

12-512-0101 thru 0123

WHEN RECORDED RETURN TO  
David S. Bailey  
1205 W. Flintmeadow Dr. #3  
Kaysville, Utah 84037

**RETURNED**  
**JUN 02 2003**

FOR ACCOMODATION ONLY  
E 1872887 B 3302 P 2278  
RICHARD T. MAUGHAN, DAVIS CNTY RECORDER  
2003 JUN 2 3:14 PM FEE 35.00 DEP MEC  
REC'D FOR BONNEVILLE TITLE COMPANY, INC

**AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS  
THE VINEYARDS PHASE I**

This AMENDMENT is made and executed by Kent Mitchell (the "Declarant") of 31 South 1700 West, Kaysville, Utah 84037, this 28 day of May 2003 as follows:

WHEREAS, Declarant is the sole owner of real property located in the City of Layton, County of Davis, State of Utah, and which is described more particularly as follows:

Beginning at a point on the North line of 1000 North Street (Gordon Avenue) at a point that lies North 89°50'42" West 528.03 feet along the section line and North 00°11'05" East 33.00 feet from the Southeast Corner of Section 13, Township 4 North, Range 2 West, Salt Lake Base and Meridian and running thence North 89°50'42" West 495.01 feet along said North line; thence North 00°09'44" East 533.61 feet; thence South 89°50'16" East 90.00 feet; thence North 85°00'38" East 60.24 feet; thence South 89°50'16" East 90.00 feet; thence South 00°09'44" West 8.39 feet; thence South 89°50'42" East 255.22 feet; thence South 00°11'05" West 530.60 feet to the point of beginning. Property contains 6.062 acres. (The "Property), and

WHEREAS, Declarant intends to sell/develop the Property, and in doing so, made, executed and recorded in the Davis County Recorders Office, that certain Declaration of Protective Covenants, The Vineyards Phase I (the "CC&R's), a copy of which is attached hcreto and incorporated herein by this reference, and

WHEREAS, Decalarant as sole owner of the Property desires to amend or modify the CC&R's in order to further define the typc of fencing, if any, that an owner of property within the Property may erect or construct, and to provide for a method by which the CC&R's shall hereinafter be amended,

THE CC&R's are hereby amended and modified as follows:

1. Paragraph 15 of Article IV of the CC&R's as it currently reads shall be stricken and substituted with the following: "Fencing. All fencing, or any other structures dividing, denoting or running along property boundaries within the Property shall be made of vinyl only. Additionally, no fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of three and one-half (3.5') feet; nor shall any fence or other

similar structure be erected in any side or rear yard to a height in excess of six (6') feet. On corner lots, no fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of three and one-half (3.5') feet." These restrictions shall not apply to any fencing installed by Destination Homes, Inc. or Kent Mitchell.

- 2. A paragraph 3 shall be added to Article IX and shall read as follows: "~~Amendment~~. This Declaration may be amended or modified at anytime during its lawful duration by a two-thirds (2/3) majority vote of all Lot Owners, one vote per lot owned. The vote shall be memorialized in writing and shall contain the signatures of those who voted in the affirmative."
- 3. This amendment and modification shall take effect immediately.
- 4. In as much as Declarant is the sole owner of the Property, and all lots, if any, subdivided therein, this Amendment shall constitute evidence of the unanimous consent of the amendment and modification set forth herein of all owners of property within the CC&R's.
- 5. All other provisions of the CC&R's not specifically amended and modified herein shall remain the same and in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS THE VINEYARDS PHASE I the 28 day of May, 2003.

KENT MITCHELL

By: Kent R. Mitchell  
Title: Kent Mitchell, an individual

STATE OF UTAH     )  
                                  )ss:  
COUNTY OF DAVIS     )

On the 28 day of May, 2003, personally appeared before me Kent Mitchell.

Randi L. Peay  
NOTARY PUBLIC

Residing at:  
Commission Expires:

