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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/07/2019 11:42 AM
FEE \$63.00 Pgs: 8
DEP RTT REC'D FOR KAYSVILLE CITY

When recorded mail to:
Destination Homes
Attn: John B. Warnick
67 South Main Street
Layton, Utah 84041

**FIFTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS**

For Hill Farms Subdivision
In Davis County, Utah

D

This Fifth Amendment to the Declaration of Covenants, Conditions & Restriction for Hill Farms Subdivision (hereinafter "Fifth Amendment") hereby amends that certain Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision, as amended, recorded in the Davis County Recorder's Office on November 26, 2013, as Entry No. 2778856 ("Declaration"), and is executed by Legacy Neighborhoods, LLC, a Utah limited liability company (hereinafter "Declarant") and the Owners of Lots 532, 533 and 534, respectively J. Brent Hill, trustee of the Joseph F. Hill and Rozanna S. Hill Family Limited Partnership, a Utah Limited Partnership (hereinafter Lots 532B, 533B and 534B).

RECITALS:

(A) This Fifth Amendment affects and concerns real property located in Davis County, Utah and more particularly described on Exhibit "A" attached hereto ("Property").

(B) The Project remains within the Class B Control Period, as defined in Article IX of the Enabling Declaration. Also, in accordance with Article 23.4 of the Enabling Declaration, the Declarant may amend the Enabling Declaration at any time during the Class B Control Period at the sole discretion of the Declarant.

(C) The Owner of Lots 532, 533 & 534 hereby consent to the recording of this Fifth Amendment.

(D) The Bylaws of Hill Farms Subdivision Homeowner Association, Inc. ("Bylaws") were recorded on August 29, 2016, as Entry No. 2962280 in the office of the Davis County Recorder, Utah.

(E) The First Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("First Amendment") was recorded on July 19, 2016, as Entry No. 2952372 in the office of the Davis County Recorder, Utah.

(F) A Re-Recorded First Amendment to the Declaration of Covenants, Conditions &

11-825-0501 → 0534

11-841-0532, 0533, 0534

Restrictions for Hill Farms Subdivision ("Re-recorded First Amendment) was recorded on August 29, 2016, as Entry No. 2962278 in the office of the Davis County Recorder, Utah.

(G) The Second Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Second Amendment") was recorded on November 21, 2016, as Entry No. 2983551 in the office of the Davis County Recorder, Utah.

(H) The Third Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Third Amendment") was recorded on October 10, 2018, as Entry No. 3120222 in the office of the Davis County Recorder, Utah.

(I) The Fourth Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Fourth Amendment") was recorded on 12-27-2018, as Entry No. 3135609 in the office of the Davis County Recorder, Utah.

(J) Supplemental Declaration of Phase 5 to the Declaration of Covenants, Conditions and Restrictions for Hill Farms Subdivision ("Supplemental Declaration – Phase 5) was recorded on June 1, 2018, as Entry No. 3096525 in the office of the Davis County Recorder, Utah.

(KJ) A Plat for Hill Farms Phase 5 was recorded on June 1, 2018, as Entry No. 3096524 in the office of the Davis County Recorder, Utah.

(LK) A Plat for Hill Farms Phase 5 1st Amendment was recorded on September 18, 2018, as Entry No. 3117676 in the office of the Davis County Recorder, Utah.

(M) In conjunction with the recording of this Fifth Amendment, an Amended Plat for Hill Farms Phase 5 will be recorded in the office of the Davis County Recorder, Utah ("Phase 5 – 2nd Amendment").

NOW, THEREFORE, the Enabling Declaration is hereby amended as follows:

COVENANTS, CONDITIONS AND RESTRICTIONS

1. **Recitals.** The above Recitals are incorporated herein by reference and made a part hereof.
2. **Effective Date.** The Fifth Amendment will take effect on the date recorded at the office of the Davis County Recorder's Office (the "Effective Date").
3. **No Other Changes.** Except as otherwise expressly provided in this Fifth Amendment, the Declaration, as amended, remains in full force and effect without modification.
4. **Authorization.** The individuals signing for the respective entities make the

DECLARANT:
LEGACY NEIGHBORHOODS, LLC

By: [Signature]
Its: MANAGER

STATE OF UTAH)
COUNTY OF Davis : ss)

On the 18 day of Dec, 2018, personally appeared before me, David Bailey, who being by me duly sworn did say that he/she is an authorized agent of Legacy Neighborhoods, LLC, and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that he/she executed the same.

