



**FIRST AMENDMENT
TO THE
SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR**

**WINSTON PARK HOMEOWNERS
ASSOCIATION**

Ogden, Weber County, Utah

Lots 101-154 of the Winston Park Subdivision as shown on the plat entitled the same that was recorded as Entry No. 3245491 on the 12th day of the month of July 2022, in the Recorder's Office of Weber Country, Utah.

| <u>Lot No.</u> | <u>Parcel No.</u> | <u>Lot No.</u> | <u>Parcel No.</u> | <u>Lot No.</u> | <u>Parcel No.</u> |
|----------------|-------------------|----------------|-------------------|----------------|-------------------|
| 101 | 15-796-0001 | 121 | 15-796-0021 | 141 | 15-796-0041 |
| 102 | 15-796-0002 | 122 | 15-796-0022 | 142 | 15-796-0042 |
| 103 | 15-796-0003 | 123 | 15-796-0023 | 143 | 15-796-0043 |
| 104 | 15-796-0004 | 124 | 15-796-0024 | 144 | 15-796-0044 |
| 105 | 15-796-0005 | 125 | 15-796-0025 | 145 | 15-796-0045 |
| 106 | 15-796-0006 | 126 | 15-796-0026 | 146 | 15-796-0046 |
| 107 | 15-796-0007 | 127 | 15-796-0027 | 147 | 15-796-0047 |
| 108 | 15-796-0008 | 128 | 15-796-0028 | 148 | 15-796-0048 |
| 109 | 15-796-0009 | 129 | 15-796-0029 | 149 | 15-796-0049 |
| 110 | 15-796-0010 | 130 | 15-796-0030 | 150 | 15-796-0050 |
| 111 | 15-796-0011 | 131 | 15-796-0031 | 151 | 15-796-0051 |
| 112 | 15-796-0012 | 132 | 15-796-0032 | 152 | 15-796-0052 |
| 113 | 15-796-0013 | 133 | 15-796-0033 | 153 | 15-796-0053 |
| 114 | 15-796-0014 | 134 | 15-796-0034 | 154 | 15-796-0054 |
| 115 | 15-796-0015 | 135 | 15-796-0035 | <end> | |
| 116 | 15-796-0016 | 136 | 15-796-0036 | | |
| 117 | 15-796-0017 | 137 | 15-796-0037 | | |
| 118 | 15-796-0018 | 138 | 15-796-0038 | | |
| 119 | 15-796-0019 | 139 | 15-796-0039 | | |
| 120 | 15-796-0020 | 140 | 15-796-0040 | | |

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This First Amendment (“Amendment”) is made and adopted by Declarant pursuant to Article 15.1.12 of the Declaration, effective upon recording in the Weber County Recorder’s Office.

1. RECITALS

A. WHEREAS, the Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Winston Park (the “Declaration”) was recorded on January 16, 2025, as Entry No. 3354588 in the Recorder’s Office Weber County, Utah; and

B. WHEREAS, the Declarant is the record owner of one or more Lots within the portion of the Project described in **Exhibit A** (Phase 1) and remains within the Control Period under § 15.1 of the Declaration; and

C. WHEREAS, the Declarant owns, controls, and holds development rights to certain real property within the Project, including Parcel “A” as shown on the Phase 1 Plat (**Exhibit A**), which is being subdivided for development pursuant to at least §§ 15.3 and 15.4 of the Declaration, with plats, lot layouts, boundaries, and phase names to be recorded or modified at Declarant’s sole discretion, including but not limited to recording as “Winston Park Subdivision (Phase 2)” and “Winston Park Subdivision (Phase 3)” (**Exhibits B and C**, respectively, for illustration purposes only); and

D. WHEREAS, pursuant to § 15.1.12 of the Declaration, the Declarant may amend the Declaration during the Control Period, in its sole discretion, and without Owner or Mortgagee consent; and

E. WHEREAS, the Declarant intends to convey Lots in such additional phases to builders for construction of Dwellings and related Improvements; and

F. NOW THEREFORE, the Declarant hereby adds a new Declarant right under Article 15 to provide that, during the Control Period, certain conveyances of Lots by the Declarant to builders within such additional phases shall be exempt from the Reinvestment Fee described in § 11.9. Declarant hereby adopts this Amendment, including these Recitals, the provisions of which shall run with and bind the Land as equitable servitudes enforceable under the Declaration, and which shall automatically terminate upon expiration of the Control Period unless expressly extended by a further amendment recorded in the Recorder’s Office of Weber County, Utah.

The Declaration is hereby amended as set forth on the following pages:

EXHIBIT A – Plat and Legal Description

The plat following this legal description (the “Phase 1 Plat” titled WINSTON PARK SUBDIVISION and recorded July 12, 2022, as Entry No. 3245491 in the Weber County, Utah Recorder’s Office) is hereby incorporated by reference into this **Exhibit A** in its entirety for all of its content including the legal description(s) of the parcel(s) of the Land.

Legal Description – WINSTON PARK SUBDIVISION:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING FENCE LINE EXTENDED DEFINED AS THE WESTERLY BANK OF A SLOUGH, SAID POINT BEING NORTH 89°15'08" WEST ALONG THE QUARTER SECTION LINE 152.35 FEET FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE BEGINNING AT A POINT ON THE EXISTING FENCE LINE EXTENDED DEFINED AS THE WESTERLY BANK OF A SLOUGH, SAID POINT BEING NORTH 89°15'08" WEST ALONG THE QUARTER SECTION LINE 152.35 FEET FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID EXISTING FENCE AND WESTERLY BANK OF SAID SLOUGH THE FOLLOWING SEVEN (7) COURSES: 1) SOUTH 38°02'07" WEST 414.75 FEET; 2) SOUTH 37°51'05" WEST 188.07 FEET; 3) SOUTH 38°06'04" WEST 513.12 FEET; 4) SOUTH 43°27'51" WEST 42.80 FEET; 5) SOUTH 39°10'43" WEST 191.74 FEET; 6) SOUTH 41°15'28" WEST 152.02 FEET; 7) SOUTH 33°50'24" WEST 167.55 FEET TO POINT ON A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY NO. 3184075 AT THE OFFICE OF THE WEBER COUNTY RECORDER; THENCE NORTH 88°46'49" WEST 814.57 FEET ALONG SAID BOUNDARY LINE AGREEMENT; THENCE NORTH 00°41'23" EAST 1318.75 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 89°15'08" EAST ALONG SAID QUARTER SECTION LINE 1830.36 FEET TO THE POINT OF BEGINNING. CONTAINS 40.152 ACRES, MORE OR LESS.

INCLUDING 54 RESIDENTIAL LOTS (PARCEL NOS. 15-796-0001 – 0054) & COMMON AREA “A” AND “B” (PARCEL NO. 15-796-0056) & PARCEL “A” (PARCEL NO. 15-796-0055).

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