

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named therein. Backman Title Services, LTD. hereby expressly disclaims any responsibility or liability for the accuracy, enforceability, legality or content thereof.

Certificate of Amendment for Beacon Hills Plat H & J Declaration of Protective Covenants, Conditions and Restrictions

Section 1.1 Residence Size and Garage Specifications. No structure shall be constructed upon any Lot unless and until the final plans and specifications for such structure have been submitted to and approved by D & T Development. On Lots 1-36 Plat H and Lots 5-9 Plat J: (a) no single story Residence shall be constructed, altered, placed or permitted to remain on any Lot unless the main floor area, exclusive of basement, open porches and garages, is 2100 square feet or greater; (b) no multi-story Residence shall be constructed, altered, placed or permitted to remain on any Lot unless the main floor area, exclusive of basement, open porches and garages, is 1900 square feet or greater, with the upper floor area being no less than 50% of the minimum main floor square footage requirement. Garages for all Residences on the Lots shall be enclosed, large enough for three cars where feasible, and situated so as to utilize a side or rear facing entrance. In the case of a split three car garage, no more than one (1) garage door shall face the street.

D & T Development may approve: (a) a home of a smaller size, (b) an attached garage for two cars, or (c) a front entry access to the attached garage, or other deviations from the design standards established in this Declaration only after considering all relevant factors and it is determined to be clearly unreasonable, under the given circumstances, to require compliance with the established design standards.

Sheds and or detached garages: No more than one (1) shed and or detached building is permitted per any one Lot. The maximum height a detached structure is permitted shall not exceed eight (8) feet in total height so as to not be unsightly to others in the subdivision. Any plans for detached buildings must be approved in writing by D & T Development. It is strongly discouraged to place sheds or other out buildings as detached from primary residence.

Section 1.2 Exterior and Trim Characteristics. The materials that clad the exterior walls of the Residence shall be non-combustible, or fire-retardant natural materials that blend with and are compatible with the natural landscape. The textures and patterns of siding material can affect the perceived scale and mass of the Residence.

(a) **Materials:** Major wall surfaces should express their mass by being finished in plaster, stucco, natural stone, or brick. Select manmade stone products may be used upon specific approval of D & T Development. Round or semi-round log siding is prohibited. Full-log (i.e. "Tudor" or "half-timbered"). Heavy materials should be used below light materials if more than one siding material is exposed on the same surface. No more than three permitted siding materials may be used on any one building facade, and no more than four on any one Residence. The following siding materials are the only siding materials permitted. The use of certain

materials is limited to a percentage of the total siding materials on the Residence.

<u>Material</u>	<u>Limitation of Use</u>
Manufactured sidings, boards, or shingles of weather-resistant natural wood, tight grade knot or better. Vinyl, aluminum, and grooved plywood is not permitted.	15% (Maximum)
Plaster, including stucco, Dri-vit, and similar systems, which shall be seamless except for expansion joints.	50% (Maximum)
Brick, Natural Stone, Cultured Stone Unfinished concrete or concrete block is not permitted.	35% (Minimum)

(b) Trim Materials: The use of skirt boards, water tables, banding, battens, headers, sills, casings and other trim will enrich the exterior of a Residence and is required. Permitted trim materials are limited to treated, fire-retardant, better quality cedar, cypress, redwood, fir, spruce, pine, or durable weather resistant hardwoods such as teak and mahogany. When placed with or against siding or boards, the trim material shall be of the same wood variety as the adjoining siding material, except for casings on windows and doors provided by the manufacturer of the window or door. D & T Development acknowledges that there may be trim products available of which D & T Development is unaware. Upon submission of a sample of any such product D & T Development may grant approval.

(c) Colors and Finishes: Wood sidings and shingles shall be finished in colors selected generally from the "earth-tones" to be approved by D & T Development. Stone shall be finished only with clear water repellent to prevent infiltration or staining of the Residence by oxidation. Sharply contrasting trim colors are prohibited on any portion of the Residence. Trim shall be finished to match or mildly contrast with any rock or stucco siding, provided that such colors are approved by D & T Development, which shall have the exclusive right to accept or reject all proposed exterior color schemes.

Given the desired blend of compatible exterior materials and colors, monochromatic exterior schemes are prohibited. The use of sharply contrasting colors, or light colors against dark colors, is also prohibited.

(d) Unobtrusive Appurtenances: Vents, stacks, meter troughs, meters, junction boxes and other devices which penetrate or mount upon

exterior walls must be concealed from the Public View, and shall be finished to match the surrounding or underlying surface, except for approved exterior light fixtures or lighting devices.

- (e) Materials on Front Facade: Only brick or stone shall be used as a major material to be incorporated into the design of the front facade of homes.

Section 1.3 Windows. Window openings should be sheltered, and arranged and combined in a manner to reference the indigenous architecture of the community.

