

H

DOC # 20190021918

Amended Restrictive Covenants Page 1 of 4
Russell Shirts Washington County Recorder
06/05/2019 09:05:59 AM Fee \$ 40.00
By G T TITLE

Recorded at the request of:
Brookhaven Fields Homeowners Association

**Record against the Property
Described in Exhibit A**

After Recording mail to:
F1 Property Management
Attn: Mik'L Wells
491 E Riverside Dr #3B
St. George, UT 84790



**FIRST AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR BROOKHAVEN FIELDS
(Sections 10.14 & 14.1.1)**

As more particularly stated herein, this First Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Brookhaven Fields (hereinafter "Amendment"), amends the following:

- I. The Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Brookhaven Fields, recorded as Document No. 20120017252, on 24th May, 2012, in the Office of the Washington County Recorder, State of Utah ("Declaration");
- II. Any and all supplements or amendments to the Declaration prior to the date of this Amendment, whether or not such were recorded in the records of the Washington County Recorder (the foregoing are collectively referred to herein as the "Declaration").

In the event of a conflict between this Amendment and the Declaration, the Articles of Incorporation, Bylaws or the Rules and Regulations of Brookhaven Fields Homeowners Association, this Amendment shall control.

This Amendment is undertaken pursuant to Section 14.1 of the Declaration and Utah Code 16-6a-707. This Amendment is adopted and approved by the affirmative vote or written consent of at least sixty-seven percent (67%) of the Lot Owners in the Brookhaven Fields Homeowners Association.

This Amendment shall take effect upon the date it is recorded in the records of the Washington County Recorder (the "Amendment Date"). All of the Property known as "Brookhaven Fields" (described in Exhibit A attached hereto and made a part hereof) shall be held, sold and conveyed subject to the Declaration as amended by this Amendment and other amendments.

Section 10.14

The following amends, wholly replaces, and substitutes for Section 10.14 of Article X in the Declaration - all other terms of the Declaration and other governing documents that do not contradict the terms of this Amendment shall remain in full force and effect:

SECTION 10.14 OF THE DECLARATION IS AMENDED AS FOLLOWS:

10.14 Exteriors of Homes. Tumbled or used brick, synthetic stucco, rock/stone or any combination of the same, as approved in style and color by the ACC, are allowed as exteriors for all Dwellings in the Property, including ACC-approved accessory buildings and detached garages. There must be at least two (2) of the above named materials used in the front elevation of the Dwelling Unit, with not less than ten percent (10%) of the front elevation to be of the lesser used material. ACC shall approve the percentage, style type and color of second material required on side elevations.

Aluminum siding, masonite, concrete, or vinyl siding are not permitted. Any other exterior material may only be used upon the express approval of the ACC. Home exteriors using stucco must be of high quality synthetic stucco.

All roofs must be built using tile or slate material. However, metal accent treatments may be used as part of the roof construction and finish, subject to the express written approval of the ACC; said approval may dictate type, color, style, etc.

All materials, including stucco, should be of an earth tone or grey color. White is permitted as an accent color. No pastels are allowed. Door colors in harmony with the neighborhood may be approved by the Board on a case-by-case basis. Solar energy, electricity-generating devices, windmills, or other ground or roof appurtenances are prohibited. Courtyards shall have the same finish as the front exterior of the Dwelling Unit. All colors and material types shall be governed by and approved by the ACC.

Sheds are defined as accessory buildings that are 100 square feet or less and must comply with the following rules:

1. Only one shed per lot is permitted.
2. The maximum height allowed for a shed is ten feet (10').
3. The color(s) of the shed must comply with the permitted colors for exteriors of homes.
4. Exterior materials permitted for sheds include stucco, stone, brick, siding, metal, vinyl, and treated wood.
5. Roofing materials permitted for sheds include tile, metal, asphalt shingles, vinyl, and treated wood.
6. The shed must be located behind the front setback of the home and must be behind a wall and gate or not visible from the street.
7. The shed must be kept in good condition as determined by the HOA. If it is determined the shed is not in good condition, the shed must either be (1) repaired, (2) replaced, or (3) removed at the discretion of the Board of Directors.

