

When recorded, return to:
Destination Construction, LLC
ATTN: Natalie Gordon
9350 S. 150 E., Suite 900
Sandy, Utah 84070

**NINTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS
FOR HILL FARMS SUBDIVISION, A PRUD**

This Ninth Amendment to the Declaration of Covenants, Conditions and Restrictions for Hill Farms Subdivision (hereinafter "Ninth Amendment") hereby amends that certain Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision a PRUD, as amended, recorded in the Davis County Recorder's Office on November 26, 2013, as Entry No. 2778856 ("Enabling Declaration"), and is executed Destination Construction, LLC, successor Declarant (the "Declarant") and made effective as of the date recorded in the Davis Recorder's Office.

RECITALS:

- A. This Ninth Amendment affects and concerns the real property located in Davis County, Utah, and more particularly described in the attached **Exhibit "A"** ("Property").
- B. On or about May 4, 2022, a Plat Map of Wilcox Farms Subdivision Phase 1 depicting the Project was recorded in the Davis County Recorder's Office as Entry No, 3478569.
- C. 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.
- D. A Re-Recorded First Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision ("Re-recorded First Amendment) was recorded on August 29, 2016, as Entry No. 2962673 in the office of the Davis County Recorder, Utah.
- E. A Re-Recorded Notice of Reinvestment Fee Covenant was recorded on August 30, 2016, as Entry No. 2962278 in the office of the Davis County Recorder, Utah.
- F. 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.
- G. 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.

- H. The Fourth Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision (“Fourth Amendment”) was recorded on December 27, 2018, as Entry No. 3135609 in the office of the Davis County Recorder, Utah.
- I. The Fifth Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision (“Fifth Amendment”) was recorded on January 7, 2019, as Entry No. 3137139 in the office of the Davis County Recorder, Utah.
- J. The Sixth Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision (“Sixth Amendment”) was recorded on July 22, 2020 as Entry No. 3274024 in the office of the Davis County Recorder, Utah.
- K. The Seventh Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision (“Seventh Amendment”) was recorded on November 13, 2020 as Entry No. 3314983 in the office of the Davis County Recorder, Utah.
- L. The Second Supplemental Declaration and Notice of Annexation of Phase 7 to the Declaration of Covenants, Conditions, and Restrictions was recorded on September 7, 2021 in the records of Davis County as Entry No. 3416826 (“Phase 7 Supplemental”), wherein assigned to successor Declarant Golden Land Management, LLC was made.
- M. The Eighth Amendment to the Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision (“Eighth Amendment”) was recorded on February 23, 2022 as Entry No. 3458745 in the office of the Davis County Recorder, Utah.
- N. The Project remains within the Class B Control Period.
- O. Destination Construction, LLC is the successor Declarant for the Property.
- P. Adoption Statement. Pursuant to Article 23.4 of the Declaration, the Declarant may amend the Declaration in its sole discretion, with Declarant approving as of the date executed below.
- Q. No Other Changes. Except as otherwise expressly provided in this Ninth Amendment, the Declaration remain in full force and effect.
- R. Definitions. All terms used but not defined herein shall have the meanings given

them under the Declaration.

- S. Bylaws. The Second Amendment to the Bylaws are attached hereto as **Exhibit B**.
- T. Authorization. The individuals signing for the respective entities below make the following representations: (i) he/she has read the Ninth Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Ninth Amendment acting in said capacity.
- U. Conflicts. In the case of any conflict between the provisions of this Ninth Amendment and the provisions of the Declaration, as amended, the provisions of this Ninth Amendment shall in all respects govern and control. In the case of any existing provision with the Declaration, as amended, that could be interpreted as prohibiting the modifications set forth in this Ninth Amendment, such provision(s) is hereby modified in order to accomplish the purpose and intent of this Ninth Amendment.
- V. These Recitals are hereby incorporated herein by reference and made a part hereof.

