

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

Ent 377130 Bk 1051 Pg 1409-1415  
Date: 14-MAR-2012 11:19:15AM  
Fee: \$59.00 Check Filed By: JP  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: BEAUFONTAINE HOA

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 ), recorded on November 27, 2007, as Entry No. 328977, in Book 955, at Page 105-144 in the office of the Recorder for Wasatch County, is made as of January 1, 2011, by Proficio Bank and Workers Compensation Fund, (together with their successors and assigns, collectively referred to as 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:

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### 1.1 BUILDING EXTERIOR MAINTENANCE, REPAIR AND REPLACEMENT

All Owners are responsible for the maintenance, repair and replacement of the exteriors of their units including but not limited to roofs including shingles, walls including stucco, rock, brick, soffit and fascia, windows, doors, trim, accessories, foundation walls, structural portion of party walls between units, concrete driveways and sidewalks leading to their unit. Sidewalks attached to the street curb will be the responsibility of the HOA. Exceptions to these items are the regular painting/staining of timbers and paintable doors and trim. Replacement of shingles due to a worn appearance must include the entire building unless otherwise approved by the Board of Directors.

If a question arises to the necessity of the maintenance, repair or replacement of any item(s) the Board of Directors may make a binding decision and request the Owners to complete maintenance, repair or replacement within 60 days of written notice to Owner. If Owner fails to comply with such written notice, then the Board of Directors may, at their sole discretion and with out further notification to Owner, cause such maintenance, repair or replacement to be completed by authorized agents; and then assess Owner at 125% of the costs of materials and labor.

The HOA will maintain liability insurance on all common areas. The HOA may cover additional insurances as approved by the Board of Directors.

### 1.2 TRANSFER ASSESSMENTS

The transfer assessment against a new Owner shall be in accord with Section 5.7 of the Declaration or \$1,000.00. The amount for any given fiscal year will be determined by the Board of Directors.

### 1.3 RENTAL AGREEMENTS OR LEASES

The minimum lease/rental agreement for any tenant must be for a minimum of one year.

### 1.4 WINDOWS AND WINDOW COVERINGS

Interior window coverings shall be limited to plantation style horizontal shutters or 2 inch or larger width horizontal wood or faux wood blinds and shall be of darker earth tone colors that harmonize with the exterior finish materials.

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#### 1.5 ANIMALS

Electronic fenceless pet areas around a unit are acceptable but must be limited to an area immediately around the unit of the Owner. Wireless models are recommended as the HOA or landscape contractor is not responsible for damage to ground wired models. The Owner shall immediately remove pet droppings in such areas.

#### 1.6 BUDGET COMMITTEE

A five member Budget Committee may be formed, and members appointed, by the Board of Directors to be a recommending committee. Their purpose will be to prepare and/or review the annual budget and recommend to the Board of Directors their approval. The committee will meet as deemed necessary.

#### 1.7 ARCHITECTURAL/COMPLIANCE REVIEW COMMITTEE

A five member Architectural/Compliance Review Committee may be formed, and members appointed, by the Board of Directors to be a recommending committee. Their purpose will be to review and recommend to the Board of Directors approval or denial of all unit building elevation drawings for compliance with the Development Agreement and uniform appearance to existing buildings. The Board of Directors must give signed approval to all building elevation drawings for any proposed building plan, before said plan is submitted for review and acceptance by the Wasatch County Building Department. The submitter may be charged an amount determined by the Board of Directors for each reviewed elevation drawing.

This committee may also be assigned by the Board of Directors to review all Declaration compliance issues and recommend to the Board of Directors acceptance or denial of non-compliant or non-uniform issues or any changes or additions to building structures or landscaping.

The committee will meet as deemed necessary.

#### 1.8 PARKING ON ROADS

Parking on the public roads in the subdivision is prohibited during the winter months when there is any possibility for snowfall or snow removal.

#### 1.9 ADDITIONAL ASSESSMENTS FOR PRIVATE ROADS

HOA members adjoining roads that are not yet accepted as public roads by Wasatch County

may be charged an additional assessment for maintenance and garbage pickup until such time as the adjoining roads are accepted by the county as public roads.

