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DOC # 2020000334

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
01/02/2020 04:40:56 PM Fee \$ 40.00
By SHONTO POINT HOA

Page 1 of 3

Recorded at the request of:
Brookhaven Fields Homeowners Association

Record against the Property
Described in Exhibit A

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



**SECOND AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR BROOKHAVEN FIELDS
(Section 10.16)**

As more particularly stated herein, this Second 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 Amended of the Declaration and Utah Code 16-6a-707. This Amendment is adopted and approved by the affirmative vote or written consent of a majority of the votes cast after a quorum of twenty-five (25%) of all Lot Owners in the Brookhaven Fields Homeowners Association was established.

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.

The following amends, wholly replaces, and substitutes for the first paragraph of Section 10.16 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:

FIRST PARAGRAPH OF SECTION 10.16 OF THE DECLARATION IS AMENDED AS FOLLOWS:

10.16 Landscaping. Lots shall have front-yard and side-yard(s) landscaping reaching to the rear of the Home, including landscaping of the Park Strips. All front yard landscaping shall be completed on or before issuance of the Certificate of Occupancy. Rear-yard landscaping, if not completed prior to Certificate of Occupancy, shall be completed thereafter in a period of time not to exceed twelve (12) months after issuance of the Certificate of Occupancy. All lot frontage landscaping shall include not less than ten percent (10%) of the area in grass in addition to shrubs, trees, and other approved vegetation, as well as landscape aggregate, as approved by the ACC; frontage shall mean the area between the Home and the Sidewalk, by the width of the Lot. Common Area Landscape Park Strips shall not be used when calculating to determine the area to meet the grass percentage. Any variation must be approved by the Declarant. If landscaping is not installed after 12 months the lot must be fenced in.

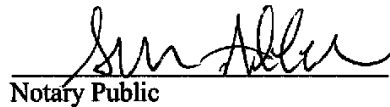
IN WITNESS WHEREOF, on the 20th day of ~~November~~ ^{December}, 2019, the President of Brookhaven Fields Homeowners Association hereby represents that this Amendment was approved by the affirmative vote or written consent a majority of the votes cast after a quorum of twenty-five (25%) of all Lot Owners in the Brookhaven Fields Homeowners Association was established.

Brookhaven Fields Homeowners Association,
A Utah nonprofit corporation


By:
Its: President

STATE OF UTAH)
 : ss.
County of Washington)

On the 20th day of ~~November~~ ^{December}, 2019, personally appeared before me Tom Jorgensen 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 Second 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