or clippings, shall be permitted. The common area shall not be used for storage or parking of any item at any time. No resident or lot owner shall engage in any activity which could change the natural lay of the ground in the common area, including the area where the gravity buttress was constructed, nor shall they do anything on their lot that may add to or increase the possibility of erosion in the common area.

2. Section VI, paragraph 12, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Vehicle and RV Parking" is hereby repealed and replaced with the following paragraph 12:

12. Vehicle and RV Parking No automobiles, trailers, boats, or other vehicles are to be stored on streets of front and side lots unless they are in working condition, properly licensed, and are being regularly used. No vehicle or RV shall be permitted to be parked on any street within Trapper's Pointe for any period longer than 72 hours or during snow plow operations or in any manner considered habitual. No large semi-tractor trailers or buses (except temporary moving vans) shall be parked within the streets of Trapper's Pointe at any time. All RV storage is to be on the side, rear, or driveway of homes. Further, it is HIGHLY ENCOURAGED that ALL VEHICLES REMAIN CLEAR OF THE STREETS AND SIDEWALKS BY 10 FEET AT ALL TIMES, primarily for safety reasons, especially regarding small children.

3. Section VI, paragraph 13, as set forth in Exhibit "E" to the 2006 Amendment, entitled "No Hazardous Activities" is hereby repealed and replaced with the following paragraph 13:

13. No Hazardous Activities No activities shall be conducted on any property and no improvements constructed on any property which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any property and no open fires nor incinerators shall be lighted or permitted on any property except in a contained barbecue unit or enclosed fire pit while attended.

4. Section VI, paragraph 16, as set forth in Exhibit "E" to the 2006 Amendment, entitled "Motorbikes" is hereby repealed and replaced with the following paragraph 16:

16. Motorbikes All motorcycles, trail bikes, automobiles, trucks, RVs, or two, three, or four-wheel drive recreational type vehicles are to be properly muffled to reduce excessive noise. Automobiles, trucks, and RVs are to be operated only on established roads and streets and are specifically prohibited from other common areas, footpaths and walkways unless on dry ground with prior Trapper's Pointe Homeowners Association Board approval. Motorcycles, trail bikes, and recreational type vehicles may also operate on established trails when the ground is dry. No hill-climbing activities by motorized vehicles are allowed because of the noise and erosion-enhancing of such activities.

5. Section VI, paragraph 21, entitled "Landscaping" is hereby added with the following paragraph 21:

21. Landscaping All property located within Trapper's Pointe, including any improvements and landscaping thereon, shall be kept and maintained in a clean, safe, healthy, attractive, and slightly condition and in good repair. Maintenance, repair, and upkeep of each privately owned site shall be the responsibility of the owner of the site (both owners and tenants shall be notified of any concerns).

6. This amended declaration shall become effective upon recording.

### CERTIFICATION

It is hereby certified that owners holding at least 75 % of the total votes in the Trapper's Pointe Homeowner's Association have voted to approve this Amended Declaration.

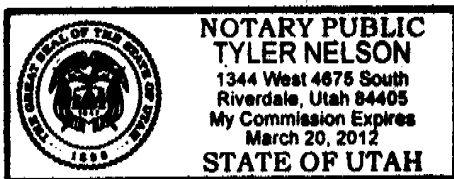
IN WITNESS WHEREOF, this 2<sup>nd</sup> day of April, 2009.

TRAPPER'S POINTE OWNERS ASSOCIATION

By: Michael A. Trapani  
Michael A. Trapani  
Its: President

STATE OF UTAH                    )  
  Utah :ss.  
COUNTY OF ~~MORGAN~~        )

On this 2<sup>nd</sup> day of April, 2009, personally appeared before me Michael Trapani who, being by me duly sworn, did say that he is President of the Trapper's Pointe Homeowners Association and that the within and foregoing instrument was signed in behalf of said Homeowners Association and he duly acknowledged to me he executed the same.



T/N      AK

## Exhibit "A"

### Legal Description of Lots in Phase 1 (Plat "A")

Lots 1 through 24, Trapper's Pointe PRUD- Plat "A", a Planned Residential Unit Development, according to the official Plat thereof, on file and of Record in the Office of the Morgan County Recorder, together with that percentage of interest of the subdivision's common area associated with the lot.

#03-TPI-0001 thru -0024      00-0056-9507 thru  
00-0057-4127

## Exhibit "B"

### Legal Description of Lots in Phase 2 (Plat "B")

Lots 25 through 68, Trapper's Pointe PRUD- Plat "B", a Planned Residential Unit Development, according to the official Plat thereof, on file and of Record in the Office of the Morgan County Recorder, together with that percentage of interest of the subdivision's common area associated with the lot, but excluding those lots whose owners have not signed an Acknowledgment which is attached hereto.

#03-TP2-0025 thru -0068

00-58-1544 thru 00-0058-5198