[Signature]
NOTARY PUBLIC

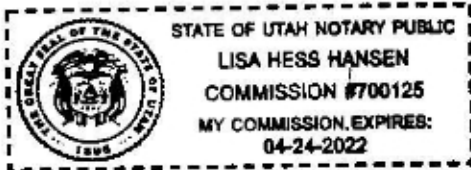


EXHIBIT "A"

PHASE 5 PLAT:

BEGINNING AT A POINT ON THE EASTERLY LINE OF ANGEL STREET, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF HILL FARMS SUBDIVISION PHASE 2A, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT BEING LOCATED SOUTH 89°56'03" WEST ALONG QUARTER SECTION LINE 486.43 FEET AND NORTH 492.97 FEET FROM THE CENTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN (THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 00°05'03" EAST 2642.30 FEET MEASURED BETWEEN THE SOUTHWEST AND WEST QUARTER CORNERS OF SAID SECTION 32), AND RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID PHASE 2A THE FOLLOWING SIX COURSES: (1) NORTH 50°24'18" EAST 70.13 FEET; (2) SOUTH 39°35'42" EAST 20.00 FEET; (3) NORTH 50°24'18" EAST 186.60 FEET; (4) NORTH 45°41'58" EAST 55.85 FEET; (5) NORTH 52°05'46" EAST 195.43 FEET; AND (6) NORTH 39°35'42" WEST 21.01 FEET TO THE SOUTHWESTERLY CORNER OF HILL FARMS SUBDIVISION PHASE 2B PRUD, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, AND RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID PHASE 2B THE FOLLOWING THREE COURSES: (1) NORTH 50°24'18" EAST 120.00 FEET; (2) NORTH 49°56'19" EAST 106.36 FEET; AND (3) NORTH 37°48'09" EAST 288.04 FEET TO THE WESTERLY LINE OF WILKIE ESTATES NO. 3, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE SOUTH 40°16'30" EAST 466.70 FEET ALONG THE WESTERLY LINE OF WILKIE ESTATES PHASE 1 AND 3; THEN NORTH 51°47'08" EAST 0.63 FEET TO THE NORTHWESTERLY CORNER OF MOUNTAIN SHADOW ESTATES NO. 3, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE SOUTH 39°48'45" EAST ALONG THE WESTERLY LINE OF SAID SUBDIVISION 81.20 FEET; THENCE SOUTH 50°24'18" WEST 198.94 FEET; THENCE SOUTH 50°24'18" WEST 55.00 FEET; THENCE NORTH 39°35'42" WEST 53.13 FEET; THENCE SOUTH 50°24'18" WEST 101.96 FEET; THENCE SOUTH 26°26'07" WEST 96.52 FEET; THENCE SOUTH 03°51'01" EAST 111.78 FEET; THENCE SOUTH 08°29'06" EAST 55.08 FEET; THENCE 257.87 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 467.79 FEET (CHORD BEARS NORTH 79°49'41" WEST 254.62 FEET); THENCE SOUTH 34°26'07" WEST 288.00 FEET; THENCE NORTH 61°46'26" WEST 21.80 FEET; THENCE NORTH 89°21'54" WEST 41.55 FEET; THENCE SOUTH 56°50'05" WEST 37.54 FEET TO THE NORTHEASTERLY LINE OF SAID ANGEL STREET; THENCE NORTHWESTERLY ALONG SAID STREET THE FOLLOWING (4) COURSES: (1) NORTH 33°09'46" WEST 6.70 FEET, (2) NORTH 36°58'36"

WEST 112.96 FEET, (3) NORTH 33°09'55" WEST ALONG SAID STREET 257.73 FEET, AND (4) NORTH 39°35'42" WEST ALONG SAID STREET 66.33 FEET TO THE POINT OF BEGINNING. CONTAINING 496,349 SQ.FT. (11.39 ACRE).

ALSO, BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF WILKIE ESTATES NO.3, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF HILL FARMS SUBDIVISION PHASE 2C PRUD, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT BEING LOCATED NORTH 00°07'05" EAST ALONG QUARTER SECTION LINE 1740.04 FEET AND WEST 215.64 FEET FROM THE CENTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, (THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 00°05'30" EAST 2642.30 FEET MEASURED BETWEEN THE SOUTHWEST AND WEST QUARTER CORNERS OF SAID SECTION 32) RUNNING THENCE SOUTH 40°16'30" EAST ALONG THE SOUTHWESTERLY LINE OF SAID WILKIE ESTATES 460.03 FEET TO A POINT ON THE NORTHEASTERLY LINE OF HILL FARMS SUBDIVISION PHASE 2B PRUD THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID PHASE 2B THE FOLLOWING FIVE COURSES: (1) SOUTH 50°24'18" WEST 115.68 FEET; (2) SOUTH 30°24'18" WEST 77.76 FEET; (3) NORTH 59°35'42" WEST 245 FEET; (4) NORTH 23°16'56" WEST 100.41 FEET; AND (5) NORTH 39°35'42" WEST 160.00 FEET TO THE SOUTHERLY LINE OF SAID PHASE 2C; AND THENCE NORTH 50°24'18" EAST 238.88 FEET ALONG THE SOUTHERLY LINE OF SAID PHASE 2C TO THE POINT OF BEGINNING.

