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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
7/16/2013 3:26:00 PM  
FEE \$310.00 Pgs: 13  
DEP eCASH REC'D FOR COTTONWOOD TITLE INS

Ivory Development, LLC  
Brad Mackay  
978 East Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 747-7440  
(Cover Page)

**AMENDMENT  
TO  
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS, RESERVATION OF EASEMENTS, AND BYLAWS  
FOR MOUNTAIN VIEW SUBDIVISION  
AND  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
MOUNTAIN VIEW TOWNS SUBDIVISION**

Parcel ID Numbers:

06-264-0001 through 0071  
06-275-0201 through 0236  
06-294-0301 through 0335  
06-325-0401 through 0419  
06-333-0501 through 0518  
06-342-0601 through 0605  
06-315-0101 through 0123  
06-324-0201 through 0236  
06-343-0301 through 0334

WHEN RECORDED RETURN TO:  
Ivory Development, LLC  
Brad Mackay  
978 East Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 747-7440

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This Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions, Reservation of Easements, and Bylaws for Mountain View Subdivision (the "Amended and Restated Declaration") and Amendment to Declaration of Covenants, Conditions and Restrictions for Mountain View Towns Subdivision (the "Neighborhood Declaration") is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

**RECITALS**

Whereas, the Declaration of Protective Covenants for Mountain View Subdivision Phase 1 was recorded in the office of the County Recorder of Davis, Utah on August 28, 2006 as Entry No. 2196530 in Book 4105 at Pages 413-454 of the official records (the "Original Declaration").

Whereas, the related Map for Mountain View Phase 1 has been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Phase 2 Subdivision was recorded in the office of the County Recorder of Davis, Utah on November 30, 2007 as Entry No. 2324580 in Book 4419 at Pages 1164-1171 of the official records (the "Phase 2 Supplement").

Whereas, the related Map for Mountain View Phase 2 has been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Mountain View Phase 3 Subdivision was recorded in the office of the County

Recorder of Davis, Utah on May 12, 2008 as Entry No. 2364703 in Book 4531 at Pages 1488-1491 of the official records (the "Phase 3 Supplement").

Whereas, the related Map for Mountain View Phase 3 has been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the Amended and Restated Declaration of Covenants, Conditions and Restrictions, Reservation of Easements, and Bylaws for the Mountain View Subdivision was recorded in the office of the County Recorder of Davis, Utah on June 9, 2009 as Entry No. 2457829 in Book 4793 at Pages 113-186 of the Official Records and has been amended, restated and supplemented (the "Amended and Restated Declaration").

Whereas, the First Supplement to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Mountain View Subdivision Phases 4 and 5 was recorded in the office of the County Recorder of Davis, Utah on May 21, 2010 as Entry No. 2529880 in Book 5030 at Pages 989-997 of the official records (the "Phases 4 and 5 Supplement").

Whereas, the related Map for Mountain View Phases 4 and 5 has been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the Supplement for Mountain View Subdivision Phase 6 was recorded in the office of the County Recorder of Davis, Utah on February 27, 2012 as Entry No. 2645524 in Book 5466 at Pages 99-103 of the official records (the "Phase 6 Supplement").

Whereas, the related Map for Mountain View Phase 6 has been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, the phases of development consist of 172 single family residential lots and 57 townhouse lots.

Whereas, Declarant reserved the unilateral right to amend the Declaration.

Whereas, Declarant now intends to amend the Declaration to reflect current market conditions for a viable subdivision.

Whereas, this Amendment affects the real property located in Davis County, Utah described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference.

#### **AMENDMENT**

NOW, THEREFORE, for the reasons recited above and for the vitality and benefit of the Mountain View Subdivision, including but not limited to the Mountain View Towns property and Owners thereof, Declarant hereby amends the Amended and Restated Declaration and Towns Declaration as follows:

1. The language of Article V, Sections 29 and 30 of the Amended and Restated Declaration is hereby deleted and repealed in its entirety and the following language is substituted in lieu thereof:

29. Definition of Owner-Occupied. The term "owner-occupied" shall mean a Unit occupied by one of the following:

a. The vested owner (as shown on the records of the Davis County Recorder);

b. The vested owner and/or his spouse, children or siblings; or

c. The shareholder, partner, member, trustor, beneficiary or other legal representative of an institutional owner (provided, such person holds a beneficial interest in such legal entity of at least 50.0%) and/or his spouse, children or parents.

