

# WALTER T. MERRILL, P.C.

ATTORNEY AT LAW

January 23, 2009

Welch Agency  
Attn: Brian Morris  
P.O. Box 12155  
Ogden, UT 84412


Re: Westfield Estates Phase 3

Dear Brian:

I have reviewed the C,C,&R's for Westfield Estates Phase 3 concerning the question whether the C,C,&R's could be removed as restrictions on the properties. Generally, C,C,&R's have an amendment procedure included with the restrictions. However, the document for Westfield Estates Phase 3 has no amendment procedure. The restrictions are in place for forty years, or until 2045, at which time a document signed by a majority of owners and recorded could amend them.

This leaves only two procedures to accomplish the removal now. One would be for all owners to sign a document removing the restrictions, which when recorded would accomplish just that. The other would be a quiet title action with the court for that purpose, which, if none of the owners responded when served, would also accomplish the goal. However, as I mentioned to you, it isn't a good idea to have a development with common area, without an association to direct the maintenance of the common areas.

Sincerely,



Walter T. Merrill, P.C.

WTM/sm