CONTAINING 111,795 SQ.FT. (2.57 ACRE).

TAX ID NOS. 11-825-0501 through 11-825-0534. ✓

PHASE 5 PLAT – 1ST AMENDMENT:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF WILKIE ESTATES NO.3, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE. SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF HILL FARMS SUBDIVISION PHASE 2C, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT BEING LOCATED NORTH 00°07'05" EAST ALONG QUARTER SECTION LINE 1740.04 FEET AND WEST 215.64 FEET FROM THE CENTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, (THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 00°05'30" EAST 2642.30 FEET MEASURED BETWEEN THE SOUTHWEST AND WEST QUARTER CORNERS OF SAID SECTION 32),

AND RUNNING THENCE SOUTH 40°16'30" EAST ALONG THE SOUTHWESTERLY LINE OF SAID WILKIE ESTATES 460.03 FEET TO A POINT ON THE NORTHEASTERLY LINE OF HILL FARMS SUBDIVISION PHASE 2B; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID PHASE 2B THE FOLLOWING THREE COURSES: (1) SOUTH 50°24'18" WEST 115.68 FEET; (2) SOUTH 30°24'18" WEST 77.76 FEET; AND (3) NORTH 59°35'42" WEST 205.00 FEET TO THE EASTERLY LINE OF PEARL PARK, A PRIVATE STREET; THENCE ALONG THE EASTERLY LINE OF SAID STREET THE FOLLOWING THREE COURSES: (1) NORTH 30°24'18" EAST 128.52 FEET, (2) NORTH 39°35'42" WEST 130.00 FEET, AND (3) SOUTH 50°24'18" WEST 21.25 FEET TO THE SOUTHEASTERLY CORNER OF LOT 531, HILL FARMS SUBDIVISION PHASE 5, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE NORTH 39°35'42" WEST ALONG THE EASTERLY LINE OF SAID LOT 120.00 FEET TO THE SOUTHERLY LINE OF SAID HILL FARMS PHASE 2C; AND THENCE NORTH 50°24'18" EAST ALONG SAID SOUTHERLY LINE 153.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 83,605 SQ.FT. (1.92 ACRE). 3 LOTS

PHASE 5 PLAT – 2ND AMENDMENT:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF WILKIE ESTATES NO.3, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF HILL FARMS SUBDIVISION PHASE 2C, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, SAID POINT BEING LOCATED NORTH 00°07'05" EAST ALONG QUARTER SECTION LINE 1740.04 FEET AND WEST 215.64 FEET FROM THE CENTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, (THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 00°05'30" EAST 2642.30 FEET MEASURED BETWEEN THE SOUTHWEST AND WEST QUARTER CORNERS OF SAID SECTION 32), AND RUNNING THENCE SOUTH 40°16'30" EAST ALONG THE SOUTHWESTERLY LINE OF SAID WILKIE ESTATES 460.03 FEET TO A POINT ON THE NORTHEASTERLY LINE OF HILL FARMS SUBDIVISION PHASE 2B; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID PHASE 2B THE FOLLOWING THREE COURSES: (1) SOUTH 50°24'18" WEST 115.68 FEET; (2) SOUTH 30°24'18" WEST 77.76 FEET; AND (3) NORTH 59°35'42" WEST 205.00 FEET TO THE EASTERLY LINE OF PEARL PARK, A PRIVATE STREET; THENCE ALONG THE EASTERLY LINE OF SAID STREET THE FOLLOWING THREE COURSES: (1) NORTH 30°24'18" EAST 128.52 FEET, (2) NORTH

39°35'42" WEST 130.00 FEET, AND (3) SOUTH 50°24'18" WEST 21.25 FEET TO THE SOUTHEASTERLY CORNER OF LOT 531, HILL FARMS SUBDIVISION PHASE 5, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE; THENCE NORTH 39°35'42" WEST ALONG THE EASTERLY LINE OF SAID LOT 120.00 FEET TO THE SOUTHERLY LINE OF SAID HILL FARMS PHASE 2C; AND THENCE NORTH 50°24'18" EAST ALONG SAID SOUTHERLY LINE 153.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 83,605 SQ.FT. (1.92 ACRE). 3 LOTS