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EH 2900564 PG 1 OF 7  
LEANN H KILTS, WEBER COUNTY RECORDER  
17-JAN-18 127 PM FEE \$22.00 DEP TN  
REC FOR: DURFEE CREEK ESTATES

**DURFEE CREEK ESTATES SUBDIVISION  
COMMON AREA RULES**

**Preface.**

This document contains the rules by which the common areas of Durfee Creek Estates (the Association) shall be governed.

The rules listed herein are to be enforced by the Board of Directors (the Board) and legally appointed subcommittees in a manner as outlined in the Durfee Creek By-Laws, Section C Paragraph 3.19 and Section 5.4 of the Amended Declaration of Covenants, Conditions and Restrictions.

This document may be amended in accordance with the procedures set forth in Utah Code, Title 57, Chapter 8a, Section 217 as it may be amended from time to time.

Common Area parcels and legal descriptions subject to these Common Area Rules are listed in Attachment A. Rules governing use of the Right of Way (R.O.W.) road between parcel 17-138-0001 (lot 18) and parcel 17-138-0002 (lot 19) are in Attachment B.

1. **Laws, Ordinances and Regulations.** No portion of the Common Area shall be used in a manner that violates any federal, state or Weber County statute, law, ordinance, permit or regulation. If the provisions of these rules are more stringent than any applicable government statute, law, ordinance, permit or regulation the provisions of these rules shall control. Federal agencies, the State of Utah and Weber County are responsible for enforcing their laws, ordinances and regulations. However, if the responsible governmental entities are not willing to take enforcement action, the Association may elect to take appropriate action as determined by the Board of Directors. The Association is solely responsible for the enforcement of all other provisions of these rules.

2. **Development.** No development activity of any kind shall be allowed in the Common Area except:

- a) that which is expressly permitted by Weber County;
- b) that which is allowed by the Association's Governing Documents; and
- b) changes or improvement to utilities.

3. **Encroachments.** No permanent or temporary encroachment of any kind shall be allowed on the Common Area, including but not limited to encroachments associated with the construction and occupancy of Residences and accessory buildings on Lots adjacent to the Common Area. For the purpose of this rule, "Encroachment" shall be defined as any activity that is not authorized by Weber County, the Association or its Members.

4. **Vegetation Maintenance.** The Association shall be responsible for the maintenance of all vegetation on the Common Area, including the control of noxious weeds. As a general practice, vegetation maintenance shall be conducted in accordance with an annual plan and budget prepared by the Association's Board of Directors. If requested, the Board may permit the removal of dead vegetation, including but not limited to fallen and standing dead trees, by individual Lot Owners.
5. **Excavations and Rock Removal.** All forms of excavation and the removal of rocks are prohibited. The foregoing shall not preclude such activities in connection with the construction of authorized Association improvements, such as the operation and maintenance of the Wastewater Disposal System, the maintenance of public utility facilities serving the Community or as required to facilitate the vegetation maintenance as described above.
6. **Signage.** Signage of any kind shall not be permitted within the Common Area, except those installed by Weber County or the Association.
7. **Animals.** All Owners, members of their family, their guests or their tenants having animals within the Common Area shall, at all times, be responsible for compliance with Weber County Ordinance Title 6 - Comprehensive Animal Control, as amended.
8. **Disposal of Waste Material.** No garbage, trash, construction debris, recyclable material, dirt, rock or yard waste shall be placed or otherwise disposed of within the Common Area, except in containers, if any, that may be provided by the Association.
9. **Hazardous Activity.** The use or disposal of caustic, toxic, flammable, explosive, or otherwise hazardous materials; the discharge of fireworks; and the setting of fires within the Common Area is prohibited.
10. **Protection of Natural Drainage, Ponds, Springs, Streams and Wetlands.** Except as required to protect a Residence, accessory building or other Lot improvement and respond to an emergency, the natural flow of surface or ground water in the Common Area shall not be altered in any way.

No existing pond within the Common Area shall be filled or altered except by the Association and only after receiving approval from government agencies having jurisdiction over such activities.

The riparian area along both sides of Durfee Creek shall not be cleared, thinned, or otherwise disturbed unless such activities are sponsored and supervised by the Board or committee with Board delegated responsibility or any government agencies having jurisdiction over such activities. The foregoing does not prohibit Owners of Lots adjacent to Durfee Creek from removing noxious weeds from the riparian area and fallen dead trees that may be partially resting on a Lot.

The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of ponds, springs, streams or wetlands located within or adjacent to the Common Area.

