

Amended Restrictive Covenants Page 1 of 3  
Gary Christensen Washington County Recorder  
08/19/2021 01:48:16 PM Fee \$40.00 By RICHARDS  
LAW, P.C.

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

**THIRD AMENDMENT TO THE DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS AND  
RESERVATION OF EASEMENTS FOR BROOKHAVEN FIELDS  
(Section 10.5)**

As more particularly stated herein, this Third 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 10.5 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 10.5 OF THE DECLARATION IS AMENDED AS FOLLOWS:

10.5 Parking for Vehicles. No equipment other than standard sized automobiles may be kept temporarily or permanently on driveways. Vehicles may not be parked on or allowed to overhand sidewalks or driveway apron areas, landscaped areas of a Home's front-yards, side-yards or in rear or side-yards except behind enclosed Rear and Side Walls, as provided in this Declaration. Sidewalks must be kept clear for pedestrian and bicycle traffic. No equipment or Vehicles shall be parked or stored on a public street or right-of-way within the Property for more than forty-eight (48) consecutive hours. (Successive acts of parking of Vehicles, other than standard automobiles, within a two-tenths of a mile area shall be presumed to be a single act of parking). The intent of this section is to allow Recreational Vehicle owners the use of the street, immediately adjacent to their private property, for the loading, unloading and general pre-trip/post-trip preparation generally associated with extended vacations only. The day-to-day parking and/or short- or long-term storage of Vehicles, other than standard automobiles, on the street is specifically prohibited. However, any such vehicles may be stored on a Lot as long as it is stored in (a) a garage or (b) on a parking pad/storage area adjacent to the garage of a Home in the side-yard or behind the garage or enclosed Walls, as approved by the ACC.

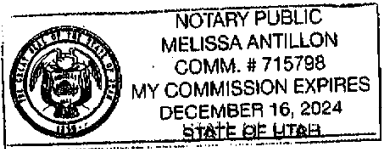
IN WITNESS WHEREOF, on the 9<sup>th</sup> day of August, 2021, the President of Brookhaven Fields Homeowners Association hereby represents that this Amendment was approved by the affirmative vote or written consent a majority of the votes cast after a quorum of twenty-five (25%) of all Lot Owners in the Brookhaven Fields Homeowners Association was established.

Brookhaven Fields Homeowners Association,  
A Utah nonprofit corporation

  
By: James Sorenson  
Its: President

STATE OF UTAH                    )  
  : ss.  
County of Washington        )

On the 9 day of August, 2021, personally appeared before me James Sorenson, who being by me duly sworn, did say that he 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 Third 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