(a) Design: Where large glazed areas are desired, windows should be grouped together. When in the Public View, the use of single glass surfaces (lites) of over twenty (20) square feet is strongly discouraged, and no single lite on any Residence shall exceed fifty (50) square feet. A grouping of windows, each separated by trim, mullions, or siding material, is preferable to windows attached jamb-to-jamb in a strip or gang. Windows shall be rectilinear in shape, although trapezoidal forms are allowed when the top leg is parallel to the roof slope above, and other legs are vertical and the base horizontal. Free-standing, round-topped, quarter-rounded, octagonal, elliptical, and similar curvilinear windows are prohibited. Any half-round, constant radius windows, incremental to a Palladian window assembly, and consisting of no more than three (3) glazed elements, of which the round-top is the central and highest element, all trimmed as a single unit, is permitted. Glass block may not be used within the Public View.

(b) Material: Windows must be constructed of either vinyl, wood, or clad wood. All windows must be double or triple glazed. The use of non-wood snap-in or artificial muntin bars is discouraged. The use of true divided lites or wood, full-sectioned applied muntins is encouraged and will enrich the appearance of large glazed areas.

(c) Colors and Finishes: Windows shall be finished in an approved color to match or mildly contrast with their adjoining trim. No reflective glazing is permitted, and the use of opaque tints, and films to the exterior of clear glass is prohibited.

Section 1.4 Garage Doors. Garage doors may vary in height but shall match the trim details of any other doors and windows on the same wall surface or within four (4) horizontal feet on the same elevations in the Public View. Adjacent garage doors may vary in width but shall otherwise be identical. Surfaces in the Public View are encouraged to be solid wood or wood veneer. All garage doors must be finished in a color to match or mildly contrast with adjacent trim and siding.

Section 1.5 Foundation. No foundations may be exposed more than twelve (12) inches above the finished grade. Foundations that extend above that height must be

covered with an approved brick or rock/stone material. All exposed foundations must be covered by a plaster and/or foundation scrub prior to occupancy to residence.

Section 1.6 Roof Characteristics. The following roof characteristic restrictions shall apply:

(a) Roof Types: Double-pitched roofs, hip roofs, and partial hip roofs are permitted. Shed roofs are only permitted if they are smaller, secondary roof forms attached and terminating with their ridge or highest point in continuous contact with a major building form. Mansard roofs, A-frames, gambrel roofs, domes and curvilinear roof elements are prohibited. Flat roofs are permissible only when not visible from the Public View, and are limited to a maximum size of 5% of the Residence's Floor Area.

(b) Roof Pitch and Roof Planes: Roof pitches shall be not less than 8 in 12 pitch, and should generally follow or respond to the underlying grade, with steeper pitches used on steeper terrain, and flatter pitches used on flatter terrain. All roof planes descending from a common ridge or connected ridge shall be of the same pitch, regardless of length. A second roof pitch on any one Residence may be used only for secondary roof forms such as permitted sheds or dormers. Only hip roofed, shed, or double-pitched roof dormers are permitted. Dormers which do not meet the minimum 8 in 12 pitch must have expressed written approval of D & T Development. Two or more dormers placed above and well-apart from the eave line on the same roof surface shall be spaced no closer than 0.75 times the width of the largest such dormer unless their fascias intersect, in which case they shall be considered as a continuous or repetitive dormer. Except for permitted flat roofs, all roofs shall overhang exterior walls by a minimum of 12 inches.

(c) Roof Novelties: No turrets, towers or other thematic decorative elements are permitted, other than as specifically approved by D & T Development, and no complex, multi-faceted roof planes twisting to conform to irregular building shapes are permitted, unless specifically approved by D & T Development as part of the overall design of the Residence.

(d) Ridge Line Alignment: All roofs are intended to be seen as part of the backdrop of the sloping hillside site rather than objects to be silhouetted against the off-site background or horizon. Design of each Residence shall include an effort to align the predominant horizontal lines of the roof, the primary ridge line, and its eaves or drip line, reasonably parallel to the prevailing site contours. Such prioritized ridge line alignment, reinforced by creative use of smaller, non-aligned roof planes, will create an ordered visual diversity that responds to dominant patterns

of the natural grade. A primary or dominant ridge line that runs perpendicular to the contour lines of the Lot will not be approved.

(e) Roof Materials: Roof materials should be selected to minimize their off-site visual impacts and to not contrast with the surrounding natural landscape. The only permitted roofing materials are those listed as follows:

Metals of copper, zinc, or terne or steel

Fire retardant wood shingles or medium shakes with no more than ten (10) inches to the weather

Architectural asphalt shingles weighing more than 270 pounds per 100 square feet

Cement base tile or slate

Membrane or composition roofing on a permitted flat roof

(f) Roof Colors: All roofing colors shall be specifically approved.