NOW, THEREFORE, pursuant to the foregoing, the Declarant hereby makes and executes this Ninth Amendment to the Declaration as follows.

AMENDMENTS

1. References to prior declarants including Destination Homes, Inc., Legacy Neighborhoods, LLC, and Golden Land Management, Inc. as the Declarant are hereby replaced with Destination Construction, LLC.

2. Article I(L) of the Declaration is hereby deleted in its entirety and replaced with the following:

(L) “Declarant shall mean and refer to Destination Construction, LLC, and its successors and assigns.

3. Article 10.8, as amended by the Second and Eighth Amendments is hereby deleted in its entirety and replaced with the following:

“Declarant Related Entity or Entities” shall mean Declarant, parent companies, subsidiaries, assigns, successors, related or designated construction entities, or other entities established by Declarant or Declarant’s members for the purpose of owning, developing, constructing and/or selling Lots or Dwellings in the Subdivision including but not limited to: Destination Construction, LLC, d/b/a Destination Homes, and LHMRE, LLC, d/b/a Larry H. Miller Real Estate.

Destination Construction, LLC, a Utah limited liability company, the Declarant

By: *Courtney Palmer*

Name: Courtney Palmer

Title: Chief Financial Officer

STATE OF UTAH)
 : ss
COUNTY OF Salt Lake)

On this 10th day of July, 2023, before me, the undersigned Notary Public, personally appeared Courtney Palmer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Julie Randall
Notary Public
My Commission Expires: April 29, 2027

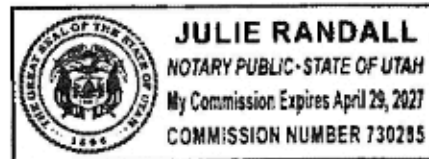


Exhibit A

Hill Farms Subdivision, A PRUD Tax ID Nos.:

Phase 1

All of Lots 101-102 and Parcels OS1-OS2 of Hill Farms Phase 1A, tax i.d. numbers 11-731-0101 through 11-731-0104 (4 parcels)

All of Lots 103-105, Lots 126-129 and Parcels OS3-OS4 of Hill Farms Phase 1B, tax i.d. numbers 11-732-0103 through 11-732-0105, 11-732-0126 through 11-732-0131 (9 parcels)

All of Lots 106-115 and Lots 118-125 of Hill Farms Phase 1BB, tax i.d. numbers 11-734-0106 through 11-734-0115 and 11-734-0118 through 11-734-0125 (18 parcels)

All of Lots 138-157 and Parcels OS5-OS8 of Hill Farms Phase 1C, tax i.d. numbers 11-738-0138 through 11-738-0161 (24 parcels)

All of Lots 116-117, Lots 130-137 and Parcels OS9-OS10 of Hill Farms Phase 1D, tax i.d. numbers 11-741-0116 through 11-741-0117, 11-741-0130, 11-741-0132 through 11-741-0141 (12 parcels)

All of Lots 158-173 of Hill Farms Phase 1E, tax i.d. numbers 11-753-0158 through 11-753-0173 (16 parcels)

-83 Parcels

Phase 2

All of Lots 201-214 and Parcels OS1-OS2 of Hill Farms Phase 2A, tax i.d. numbers 11-761-0201 through 11-761-0216 (16 parcels)

All of Lots 215-239, Parcels OS3-OS6, and (2) private street Parcels of Hill Farms Phase 2B, tax i.d. numbers 11-776-0215 through 11-776-0245 (31 parcels)

All of Lots 240-247, Lots 249-258 and Parcel OS1 of Hill Farms Phase 2C, tax i.d. numbers 11-797-0240 through 11-797-0247, 11-797-0249 through 11-797-0259 (19 parcels)

All of Lots 248-B, 317-BA and 318-A of Hill Farms Phase 2C 2nd Amended, tax i.d. numbers 11-839-0248, 11-839-0317 and 11-839-0318 (3 parcels)

