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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/27/2018 09:47 AM
FEE \$26.00 Pgs: 8
DEP RT REC'D FOR KAYSVILLE CITY

When recorded mail to:
Destination Homes
Attn: John B. Warnick
67 South Main Street
Layton, Utah 84041

**FOURTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS**
For Hill Farms Subdivision
In Davis County, Utah D

This Fourth Amendment to the Declaration of Covenants, Conditions & Restriction for Hill Farms Subdivision (hereinafter "Fourth Amendment") hereby amends that certain Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision, as amended, recorded in the Davis County Recorder's Office on November 26, 2013, as Entry No. 2778856 ("Declaration"), and is executed by Legacy Neighborhoods, LLC, a Utah limited liability company (hereinafter "Declarant") and the Owners of Lots 317-A and 318, respectively Aaron R. Hixson and Jana W. Hixson, and John and Michelle Lhotak (hereinafter Lots 317-B and 318-A).

RECITALS:

(A) This Fourth Amendment affects and concerns real property located in Davis County, Utah and more particularly described on **Exhibit "A"** attached hereto ("Property").

(B) The Project remains within the Class B Control Period, as defined in Article IX of the Enabling Declaration. Also, in accordance with Article 23.4 of the Enabling Declaration, the Declarant may amend the Enabling Declaration at any time during the Class B Control Period at the sole discretion of the Declarant.

(C) The Owner of Lots 317-B and 318-A hereby consent to the recording of this Fourth Amendment.

(D) The Bylaws of Hill Farms Subdivision Homeowner Association, Inc. ("Bylaws") were recorded on August 29, 2016, as Entry No. 2962280 in the office of the Davis County Recorder, Utah.

(E) The First Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("First Amendment") was recorded on July 19, 2016, as Entry No. 2952372 in the office of the Davis County Recorder, Utah.

(F) A Re-Recorded First Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Re-recorded First Amendment") was recorded on

11-806-0317, 0248
11-839-0317, 0318, 0248
11-795-0301 → 0329

August 29, 2016, as Entry No. 2962278 in the office of the Davis County Recorder, Utah.

(G) The Second Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Second Amendment") was recorded on November 21, 2016, as Entry No. 2983551 in the office of the Davis County Recorder, Utah.

(H) The Plat for Hill Farms Phase 3 was recorded on August 2, 2016, as Entry No. 2955840 in the office of the Davis County Recorder, Utah ("Phase 3").

(I) The Supplemental Declaration of Phase 3 to the Declaration of Covenants, Conditions and Restrictions for Hill Farms Subdivision was recorded on August 2, 2016, as Entry No. 2955841 in the office of the Davis County Recorder, Utah.

(J) The Plat for Hill Farms Phase 2C was recorded on September 23, 2016, as Entry No. 29684141 in the office of the Davis County Recorder, Utah ("Phase 2C").

(K) The Plat for Hills Farms Phase 2C, 1st Amendment was recorded on July 25, 2017 as Entry No. 3034334 in the office of the Davis County Recorder, Utah ("Phase 2C – 1st Amendment").

(L) The First Amended Supplemental Declaration of Phase 2C & Phase 3 to the Declaration of Covenants, Conditions and Restrictions for Hill Farms Subdivision was recorded on July 25, 2017, as Entry No. 3034335 in the office of the Davis County Recorder, Utah.

(M) The Third Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Third Amendment") was recorded on October 10, 2018, as Entry No. 3120222 in the office of the Davis County Recorder, Utah.

(N) In conjunction with the recording of this Fourth Amendment, an Amended Plat for Hill Farms Phase 2C will be recorded in the office of the Davis County Recorder, Utah ("Phase 2C – 2nd Amendment").