(g) Fascia and Roof Trim: Fascia and roof trim shall be sized proportionate to the roof and building mass, and shall not be less than six (6) inches wide. The use of compound or build up trim adds detail to the roof element and is encouraged. Fascia and roof trim shall be constructed of an approved siding material, and finished in colors that are approved by D & T Development to match or mildly contrast with adjacent siding or roof material. Stucco is not permitted as a fascia or roof trim material. No vinyl soffits are permitted. Select aluminum products will be permitted as a soffit material only with specific D & T Development approval.

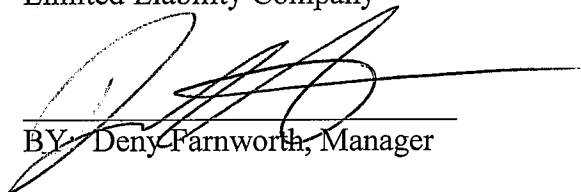
(h) Roof Metals and Appurtenances: Each vent, stack, gutter, flashing, snow diverter, furnace flue, trim and metal work shall match the color of the surface to which it is attached or from which it projects. Vents, stacks, flues and the like must be located out of the Public View or confined within a chimney structure or cap if within the Public View, and combined to minimize roof penetrations. No mechanical equipment, exhaust fans, coolers, or attic ventilation equipment shall protrude more than 6 inches from the roof or in anyway interrupt the roof surface if within the Public View. Skylights are permitted when mounted close to and consistent with the underlying roof pitch. Domed or barrel-vaulted skylights are prohibited. Solar collectors shall lie flat on the roof surface, with attention to minimizing glare and reflection to the Public View, and to integrate such devices into the form and plane of the roof. Greenhouse or conservatory roofs shall match the plane and are not allowed where in

the Public View. All visible parts of such roof appurtenances except glazing, shall match the color of the underlying or adjacent roof surface.

Section 1.7 Chimneys. Chimneys must be constructed of or clad in an approved siding material. No exposed metal flues or visible metal parts, other than flashing are permitted. If more than one chimney is used on a Residence, then each must be of the same design, finish and appearance, and proportion, although sizes may differ. Whenever possible, chimneys shall contain and conceal the Residence's vent stacks, furnace flues and other permitted roof penetrations.

Section 1.8 Responsibility for Flood Control. Construction of appropriate berms, channels, ditches or other flood control facilities on each Lot is the sole responsibility of each Lot Owner and shall be done in accordance with the flood control district plans approved by Highland City and/or Utah County Flood Control if any such plans exist. Such construction shall commence at the time such Lot is graded or otherwise altered from its natural state. Each Lot owner shall be responsible for storm water, irrigation water, culinary water, or any other surface water of any source which is allowed to drain from their Lot and which may cause damage to other Lots or Open Space within the Subdivision. The design of the improvements on each Lot, meaning buildings as well as landscaping, shall take into consideration the requirements to retain surface water on the Lot to the extent it is reasonably possible.

F&P Development, LLC, a Utah
Limited Liability Company


BY Deny Farnworth, Manager

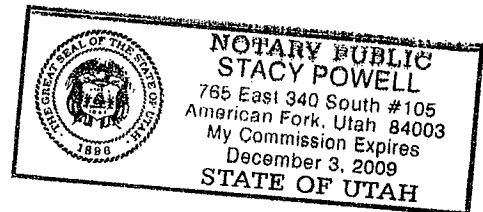
STATE OF Utah)
) SS.
County of)

The foregoing instrument was acknowledged before me this August 10, 2007
By Deny Farnworth
the Manager Of F&P Development, LLC, a Utah Limited Liability Company

Stacy Powell
NOTARY PUBLIC

Commission Expires: 12/3/09

Residing at: American Fork, UT



SCHEDULE A

Order Number: 7-011011

LEGAL DESCRIPTION

Lots 1- 36 inclusive, Plat "H", BEACON HILL THE HIGHLANDS SUBDIVISION, Highland City, Utah County, Utah, according to the official plat thereof on file and of record in the office of the Utah County Recorder.

Parcel No.: 35-544-0001, 35-544-0002, 35-544-0003, 35-544-0004, 35-544-0005, 35-544-0006, 35-544-0007, 35-544-0008, 35-544-0009, 35-544-0010, 35-544-0011, 35-544-0012, 35-544-0013, 35-544-0014, 35-544-0015, 35-544-0016, 35-544-0017, 35-544-0018, 35-544-0019, 35-544-0020, 35-544-0021, 35-544-0022, 35-544-0023, 35-544-0024, 35-544-0025, 35-544-0026, 35-544-0027, 35-544-0028, 35-544-0029, 35-544-0030, 35-544-0031, 35-544-0032, 35-544-0033, 35-544-0034, 35-544-0035, 35-544-0036

Parcel 2

Lots 5, 6, 7, 8, and 9, Plat "J", Beacon Hill The Highlands Subdivision, Highland City, Utah, according to the official plat thereof on file and of record in the office of the **Utah** County Recorder.

Parcel No. 35-543-0005, 35-543-0006, 35-543-0007, 35-543-0008, 35-543-0009