

When Recorded Return To:

Oak Hollow Development LLC  
6965 S. Union Park Center, Suite 260  
Cottonwood Heights, Utah 84047

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5/25/2017 2:42:00 PM \$50.00  
Book - 10561 Pg - 1615-1620  
Gary W. Ott  
Recorder, Salt Lake County, UT  
GATEWAY TITLE INS AGCY LLC  
BY: eCASH, DEPUTY - EF 6 P.

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR OAK HOLLOW SUBDIVISION**

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR OAK HOLLOW SUBDIVISION (“**Amendment**”) is made by Oak Hollow Development, LLC, a Utah limited liability company (“**Declarant**”) effective as of the date set forth below.

**RECITALS**

A. Declarant is the owner of certain real property located in the City of Herriman (“**City**”), Salt Lake County (“**County**”), State of Utah, more particularly described on **Exhibit A** attached hereto (“**Property**”).

B. Declarant has previously executed a DECLARATION OF COVENANT, CONDITIONS, AND RESTRICTIONS FOR OAK HOLLOW SUBDIVISION (“**Declaration**”). The Declaration was recorded in the real property records of the County on September 8, 2016, as Entry No. 12360955.

C. The Declaration encumbers the Property and the residential subdivision to be developed thereon (“**Project**”), and the single-family lots within the Project (“**Lots**”).

D. Pursuant to Section 12.2 of the Declaration, “During the Period of Declarant’s Control, the Declarant shall have the right to amend this Declaration without the consent of any other Owner.”

E. The Period of Declarant’s Control, as defined in Section 1.22 of the Declaration, has not expired, and Declarant now wishes to modify and amend certain provisions of the Declaration.

F. All capitalized terms used herein, if not otherwise defined in this Amendment, shall have the meanings provided in the Declaration.

NOW THEREFORE, the Declarant does hereby modify the covenants, conditions, restrictions, easements, servitudes, and limitations set forth in the Declaration as set forth below.

1. Section 5.1.1 of the Declaration is deleted in its entirety and replaced with the following language to correct a scrivener's error and to clarify that the Association may assess the cost of maintaining the private road in Phase 1 solely to the Owners of Lots in Phase 1 and that the amount of the assessments for Owners of Lots in Phase 1 and Owners of Lots in Phase 2 may vary:

5.1.1 Phase 1. Those areas in Phase 1 of the Project, as shown on Plat Map, designated as "owned and maintained by the HOA," "private road," "private common area," or otherwise designated or indicated as intended to be Common Areas. Notwithstanding the foregoing, and notwithstanding any other provision of this Declaration, the cost of maintaining those areas shown on the plat for Oak Hollow Phase 1 as "private road" will **not** be part of the Common Expenses attributable to all owners in the Project, but the cost of maintaining the private road in Phase 1 will instead be a maintenance obligation of the Association attributable only to Lots within Phase 1 of the Project and the Owners of such Lots.

2. Section 6.1 of the Declaration is deleted in its entirety and replaced with the following language to clarify that size requirements for Residences are addressed in Section 8.3.4:

6.1 Residential Use and Occupancy; Minimum Square Footage. Each Lot, and all Improvements thereon, shall be used only for residential purposes. No Lot shall be used, occupied, or altered in violation of law, so as to jeopardize the support of any other Lot, so as to create a nuisance or interfere with the rights of any Owners, or in any way which would result in an increase in the cost of any insurance. Each Residence within the Project shall have the minimum square footages identified in Section 8.3.4.

3. Section 8.3.1 of the Declaration is deleted in its entirety and replaced with the following language to clarify that stucco an approved exterior material within the Project **only** with specific approval from the ACC and to make other technical corrections:

8.3.1 Approved exterior materials shall include brick, stone, and Hardiplank, or other Hardie products or other decorative masonry products of similar nature and quality. Without limiting the foregoing, vinyl and wood siding are not permitted as exterior materials for Residences. However, shake shingles of masonry / Hardie products are permitted as accent materials, if approved by the ACC. Stucco may only be used within the Project if specifically approved by the ACC. A minimum of forty percent (40%) of the front exterior of any Residence must be brick or stone, unless an amount less than forty percent (40%) is approved by the ACC and the City. A metal roofing accent is required on all Residences, except a Cape Cod style Residence if the

exception is approved by the ACC. Metal on a porch or railing is allowed if approved by the ACC. All sides of a Residence shall receive equal design consideration, particularly where they may be viewed by pedestrians and motorists, or from adjacent properties. Detached structures or outbuildings must match the color scheme and exterior materials of the Residence. Approved materials for fences within the Project include black wrought iron, Trex composite (or similar material), and vinyl (but only if specifically approved by the Association's ACC). Privacy fencing shall not extend past the front of the Residence.

4. Section 8.3.2 of the Declaration is deleted in its entirety and replaced with the following language to clarify approval of exterior colors:

8.3.2 Exterior colors and materials for all Residences and other Improvements within the Project shall be subject to review by the Association's ACC.