NOW, THEREFORE, the Enabling Declaration is hereby amended as follows:

COVENANTS, CONDITIONS AND RESTRICTIONS

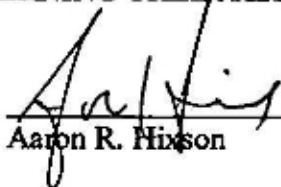
1. **Recitals.** The above Recitals are incorporated herein by reference and made a part hereof.
2. **Effective Date.** The Fourth Amendment will take effect on the date recorded at the office of the Davis County Recorder's Office (the "Effective Date").
3. **No Other Changes.** Except as otherwise expressly provided in this Fourth Amendment, the Declaration, as amended, remains in full force and effect without modification.

4. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the Fourth Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Fourth Amendment acting in said capacity.

5. Boundary Line Adjustments. Hill Farms Phase 2C – 1st Amendment Plat Map is hereby amended, superseded and replaced by Hill Farms Phase 2C – 2nd Amendment in order to adjust the boundary lines of Lots: 317-B and 318-A.

(a) The Lot Type Designations, as set forth in the Fifth Supplemental Declaration shall remain the same.

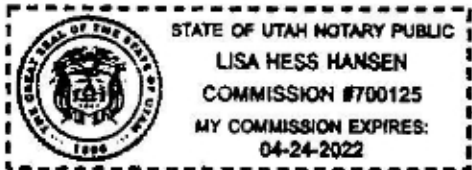
THE OWNERS HEREBY CONSENT TO THE RECORDING OF THIS FOURTH AMENDMENT AFFECTING AND CONCERNING THEIR RESPECTIVE LOTS.

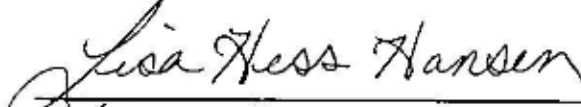


Aaron R. Hixson

STATE OF UTAH)
): SS
COUNTY OF Davis)

On this 17 day of October, 2018, before, Aaron Hixson a notary public, personally appeared Aaron R. Hixson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.



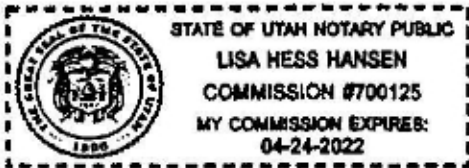


NOTARY PUBLIC

Jana W. Hixson
Jana W. Hixson

STATE OF UTAH)
): SS
COUNTY OF Davis)

On this 17 day of October, 2018, before Jana W. Hixson a notary public, personally appeared Jana W. Hixson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

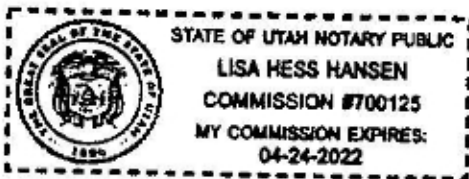


Lisa Hess Hansen
NOTARY PUBLIC

John Lhotak
John Lhotak

STATE OF UTAH)
): SS
COUNTY OF Davis)

On this 17 day of October, 2018, before John Lhotak a notary public, personally appeared John Lhotak, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

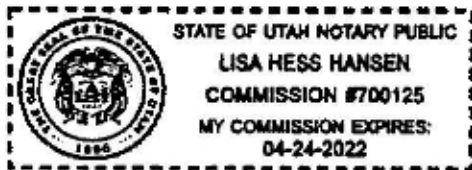


Lisa Hess Hansen
NOTARY PUBLIC

Michelle Lhotak
Michelle Lhotak

STATE OF UTAH)
) : SS
COUNTY OF Davis)

On this 17 day of October, 2018, before, Michelle Lhotak a notary public, personally appeared Michelle Lhotak, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.



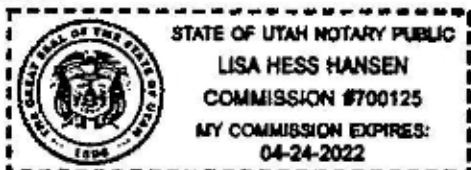
Lisa Hess Hansen
NOTARY PUBLIC

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date indicated below.