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

Proficio Bank

By: Jim Andoin

Its: S.V.P.

Workers Compensation Fund

By: Michael Willhurd

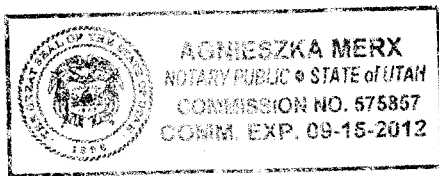
Its: vice president

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

On the 22<sup>nd</sup> day of February, 2012, personally appeared before me Jim Andoin, who being by me duly sworn, did say that he is the Senior Vice President 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]

Agnieszka Merx  
Notary Public

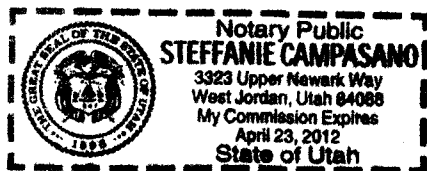


STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )

On the 28<sup>th</sup> day of February, 2012, personally appeared before me Michael Willhard, who being by me duly sworn, did say that he is the Vice President of Workers Compensation Fund, 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]

Steffanie Campasano  
Notary Public



# EXHIBIT A

Legal Description of Land

EXHIBIT A

NORTH QUARTER  
CORNER, SECTION 4,  
T4S, R5E, SLB&M

POINT OF BEGINNING  
NORTHEAST CORNER,  
SECTION 4, T4S,  
R5E, SLB&M

BEAUFONTAINE AT  
SPRING LAKE  
DEVELOPMENT

OBV - 0001 - 0033

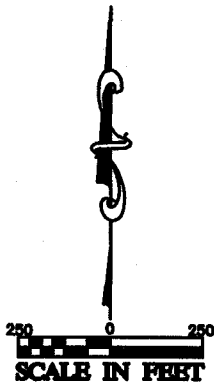
OWC - 1456-2

OWC - 1456-1

OWC - 1456-5

OWC - 1493-0

OWC - 1456-3



COMMENCING AT A POINT LOCATED NORTH 89°48'22" EAST ALONG THE SECTION LINE 955.65 FEET AND SOUTH 21.22 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN; THENCE SOUTH 00°00'00" WEST 1182.21 FEET; 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 1303.51 FEET; THENCE NORTH 01°39'39" WEST 2.00 FEET; THENCE SOUTH 89°36'18" WEST, 20.69 FEET; THENCE NORTH 00°35'29" WEST 797.30 FEET; THENCE NORTH 00°19'15" WEST 1265.53 FEET; THENCE SOUTH 89°33'50" WEST 683.30 FEET; THENCE NORTH 02°42'20" EAST 365.54 FEET; THENCE SOUTH 89°21'13" EAST 205.79 FEET; THENCE SOUTH 00°00'00" EAST, 4.91 FEET; THENCE SOUTH 90°00'00" EAST, 363.00 FEET; THENCE NORTH 00°00'00"W, 12.91 FEET; THENCE NORTH 89°49'29" EAST, 40.52 FEET; THENCE NORTH 00°23'04" WEST 201.10 FEET; THENCE SOUTH 89°56'12" EAST 998.90 FEET TO THE POINT OF BEGINNING.

AREA: 75.64 ACRES

BASIS OF BEARING: NORTH 89°48'22" EAST FROM NORTH QUARTER CORNER TO THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

PROJECT NO:	DRAWN BY:
8100617	SLB
DATE:	DESIGNED BY:
6/18/11	SLB
SHEET NO.:	CHECKED BY:
1 OF 1	TWO

EXHIBIT A  
FOR  
BEAUFONTAINE AT SPRING  
LAKE DEVELOPMENT  
HEBER, UTAH

BOSS ENGINEERING &  
SURVEYING

230 N. 1300 W., SUITE 4, PLEASANT GROVE, UT 84062, (801) 763-9467 FAX (801) 763-8472

REVISIONS			
NO.	DESCRIPTION	DATE	BY