5. Section 8.3.3 of the Declaration is deleted in its entirety and replaced with the following language to clarify the scope of permissible garages:

8.3.3 Each Residence in the Project must have a three (3) car garage. Additionally, the driveway of each Residence must accommodate parking for at least two (2) passenger vehicles.

6. Section 8.3.4 of the Declaration is deleted in its entirety and replaced with the following language to clarify approved minimum sizes and roof pitches:

8.3.4 Residences in Project shall following minimum square footages: (a) in Phase 1 of the Project, as shown on the Plat Map, a rambler style Residence shall have a minimum of 2000 square feet above grade, a two-story Residence shall have a minimum of 2500 square feet above grade with a minimum of 1500 square feet on the ground floor; (b) in Phase 2 of the Project, as shown on the Plat Map, a rambler style Residence shall have a minimum of 1800 square feet above grade, a two-story Residence shall have a minimum of 2300 square feet above grade with a minimum of 1400 square feet on the ground floor. Detached structures or outbuildings shall have a maximum square footage of 1000 square feet, unless an exception is approved by the City and the Association's ACC. Roof pitches on Residences in the Project shall have a pitch of five to twelve (5:12) unless another pitch is approved by the Association's ACC. Fascia along roof lines must be a minimum of ten inches (10") wide, either flat or two-step.

7. Section 8.3.6 of the Declaration is deleted in its entirety and replaced with the following language to clarify approved setbacks:

8.3.6 Residences in the Project shall meet the following setback requirements unless an exception is approved by both the City and the Association's ACC: twenty-five feet (25') from the property line in front; thirty feet (30') from the property line in the rear, ten feet (10') from the property line on other sides. For corner lots, the setback from the road to the side of the home must be at least fifteen feet (15'). Setbacks for detached structures or outbuildings shall be five feet (5') to property lines and fifteen feet (15') to the Residence, unless an exception is approved by the City and the Association's ACC.

8. A new section, Section 8.3.8, is added to the Declaration as follows:

8.3.8 Landscaping must be installed as required by this Declaration or the ACC's design and maintenance criteria. Landscaping includes grass or approved vegetation, approved trees and shrubs, and other decorative features approved by the ACC. Landscaping in the front and side yard (to the rear of the Residence) must be installed prior to residential occupancy of the Residence. Landscaping in the rear yard must be completed within one year after occupancy. Notwithstanding the foregoing, if occupancy occurs during a time of year when installation of landscaping is not practical because of weather, landscaping must be completed by the following June 1.

9. A new section, Section 8.3.9, is added to the Declaration as follows:

8.3.9 Landscaping in the front of the Residence must include at a minimum of four (4) trees with at least a two inch (2") caliper and a height of at least seven feet (7'). Landscaping in the front of Residence must also include at least eight (8) shrubs. The ACC may designate trees and shrubs which are approved or prohibited within the Project.

10. Except as specifically amended or modified herein, the Declaration, and all portions and provisions thereof, remain in full force and effect.

*[End of Amendment. Signature Page Follows.]*

IN WITNESS WHEREOF, Declarant has executed this Amendment on this 25 day of May, 2017

**DECLARANT**

Oak Hollow Development LLC

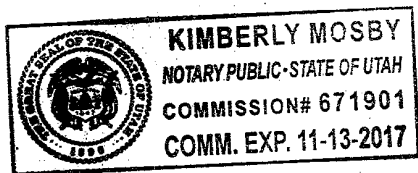
By: [Signature]  
Name: Doug DeSosa  
Title: Managing Member

STATE OF UTAH )

ss.

COUNTY OF Utah )

The foregoing instrument was acknowledged before me this 25 day of May, 2017 by Doug DeSosa as the Managing Member of Oak Hollow Development LLC.



[Signature]  
Notary Public

OAK HOLLOW PHASE 1 P.U.D

LOT/QUAR PARCEL NUMBER

A 32-03-451-021  
B 32-03-452-001  
C 32-03-383-001  
D 32-03-381-002  
E 32-03-452-006  
F 32-03-383-006  
M 32-03-451-027  
1 32-03-383-003  
2 32-03-383-002  
3 32-03-383-004  
4 32-03-383-005  
5 32-03-452-004  
6 32-03-452-005  
7 32-03-452-003  
8 32-03-452-002  
9 32-03-451-022  
10 32-03-451-023  
11 32-03-451-024  
12 32-03-451-025  
13 32-03-451-029  
14 32-03-451-028  
15 32-03-451-026  
16 32-03-381-010  
17 32-03-381-009  
18 32-03-381-008  
19 32-03-381-006  
20 32-03-381-005  
21 32-03-381-004  
22 32-03-381-003  
AREA 32-03-381-007  
ROADS 32-03-381-011

Together with Additional Parcel Numbers:

32-03-300-071  
32-03-300-072  
32-03-400-076  
32-03-400-078  
32-03-400-079