DECLARANT:
LEGACY NEIGHBORHOODS, LLC
By: Pam & Emily
[Signature]
Its: MANAGER

STATE OF UTAH)
) : SS
COUNTY OF Davis)

On the 9 day of October, 2018, personally appeared before me, David Bailey, who being by me duly sworn did say that he/she is an authorized agent of Legacy Neighborhoods, LLC, and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that he/she executed the same.



Lisa Hess Hansen
NOTARY PUBLIC

EXHIBIT "A"

PHASE 2C PLAT - 1st AMENDMENT: // - 806 - 0317, 0248

BEGINNING AT A POINT ON THE NORTH LINE OF PHILLIPS STREET AND A BOUNDARY LINE AGREEMENT RECORDED AT ENTRY NO. 1322892, BOOK 2130, PAGE 413, SAID POINT BEING LOCATED SOUTH 00°07'05" WEST ALONG THE SECTION LINE 755.51 FEET (765.48 FEET BY RECORD) AND WEST 323.70 FEET (323.66 FEET BY RECORD) FROM THE NORTH QUARTER CORNER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (BASIS OF BEARING IS NORTH 00°05'30" EAST BETWEEN THE SOUTHWEST CORNER AND THE WEST QUARTER CORNER OF SAID SECTION); AND RUNNING THENCE SOUTH 51°49'47" WEST ALONG SAID NORTH LINE 180.00 FEET TO THE EASTERLY CORNER OF LOT 249, HILL FARMS PHASE 2C, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE NORTH 40°00'44" WEST 170.08 FEET ALONG THE NORTHEASTERLY LINE OF SAID LOT 249 AND LOT 319 OF HILL FARMS PHASE 3, ALSO A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE TO THE SOUTHEASTERLY CORNER OF LOT 318 OF SAID PHASE 3; THENCE NORTH 08°46'34" WEST ALONG THE EASTERLY LINE OF SAID LOT 318 76.31 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE SOUTH 81°13'26" WEST 139.15 FEET ALONG THE NORTHERLY LINE OF SAID LOT 318 TO THE NORTHWESTERLY CORNER THEREOF AND THE EASTERLY LINE OF HILL FARMS LANE; THENCE NORTH 08°46'34" WEST ALONG SAID STREET 85.00 FEET TO THE SOUTHWESTERLY CORNER OF LOT 316 OF SAID PHASE 3; THENCE NORTH 81°13'26" EAST 251.80 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 316 TO THE SOUTHEASTERLY CORNER THEREOF; AND THENCE SOUTH 39°59'57" EAST ALONG SAID BOUNDARY LINE AGREEMENT 255.38 FEET TO THE POINT OF BEGINNING.

CONTAINING: 59,190 SQ.FT. (1.36 ACRES)

PHASE 2C PLAT - 2nd AMENDMENT: // -

BEGINNING AT A POINT ON THE NORTH LINE OF PHILLIPS STREET AND A BOUNDARY LINE AGREEMENT RECORDED AT ENTRY NO. 1322892, BOOK 2130, PAGE 413, SAID POINT BEING LOCATED SOUTH 00°07'05" WEST ALONG THE SECTION LINE 765.51 FEET (765.48 FEET BY RECORD) AND WEST 323.70 FEET (323.66 FEET BY RECORD) FROM THE NORTH QUARTER CORNER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (BASIS OF BEARING IS NORTH 00°05'30" EAST BETWEEN THE SOUTHWEST CORNER AND THE

