

When recorded, mail to:  
Beaufontaine HOA, Inc.  
8138 South State #3  
Midvale, Utah 84047

Ent 364541 Bk 1025 Pg 1009-1012  
Date: 17-NOV-2010 12:32:16PM  
Fee: \$27.00 Check Filed By: JLC  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: MICHAEL A OLSEN

AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
BEAUFONTAINE AT SPRING LAKE

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BEAUFONTAINE AT SPRING LAKE (as supplemented or amended from time to time, the "Declaration") is made as of November 12, 2010, by Proficio Bank, (together with its successors and assigns, "Declarant").

RECITALS

A. Declarant owns land in and is the successor Declarant for the development known as Beaufontaine at Spring Lake located in Heber City, County of Wasatch, State of Utah, and is more particularly described on Exhibit A attached hereto and made a part hereof.

B. Previously, Declarant's predecessor filed the original Declaration which has been amended from time-to-time.

C. Declarant desires to amend the Declaration, and any previous amendments, pursuant to Section 12.2 of the Declaration, as the same may be supplemented or amended from time to time.

DECLARATION

In consideration of the foregoing, Declarant hereby modifies the Declaration, as previously amended, and declares as follows:

Paragraph 5.7 of the Declarant is hereby deleted and the following is substituted in its place and stead:

- 5.7. Transfer Assessment. Upon any transfer, pledge, or alienation of a Unit, the Association shall levy a Transfer Assessment against the new Owner and the Unit purchased by such Owner in an amount

equal to One Thousand Dollars (\$1,000.00). Four Hundred Dollars (\$400.00) of such Transfer Assessment shall be allocated to and used by the Association to cover the costs to the Association for effectuating any such transfer of ownership upon the books of the Association, or for such other purposes as the Board of Directors shall determine, and Six Hundred Dollars (\$600.00) shall be allocated to a reserve fund for the purpose of installing, maintaining, planting and replanting, and, irrigating the Common Areas. Provided, however, that the Transfer Assessment shall not apply to any sale of Units by Declarant.

Declarant has caused the signature of a duly authorized officer as of the day and year first written above.

Proficio Bank

By: James H. Ardoin, Jr.  
Its: SVP

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

On the 12<sup>th</sup> day of November, 2010, personally appeared before me JAMES H. ARDOIN, JR. who being by me duly sworn, did say that he is the SVP of Proficio Bank, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors and he acknowledged to me that said corporation executed the same.

[Seal]

Leah Ryser  
Notary Public



**EXHIBIT A**

(Legal Description)

Real property in the City of Heber City, County of Wasatch, State of Utah, described as follows

PARCEL 1:

UNIT 16, BEAUFONTAINE AT SPRING LAKE PHASE 1, PUD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASATCH COUNTY RECORDER'S OFFICE.

PARCEL 2:

UNIT 17, BEAUFONTAINE AT SPRING LAKE PHASE 1, PUD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASATCH COUNTY RECORDER'S OFFICE.

PARCEL 3:

UNIT 18, BEAUFONTAINE AT SPRING LAKE PHASE 1, PUD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASATCH COUNTY RECORDER'S OFFICE.

Tax Parcel Nos. OBV-1016, OBV-1017 and OBV-1018, respectively.

## (Legal Description)

PARCEL 4:

(PROPOSED BEAUFONTAINE AT SPRING LAKE PHASE 2, PUD)  
 COMMENCING AT A POINT LOCATED NORTH 89°48'22" EAST ALONG THE SECTION LINE 955.65 FEET AND SOUTH 1203.44 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN; THENCE EAST 392.72 FEET; THENCE SOUTH 00°00'59" EAST 469.12 FEET; THENCE SOUTH 00°20'15" EAST 991.33 FEET; THENCE NORTH 89°27'34" WEST 1324.24 FEET; THENCE NORTH 00°35'29" WEST 798.96 FEET; THENCE NORTH 00°19'15" WEST 648.48 FEET; THENCE EAST 143.63 FEET; THENCE NORTH 186.67 FEET; THENCE EAST 106.71 FEET; THENCE SOUTH 04°24'07" WEST 21.90 FEET; THENCE SOUTHERLY 33.34 FEET ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°54'59" (CHORD BEARS: SOUTH 01°03'22" EAST 33.29 FEET); THENCE SOUTH 06°30'52" EAST 120.12 FEET; THENCE NORTH 83°29'08" EAST 319.66 FEET; THENCE SOUTH 48.47 FEET; THENCE NORTH 89°54'38" EAST 356.87 FEET TO THE POINT OF BEGINNING.

(NOTE: SAID PROPOSED PHASE 2 PURPORTS TO CONTAIN 56 UNITS AS SHOWN ON THAT CERTAIN PRELIMINARY BEAUFONTAINE AT SPRING LAKE PHASE 2 PLAT MAP, DATED AUGUST 1, 2006, PREPARED BY BULLOCH BROTHERS ENGINEERING, INC. SAID PLAT HAS NOT BEEN SUBMITTED FOR FINAL REVIEW OR RECORDATION.)

PARCEL 5:

(PROPOSED BEAUFONTAINE AT SPRING LAKE PHASE 3, PUD)  
 COMMENCING AT A POINT LOCATED NORTH 89°48'22" EAST ALONG THE SECTION LINE 11.77 FEET AND SOUTH 16.99 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN; THENCE SOUTH 00°18'44" EAST 243.85 FEET; THENCE SOUTH 45°00'00" EAST 76.25 FEET; THENCE 32.34 FEET ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°14'08" (CHORD BEARS: SOUTH 66°55'54" WEST 32.31 FEET); THENCE SOUTH 27°11'10" EAST 50.00 FEET; THENCE SOUTH 62°48'50" WEST 105.70 FEET; THENCE WESTERLY 63.01 FEET ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°37'43" (CHORD BEARS: SOUTH 73°07'42" WEST 62.67 FEET); THENCE SOUTH 146.21 FEET; THENCE SOUTH 89°33'50" WEST 574.61 FEET; THENCE NORTH 02°42'20" EAST 365.54 FEET; THENCE SOUTH 89°21'13" EAST 216.80 FEET; THENCE NORTH 00°09'11" WEST 7.05 FEET; THENCE NORTH 89°49'29" EAST 392.53 FEET; THENCE NORTH 00°23'04" WEST 201.10 FEET; THENCE SOUTH 89°56'12" EAST 55.03 FEET TO THE POINT OF BEGINNING.

(NOTE: SAID PROPOSED PHASE 3 PURPORTS TO CONTAIN 10 UNITS AS SHOWN ON THAT CERTAIN PRELIMINARY BEAUFONTAINE AT SPRING LAKE PHASE 3 PLAT MAP, DATED AUGUST 1, 2006, PREPARED BY BULLOCH BROTHERS ENGINEERING, INC. SAID PLAT HAS NOT BEEN SUBMITTED FOR FINAL REVIEW OR RECORDATION.)

PARCEL 6:

UNITS 12 THROUGH 14, UNITS 28 THROUGH 30 AND UNIT 33,  
 BEAUFONTAINE AT SPRING LAKE PHASE 1, PUD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASATCH COUNTY RECORDER'S OFFICE.

Tax Parcel No. OWC-1456-1, OWC-1546-2, 0BV-1012, 0BV-1013, 0BV-1014, 0BV-1028, 0BV-1029, 0BV-1030 and 0BV-1033

Note: All properties described above were assessed under Tax Parcel No. OWC-1456-1 during the year 2006.