-69 Parcels

Phase 3

All of Lots 301-316, Lots 319-329, and Parcels OS1A, OS1B, OS2A, and OS2B of Hill Farms Phase 3, tax i.d. numbers 11-795-0301 through 11-795-0316, and 11-795-0319 through 11-795-0333

-31 Parcels

Phase 4

All of Lots 401-428 and Parcels OS1-OS5 of Hill Farms Phase 4, tax i.d. numbers 11-807-0401 through 11-807-0433

-33 Parcels

Phase 5

All of Lots 501-531, Parcels OS1-OS3, and (1) private street Parcel of Hill Farms Phase 5, tax i.d. numbers 11-825-0501 through 11-825-0531 and 11-825-0535 through 11-825-0538 (35 parcels)

All of lots 532B-534B of Hill Farms Phase 5 2nd Amendment, tax i.d. numbers 11-841-0532 through 11-841-0534 (3 parcels)

-38 Parcels

Phase 6

All of Lots 601-627, Open Space Parcels A & B of Hill Farms Phase 6, tax i.d. numbers 11-846-0601 through 11-846-0629

-29 Parcels

Phase 7

All of Lots 701-752 and Parcels A-Q of Hill Farms Phase 7, tax i.d. numbers 11-894-0701 through 11-894-0769

-69 Parcels

Contains 352 parcels.

Exhibit B

**SECOND AMENDMENT TO THE BYLAWS OF
HILL FARMS SUBDIVISION HOMEOWNERS ASSOCIATION, INC.**

This Second Amendment to the Bylaws for Hill farms Subdivision Homeowners Association, Inc. (hereinafter "Second Amendment"), hereby amends those certain Bylaws for Hill Farms Subdivision Homeowners Association, Inc. ("Bylaws"), and is hereby made and executed, as of the date set forth below, by Destination Construction, LLC, successor Declarant (the "Declarant") and made effective as of the date recorded in the Davis Recorder's Office.

RECITALS

- (A) On or about August 29, 2016, the Bylaws were recorded as Entry No. 2962280.
- (B) On or about January 29, 2021, the First Amendment to the Bylaws were recorded as Entry No. 3342478.
- (C) This Second Amendment will be recorded as an exhibit to the Eighth Amendment and recorded against the Property.
- (D) The Project remains within the Class B Control Period.
- (E) Destination Construction, LLC is the successor Declarant.
- (F) Adoption Statement. Pursuant to Article 11.1 of the Bylaws, the Declarant may amend the Bylaws in its sole discretion, with Declarant approving as of the date executed below.
- (G) No Other Changes. Except as otherwise expressly provided in this First Amendment, the Bylaws remain in full force and effect.
- (H) Definitions. All terms used but not defined herein shall have the meanings given them under the Declaration of Covenants, Conditions, and Restrictions of Hill Farms Subdivision ("Declaration").
- (I) These Recitals are hereby incorporated herein by reference and made a part hereof.

AMENDMENTS

Pursuant to Utah Code § 16-6-801(2)(b), these amended Bylaws hereby authorize Declarant to exercise all powers and authority of the Board of Directors during the Class B Control Period. Declarant, in its sole discretion, may act for and on behalf of the Board and Association. Accordingly, during the Class B Control Period, the Directors are relieved from such authority and duty.

The foregoing amended Bylaws are adopted by the undersigned and made effective upon recordation in the Office of the Davis County Recorder, State of Utah. Pursuant to Utah Code § 16-6-801(2)(b) and the Articles, as amended, the Declarant Destination Construction, LLC, is authorized to execute this Second Amendment and may act for the Board during the Class B Control Period.

ACKNOWLEDGMENT

In witness hereof and under penalty of perjury, I hereby acknowledge that I am authorized by the Articles, as amended, to execute this First Amendment on behalf of the Association.

DATED this 10 day of July, 2023.

DESTINATION CONSTRUCTION, LLC, a Utah limited liability company

By: 

Name: Courtney Palmer

Title: Chief Financial Officer