12. **Discharge of Firearms and Hunting.** The discharge of firearms and other dangerous weapons as defined by Utah law into the Common Area from any Lot and within the Common Area is prohibited. The hunting of all wildlife by any means is expressly prohibited within the Common Area. The foregoing does not prohibit Durfee Creek Lot Owners, and guests who are accompanied by a Durfee Creek Lot Owner, from crossing the Common Area to hunt on adjacent land where hunting is permitted.

13. **Use of Motorized Vehicles and Parking.** The term "motorized vehicles" includes without limitation, automobiles, trucks, trailers, motorcycles, tractors, excavation equipment, snowmobiles, campers, vans, and all-terrain vehicles.

No motorized vehicles shall be operated or parked within the Common Area, except;

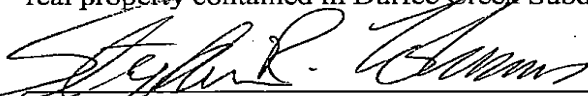
- a) as required to construct, operate and maintain utilities as specified in the Association By-Laws and Association Amended and Restated Covenants, Conditions and Restrictions, and in certain perpetual easement agreements recorded in Weber County records and granted to Liberty Pipeline Company by the Association;
- b) to respond to an emergency, including but not limited to an accident, injury or wildfire; and
- c) to remove or relocate stray livestock.

If the owner of a vehicle parked on the Common Area does not promptly move the vehicle to an acceptable location after being requested to do so, the Association shall have the authority to have the vehicle towed from the Community.

14. **Prohibition of Access to and Use of the Common Area by Non-Residents.** Each Lot Owner within Durfee Creek Estates owns an undivided interest in the entire Common Area. Use of the Common Area is reserved exclusively for Durfee Creek Lot Owners, their guests in the company of a Lot Owner, and the Lot Owner's tenants, if any. The Common Area is not open to the public. There is no access at any point across the Common Area for the public to gain access to public or other lands via crossing the Common Area by any means. In those few cases where Lots in Durfee Creek Estates are adjacent to public lands, access across those Lots by the public may be granted only in writing by a Lot owner to those wanting access to public lands, in accordance with Utah Department of Natural Resources regulations and requirements.

**CERTIFICATION**

I, the undersigned, being President of Durfee Creek Association Inc., a Utah non-profit corporation ("the Association"), do hereby certify the foregoing to be the Common Area Rules for Durfee Creek Estates Subdivision, as adopted by resolution of the Board of Directors on January 16, 2018 and that such Common Area Rules are applicable to the real property contained in Durfee Creek Subdivision as set forth in the Attachment C.


  
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Stephen R. Tolman, President

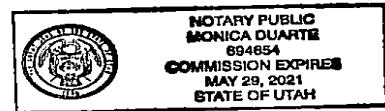
**Acknowledgment**

State of Utah  
County of Weber

Subscribed and sworn to before me on this 17<sup>th</sup> day of January, 2018

by Stephen R. Tolman

  
\_\_\_\_\_  
Notary Name Signature  
Monica Duarte



## ATTACHMENT "A"

**Durfee Creek Estates Subdivision  
Common Area Parcel Descriptions**

<b>PARCEL #</b>	<b>LEGAL DESCRIPTION</b>
17-092-0027	PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF DURFEE CREEK SUBDIVISION NO. 1, WEBER COUNTY, UTAH AT A POINT 2604.68 FEET NORTH 0D00'56" EAST ALONG A QUARTER SECTION LINE AND 529.07 FEET WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 36, SAID POINT IS ALSO 45.44 FEET NORTH 17D05'57" WEST 459.82 FEET NORTH 14D36'28" WEST AND 132.34 FEET NORTH 47D40'33" WEST ALONG SAID WESTERLY BOUNDARY OF DURFEE CREEK SUBDIVISION NO. 1 FROM THE NORTHWEST CORNER OF LOT 18 OF SAID SUBDIVISION; THENCE NORTH 86D04'33" WEST 197.72 FEET TO SAID SOUTHWESTERLY BOUNDARY OF SAID SUBDIVISION; THENCE THREE (3) COURSES ALONG SAID BOUNDARY OF SUBDIVISION AS FOLLOWS: NORTH 75D01'08" EAST 24.70 FEET, SOUTH 85D58'35" EAST 164.62 FEET, AND SOUTH 47D40'33" EAST 12.42 FEET TO THE POINT OF BEGINNING.
17-135-0001	THE WEST 2013.6 FEET OF THE NORTH 1283.70 FEET OF COMMON AREA "A" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-135-0002	COMMON AREA "A", DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH. EXCEPT THE WEST 2013.6 FEET OF THE NORTH 1283.70 FEET OF SAID COMMON AREA "A". ALSO EXCEPTING THAT PARCEL DEED IN BOOK 1637, PAGE 1433.
17-137-0017	ALL OF COMMON AREA "B" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-139-0003	ALL OF COMMON AREA "C" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-139-0004	ALL OF COMMON AREA "D" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-225-0016	ALL OF COMMON AREA B AND PRIVATE ROADS WITHIN DURFEE CREEK ESTATE NO. 2, WEBER COUNTY, UTAH.
17-226-0001	ALL OF COMMON AREA A WITHIN DURFEE CREEK ESTATES NO. 2, WEBER COUNTY, UTAH.
17-297-0012	COMMON AREA & PRIVATE ROADS WITHIN DURFEE CREEK ESTATES NO. 2B WEBER COUNTY, UTAH.
17-307-0007	COMMON AREA A AND B WITHIN DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.

