

Chestnut Farms LLC
C/O Symphony Development Corp.
526 North 400 West
North Salt Lake City, UT 84054

RETURNED

JUN 05 2008

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
06/05/2008 02:42 PM
FEE \$49.00 Pgs: 2
DEP RTT REC'D FOR SYMPHONY HOMES

AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AGREEMENTS AND RESTRICTIONS
AFFECTING THE REAL PROPERTY KNOWN AS

08-425-0001 thru 0038 Chestnut Farms P.V.D Sub. Ph. 1

KNOWN ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, the undersigned being Owners of all or part of the following described real property:

Lots 1 through 38, inclusive, Chestnut Farms ~~Subdivision~~ ^{P.V.D Sub Ph. 1}, situated in the City of Farmington, in the County of Davis, in the State of Utah, do hereby, amend Section 10a and adding language to section 10h and adding Section 29 of the Declaration of Covenants, Conditions, Agreements and Restrictions recorded on 7/03/07 as Entry No. 2285432, in Book 4317, Page 939, in the office of the Davis County Recorder, as affecting the real property described above.

Section 10a of the originally recorded CC&R's for Chestnut Farms (as referenced above), this section describes the requirements for building in the subdivision. The managing members voted on the matter of the requirements for building size and materials on February 25, 2008 under article 28. We held a meeting to amend section 10a and therefore we declare the article to say along with what is already there.

DWELLING—SIZE, QUALITY, EXTERIOR MATERIALS: The following minimum finished square foot living area requirements shall apply. Living areas shall be calculated exclusive of garages, open porches, and basements. The "ground floor," as herein referred, shall be defined as the first floor with a floor elevation extending above the top back of curb at the driveway approach side of the lot.

Dwelling Size:

One Story Dwellings (Rambler): The required minimum above ground floor finished space shall be 1,650 square feet with a minimum 3-car garage required.

Two Story Dwellings: The required minimum above ground floor finished space shall be 2,000 square feet with a minimum 3-car garage required.

Multi-Level Dwellings: The required minimum above ground floor finished space shall be 2,100 square feet with a minimum 3-car garage required.

THE ARCHITECTURAL CONTROL COMMITTEE RESERVES THE RIGHT TO GRANT EXCEPTIONS TO THE ABOVE RESTRICTIONS IN ORDER TO PLACE AN APPROPRIATE HOME ON A SPECIFIC LOT DUE TO SLOPE RESTRICTIONS, LOT IRREGULARITY OR FOR ANY OTHER REASON THEY DEEM APPROPRIATE.

Dwelling Quality: All construction shall be comprised of new materials, with exception to the use of used brick with prior written approval of the Architectural Control Committee. All improvements on a Lot shall be made, constructed and maintained, and all activities on a Lot shall be undertaken, in conformity with all laws and ordinances of the city of Kaysville, Davis County, and the State of Utah which may apply, including without limiting the generality of the foregoing, all zoning and land use ordinances.

Dwelling Exterior Materials: The dwelling's front exterior shall have 2 or more large full front facing panels (subject to the discretion of the Architectural Control Committee) of brick or rock and the side exterior walls shall have at least a wainscot of brick or rock (to a natural break point down the sides), with the remainder in stucco or comparable product as approved by the Architectural Control Committee. Cedar lapboard or other types of wood

siding may be allowed by written approval from the Architectural Control Committee. Any of these exterior material requirements may be waived where the historic style will not permit its use. Vinyl or Aluminum siding shall be not allowed except for the soffit, fascia and/or rain gutter areas.

Each dwelling must have at least a 30-year architectural (laminated) asphalt type shingle. The Architectural Control Committee must approve any other variation from this specification.

If the Architectural Control Committee permits detached structures, they are to be constructed of identical exterior materials of the primary structure unless otherwise approved by the Architectural Control Committee. All property owners are required to check with the governing municipality for building code requirements and zoning restrictions.

ALL DWELLING SIZES, FLOOR PLANS AND EXTERIOR MATERIALS MUST BE SUBMITTED TO THE ARCHITECTURAL CONTROL COMMITTEE IN WRITING, AS OUTLINED IN ARTICLE 7A OF THESE COVENANTS, AND APPROVALS MUST BE OBTAINED IN WRITING PRIOR TO THE BEGINNING OF CONSTRUCTION ON THE HOME. IF SAID APPROVALS ARE NOT OBTAINED AND CONSTRUCTION BEGINS, OWNER SHALL BE SUBJECT TO A \$1000.00 FINE, AT THE ARCHITECTURAL CONTROL COMMITTEES DISCRETION, PAYABLE TO THE ARCHITECTURAL CONTROL COMMITTEE.

Section 10h of the originally recorded CC&R's for Chestnut Farms (as referenced above), this section describes the landscaping requirements for the subdivision. The managing members voted on the matter of the tree landscape plan on February 25, 2008 under article 4. We held a meeting to amend section 10h and therefore we declare the article to say along with what is already there.

Tree Landscape plan: Each property owner will be required to install a minimum of 2 (two) trees and 4 (four) trees if you are on a corner. The trees must be a Flowering Pear and be at a minimum of 2" inches in caliper.

Adding of Section 30 of the originally recorded CC&R's from Chestnut Farms. The managing members voted on the matter of adding this section on February 25, 2008.

Storm Drain plan: There has been prepared a storm drain plan for all of the individual lot owners by the developer. Some lots will have individual drains on their property that need to be utilized at landscaping. It will be the responsibility of each home owner to understand this plan and keep their water on their own property. It will be the responsibility of the Chestnut Farms Home Owners Association to maintain this storm drain line.

IN WITNESS WHEREOF, the undersigned, being the Declarant's herein, have hereunto set their hand this 4th day of June, 2008.

OWNERS ACKNOWLEDGEMENT:

Chestnut Farms L.L.C.

By: [Signature], Robert Miller,
President of Symphony Development Corp., a Member of Chestnut Farms L.L.C.,

On the 4th day of June, 2008, personally appeared before me Robert Miller, who being by me duly sworn did say that he is the PRESIDENT OF SYMPHONY DEVELOPMENT CORP., which corporation is known to me to be a MEMBER of Chestnut Farms L.L.C., that he signed the foregoing instrument by proper authority, both in its capacity as a corporation, and in its capacity as member of said Limited Liability Company and the said ROBERT MILLER, duly acknowledged to me that said corporation and Limited Liability Company executed the same.

Signed: [Signature] NOTARY PUBLIC

Residing at 1165 N 2325 W Layton
Davis County

My commission expires January 24, 2009