Section 14.1.1

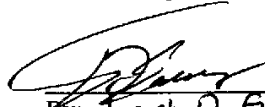
The following amends, wholly replaces, and substitutes for Section 14.1.1 of Article XIV in the Declaration - all other terms of the Declaration and other governing documents that do not contradict the terms of this Amendment shall remain in full force and effect:

SECTION 14.1.1 OF THE DECLARATION IS AMENDED AS FOLLOWS:

14.1.1 BY CLASS A MEMBERS. Except as otherwise specifically provided herein, this Declaration may be amended, modified, extended, or revoked, in whole or in part, by the affirmative vote or written consent, obtained by written ballot or otherwise, or any combination thereof, of Owners representing a majority of the votes cast after a quorum of twenty-five percent (25%) of all owners has been established. Notwithstanding the above, the percentage of votes necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause.

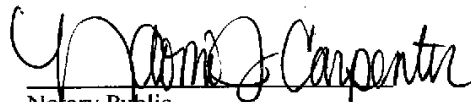
IN WITNESS WHEREOF, on the 4th day of June, 2019, the President of Brookhaven Fields Homeowners Association hereby represents that this Amendment was approved by the affirmative vote or written consent of at least sixty-seven percent (67%) of the Lot Owners.

Brookhaven Fields Homeowners Association,
A Utah nonprofit corporation


By: Joseph D. Eves
Its: President

STATE OF UTAH)
 : ss.
Count of Washington)

On the 4th day of June, 2019, personally appeared before me Joseph D. Eves, who being by me duly sworn, did say that he/she is the President of the Brookhaven Fields Homeowners Association, the authorized individual empowered to sign this Amendment and that the Amendment was signed on behalf of said Association and said person acknowledged to me that said Association authorized the execution of same.


Notary Public

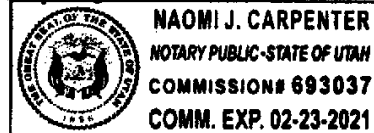


Exhibit A
(Legal Description)

This First Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Brookhaven Fields affects the following real property, all located in Washington County, State of Utah:

All of Lots 3 through 11; Lots 37 through 42; Lots 72 through 81; and Lot 102, Brookhaven Fields 1 (W), together with all Common Area, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCELS: W-5-2-35-3431; W-5-2-35-342; W-BHF-1-3 through W-BHF-1-11; W-BHF-1-37 through W-BHF-1-42; W-BHF-1-72 through W-BHF-1-81; W-BHF-1-102; and W-5-2-35-332-B

All of Lots 82 through 92 and Lots 94 through 101, Brookhaven Fields 2 (W), together with all Common Area, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCELS: W-5-2-35-3431; W-5-2-35-342; W-BHF-2-82 through W-BHF-2-92; and W-BHF-2-94 through W-BHF-2-101

All of Lots 1 through 2; and Lot 93; and Lots 103 through 120, Brookhaven Fields 3 (W), together with all Common Area, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCELS: W-5-2-35-3431; W-5-2-35-342; W-BHF-3-1 through W-BHF-3-2; W-BHF-3-93; and W-BHF-3-103 through W-BHF-3-120

All of Lots 12 through 16; Lots 32 through 36; Lots 43 through 47; and Lots 68 through 71, Brookhaven Fields 4 (W), together with all Common Area, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCELS: W-5-2-35-3321; W-BHF-4-12 through W-BHF-4-16; W-BHF-4-32 through W-BHF-4-36; W-BHF-4-43 through W-BHF-4-47; and W-BHF-4-68 through W-BHF-4-71

All of Lots 17 through 31 and Lots 48 through 67, Brookhaven Fields 5 (W), together with all Common Area, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCELS: W-5-2-35-335; W-BHF-5-17 through W-BHF-5-31; and W-BHF-5-48 through W-BHF-5-67