**ATTACHMENT "C"**

**Durfee Creek Estates Subdivision  
Parcel Descriptions**

<b>PARCEL #</b>	<b>LOT</b>	<b>LEGAL DESCRIPTION</b>
17-092-0027	CA	PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF DURFEE CREEK SUBDIVISION NO. 1, WEBER COUNTY, UTAH AT A POINT 2604.68 FEET NORTH 0D00'56" EAST ALONG A QUARTER SECTION LINE AND 529.07 FEET WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 36, SAID POINT IS ALSO 45.44 FEET NORTH 17D05'57" WEST 459.82 FEET NORTH 14D36'28" WEST AND 132.34 FEET NORTH 47D40'33" WEST ALONG SAID WESTERLY BOUNDARY OF DURFEE CREEK SUBDIVISION NO. 1 FROM THE NORTHWEST CORNER OF LOT 18 OF SAID SUBDIVISION; THENCE NORTH 86D04'33" WEST 197.72 FEET TO SAID SOUTHWESTERLY BOUNDARY OF SAID SUBDIVISION; THENCE THREE (3) COURSES ALONG SAID BOUNDARY OF SUBDIVISION AS FOLLOWS: NORTH 75D01'08" EAST 24.70 FEET, SOUTH 85D58'35" EAST 164.62 FEET, AND SOUTH 47D40'33" EAST 12.42 FEET TO THE POINT OF BEGINNING.
17-135-0001	CA	THE WEST 2013.6 FEET OF THE NORTH 1283.70 FEET OF COMMON AREA "A" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-135-0002	CA	COMMON AREA "A", DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH. EXCEPT THE WEST 2013.6 FEET OF THE NORTH 1283.70 FEET OF SAID COMMON AREA "A". ALSO EXCEPTING THAT PARCEL DEED IN BOOK 1637, PAGE 1433.
17-136-0001	1	ALL OF LOT 1, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-136-0002	2	ALL OF LOT 2, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-136-0003	3	ALL OF LOT 3, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH. SUBJECT TO EASEMENT AND RIGHT OF WAY FOR PURPOSE OF INGRESS AND EGRESS, AND THE RIGHT TO GRADE, FILL, LEVEL, DRAIN, PAVE, BUILD, MAINTAIN AND REPAIR THE SAME OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND. A PART OF LOT 3, DURFEE CREEK ESTATES NO. 1, BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, RUNNING THENCE SOUTH 23D53'55" WEST 21.82 FEET, THENCE SOUTH 1D21'53" WEST 335.00 FEET, THENCE SOUTH 88D38'07" EAST 16.5 FEET, THENCE NORTH 1D21'53" EAST 300.00 FEET, THENCE NORTH 23D53'55" EAST 50 FEET, MORE OR LESS, TO SOUTHERLY LINE OF 6825 NORTH STREET, THENCE NORTHWESTERLY ALONG SAID STREET 25 FEET TO THE POINT OF BEGINNING
17-136-0004	29	ALL OF LOT 29, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-136-0005	30	ALL OF LOT 30, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-136-0006	31	ALL OF LOT 31, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0001	4	ALL OF LOT 4, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH. EXCEPTING THEREFROM THE FOLLOWING: PART OF LOT 4, DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH. BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, RUNNING THENCE SOUTH 23D53'55" WEST 21.82 FEET, THENCE WEST 40 FEET, THENCE NORTH 24D30'35" EAST 38.65 FEET TO THE SOUTHERLY LINE OF 6825 NORTH STREET THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID STREET 20 FEET TO THE POINT OF BEGINNING. (E#1938153 BK2366 PG1898)
17-137-0002	5	ALL OF LOT 5, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0003	6	ALL OF LOT 6, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0004	7	ALL OF LOT 7, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0005	8	ALL OF LOT 8, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0006	9	ALL OF LOT 9, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0007	10	ALL OF LOT 10, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0008	11	ALL OF LOT 11, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0009	12	ALL OF LOT 12, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0010	13	ALL OF LOT 13, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0011	14	ALL OF LOT 14, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0012	15	ALL OF LOT 15, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0013	16	ALL OF LOT 16, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0014	17	ALL OF LOT 17, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0015	27	ALL OF LOT 27, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.