WEST QUARTER CORNER OF SAID SECTION); AND RUNNING THENCE SOUTH 51°49'47" WEST ALONG SAID NORTH LINE 180.00 FEET TO THE EASTERLY CORNER OF LOT 249, HILL FARMS PHASE 2C, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE NORTH 40°00'44" WEST 170.08 FEET ALONG THE NORTHEASTERLY LINE OF SAID LOT 249 AND LOT 319 OF HILL FARMS PHASE 3, ALSO A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE TO THE NORTHEASTERLY CORNER OF LOT 319 OF SAID PHASE 3; THENCE SOUTH 69°17'46" WEST ALONG THE NORTHERLY LINE OF SAID LOT 319 136.45 FEET TO THE NORTHWEST CORNER AND THE EASTERLY LINE OF HILL FARMS LANE; THENCE NORTHWESTERLY ALONG THE ARC OF A 172.59 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°41'49" A DISTANCE OF 44.27 FEET WITH A CHORD BEARING OF NORTH 16°07'52" WEST 44.15 FEET TO A POINT OF TANGENCY; THENCE NORTH 08°46'34" WEST 145.73 FEET ALONG SAID STREET TO THE SOUTHWESTERLY CORNER OF LOT 316 OF SAID PHASE 3; THENCE NORTH 81°13'26" EAST 251.80 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 316 TO THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE SOUTH 39°59'57" EAST ALONG SAID BOUNDARY LINE AGREEMENT 255.38 FEET TO THE POINT OF BEGINNING.

CONTAINING: 71,769 SQ.FT. (1.65 ACRES) 3 LOTS

PHASE 3 PLAT: 11-795-0301 → 0329

BEGINNING AT A POINT ON THE WEST LINE OF OLD FARM AT KAYS CREEK PHASE 2 AS RECORDED WITH THE DAVIS COUNTY RECORDER AND RE-ESTABLISHED ON THE GROUND, SAID POINT ALSO BEING ON A BOUNDARY LINE AGREEMENT RECORDED AT ENTRY NO. 1322892, BOOK 2130, PAGE 413; SAID POINT BEING LOCATED NORTH 89°59'57" WEST ALONG SECTION LINE 738.11 FEET AND SOUTH 273.66 FEET FROM THE NORTH QUARTER CORNER SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (BASIS OF BEARING IS NORTH 00°05'30" EAST BETWEEN THE SOUTHWEST CORNER AND THE WEST QUARTER CORNER OF SAID SECTION); AND RUNNING THENCE SOUTH 40°00'44" EAST ALONG SAID WEST LINE AND BOUNDARY LINE AGREEMENT 494.13 FEET; THENCE SOUTH 51°49'47" WEST 180.05 FEET; THENCE SOUTH 40°00'44" EAST 62.96 FEET; THENCE SOUTH 51°49'00" WEST 138.51 FEET; THENCE SOUTH 51°53'02" WEST 55.01 FEET; THENCE SOUTH 51°49'00" WEST 119.99 FEET; THENCE NORTH 38°11'00" WEST 68.39 FEET; THENCE SOUTH 51°49'00" WEST 115.50 FEET; THENCE SOUTH 62°46'17" WEST 35.13 FEET; THENCE SOUTH 51°49'00" WEST 130.49 FEET; THENCE NORTH

43°33'12" WEST 130.44 FEET; THENCE SOUTH 51°49'47" WEST 30.14 FEET; THENCE NORTH 38°11'00" WEST 39.19 FEET; THENCE SOUTH 51°49'00" WEST 197.49 FEET TO THE EAST LINE OF ANGEL STREET (A 66.00 FOOT RIGHT-OF-WAY ESTABLISHED FROM CENTERLINE MONUMENTS); THENCE NORTH 39°35'42" WEST ALONG SAID EAST LINE 312.66 FEET TO THE SOUTH LINE OF SHADYBROOK SUBDIVISION AS RECORDED WITH THE DAVIS COUNTY RECORDER AND ESTABLISHED ON THE GROUND FROM MONUMENTS; THENCE NORTH 51°49'00" EAST ALONG SAID SOUTH LINE 1003.80 FEET TO THE POINT OF BEGINNING.

CONTAINS: 473,103 SQ.FT./10.86 ACRES - 29 LOTS