30. Leases. Other than as expressly stated in this subsection, there is no restriction on the right of any Owner to lease, rent or otherwise grant occupancy rights to a Lot.

a. All leases and rental agreements are subject to the Rental Regulations adopted by the Board of Directors, which may be modified from time to time.

b. The initial minimum lease or rental term shall be at least six (6) months.

c. Daily or weekly rentals are prohibited.

d. Owner may lease individual rooms to separate persons or less than his entire Dwelling Unit or Home without the prior express written consent of the Board of Directors.

e. All lessees, tenants and renters shall abide by and be subject to the Governing Documents, and a violation of the Governing Documents shall be considered a material violation of the lease or rental agreement.

f. The Declarant hereby reserves to itself and hereby grants to the Board of Directors the right to review and approve all lease or rental agreements and/or to require the use of

a crime free addendum or safe renting addendum, and may impose a reasonable review or administration fee as a condition precedent to the lease or rental of any Lot.

g. The Declarant hereby reserves to itself and hereby grants to the Board of Directors the right to impose by rule rental restrictions to such extent and with such language as may be requested by the Utah State Department of Real Estate (or similar agency), FHA, VA, FHLMC, FNMA, or a conventional mortgage lender, and to further adopt rules to the extent requested by any federal, state or local governmental agency or a conventional lender which requests such rule as a condition precedent to finance or refinance a Lot or for approval of the Declaration or approval of the sale of a Lot, or by any conventional or federally chartered lending institution as a condition precedent to lending funds upon the security of any Lot, or any portions thereof. Recordation of such an amendment shall be deemed conclusive proof of the agency's or institution's request for such an amendment, and such amendment, when recorded, shall be binding upon the Property, in whole or in part, and all persons having an interest therein.

2. Any and all provisions and requirements that a Lot, Dwelling Unit or Home be owner-occupied are hereby repealed and deleted, anything to the contrary notwithstanding.

3. In the event of any conflict, inconsistency, or incongruity between the provisions of the Declaration and the provisions this Amendment, the latter shall in all instances govern and control:

4. If any provision of this Amendment is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Amendment will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Amendment will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Amendment. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Amendment, a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid and enforceable.



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 1**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 1 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 1, according to the official plat recorded as Entry No. 2196295, in Book 4104 at Page 1707, in Davis County, State of Utah.

Parcel Nos. 06-264-0001 through 0071

**EXHIBIT "A-2"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 2**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 2 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 2, according to the official plat recorded as Entry No. 2268655, in Book 4278 at Page 717, in Davis County, State of Utah.

Parcel No. 06-275-0201 through 0236

**EXHIBIT "A-3"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 3**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 3 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 3, according to the official plat recorded as Entry No. 2324737, in Book 4419 at Page 2248, in Davis County, State of Utah.

Parcel Nos. 06-294-0301 through 03355

**EXHIBIT "A-4"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 4**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 4 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 4, according to the official plat recorded as Entry No. 2491504, in Book 4896 at Page 95, in Davis County, State of Utah.

PARcel Nos. 06-325-0401 through 0419

**EXHIBIT "A-5"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 5**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 5 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 5, according to the official plat recorded as Entry No. 2529879, in Book 5030 at Page 988, in Davis County, State of Utah.

Parcel Nos. 06-333-0501 through 0518

**EXHIBIT "A-6"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW SUBDIVISION – PHASE 6**

The Property referred to in the foregoing document as the Mountain View Subdivision Phase 6 is located in Davis County, Utah and is described more particularly as follows:

All of MOUNTAIN VIEW SUBDIVISION PHASE 6, according to the official plat recorded as Entry No. 2645523, in Book 5466 at Page 98, in Davis County, State of Utah.

Parcel Nos. 06-342-0601 through 0605

**EXHIBIT "A-7"**

**LEGAL DESCRIPTION**

**MOUNTAIN VIEW TOWNS P.U.D**

All of MOUNTAIN VIEW TOWNS P.U.D. PHASE 1, as shown on the official recorded Plat, recorded in Davis County, Utah on June 9, 2009 as Entry No. 2457828, in Book 4793 at Page 112.

Parcel No.: 06-315-0101 through 0123

All of MOUNTAIN VIEW TOWNS P.U.D. PHASE 2, as shown on the official recorded Plat, recorded in Davis County, Utah on November 4, 2009 as Entry No. 2491309, in Book 4895 at Page 197.

Parcel No.: 06-324-0201 through 0236

All of MOUNTAIN VIEW TOWNS P.U.D. PHASE 3, as shown on the official recorded Plat, recorded in Davis County, Utah on March 26, 2012 as Entry No. 2651282, in Book 5486 at Page 1254.

Parcel No.: 06-343-0301 through 0334