17-137-0016	28	ALL OF LOT 28, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-137-0017	CA	ALL OF COMMON AREA "B" DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0001	18	ALL OF LOT 18, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0002	19	ALL OF LOT 19, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0003	20	ALL OF LOT 20, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0004	21	ALL OF LOT 21, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0005	22	ALL OF LOT 22, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0006	23	ALL OF LOT 23, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0007	24	ALL OF LOT 24, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0008	25	ALL OF LOT 25, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-138-0009	26	ALL OF LOT 26, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-139-0001	33	ALL OF LOT 33, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-139-0002	32	ALL OF LOT 32, DURFEE CREEK ESTATES NO 1, WEBER COUNTY, UTAH.
17-139-0003	CA	ALL OF COMMON AREA "C" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-139-0004	CA	ALL OF COMMON AREA "D" DURFEE CREEK ESTATES NO. 1, WEBER COUNTY, UTAH.
17-225-0001	34	ALL OF LOT 34, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0002	35	ALL OF LOT 35, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0008	41	ALL OF LOT 41, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0009	42	ALL OF LOT 42, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0010	43	ALL OF LOT 43, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0011	44	ALL OF LOT 44, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0012	45	ALL OF LOT 45, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0013	46	ALL OF LOT 46, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0014	47	ALL OF LOT 47, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0015	48	ALL OF LOT 48, DURFEE CREEK ESTATES NO 2, WEBER COUNTY, UTAH.
17-225-0016	CA	ALL OF COMMON AREA B AND PRIVATE ROADS WITHIN DURFEE CREEK ESTATE NO. 2, WEBER COUNTY, UTAH.
17-226-0001	CA	ALL OF COMMON AREA A WITHIN DURFEE CREEK ESTATES NO. 2, WEBER COUNTY, UTAH.
17-292-0001	36	ALL OF LOT 36, DURFEE CREEK ESTATES NO. 2 AMENDED LOTS 36 THROUGH 40, WEBER COUNTY, UTAH.
17-292-0002	38	ALL OF LOT 38, DURFEE CREEK ESTATES NO. 2, AMENDED LOTS 36 THROUGH 40, WEBER COUNTY, UTAH.
17-292-0005	40	ALL OF LOT 40, DURFEE CREEK ESTATES NO. 2, AMENDED LOTS 36 THROUGH 40, WEBER COUNTY, UTAH.
17-297-0001	49	ALL OF LOT 49, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0002	50	ALL OF LOT 50, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0003	51	ALL OF LOT 51, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0004	52	ALL OF LOT 52, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0005	53	ALL OF LOT 53, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0006	54	ALL OF LOT 54, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0007	55	ALL OF LOT 55, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0008	56	ALL OF LOT 56, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0009	57	ALL OF LOT 57, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0010	58	ALL OF LOT 58, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0011	59	ALL OF LOT 59, DURFEE CREEK ESTATES NO. 2B, WEBER COUNTY, UTAH.
17-297-0012	CA	COMMON AREA & PRIVATE ROADS WITHIN DURFEE CREEK ESTATES NO. 2B WEBER COUNTY, UTAH.
17-307-0001	60	ALL OF LOT 60, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0002	61	ALL OF LOT 61, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0003	62	ALL OF LOT 62, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0004	63	ALL OF LOT 63, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0005	64	ALL OF LOT 64, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0006	65	ALL OF LOT 65, DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.
17-307-0007	CA	COMMON AREA A AND B WITHIN DURFEE CREEK ESTATES NO. 2C, WEBER COUNTY, UTAH.

'CA' in Lot column indicates 'Common Area'