

**FOURTH AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF PHEASANTBROOK HOME OWNERS ASSOCIATION
(Davis County, Utah)**

THIS FOURTH AMENDED AND RESTATED DECLARATION OF PHEASANTBROOK HOME OWNERS ASSOCIATION ("Fourth Amendment") is hereby adopted by the Pheasantbrook Home Owners Association ("Association"), for and on behalf of its members, and made effective as of the date recorded in the Davis County Recorder's Office.

RECITALS:

(A) This Fourth Amendment affects and concerns the real property located in Davis County, Utah and more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference ("Property").

(B) On or about February 18, 1999, By-Laws of Pheasantbrook Homeowners Association pertaining to the Declaration of Covenants, Conditions and Restrictions of Pheasantbrook Planned Unit Development (Part I through Part VIII) ("Bylaws") was recorded in the Davis County Recorder's Office as Entry No. 1488568.

(C) On or about June 13, 2011, an Amended and Restated Declaration of Pheasantbrook Home Owners Association, a Planned Unit Development, ("Amended & Restated Declaration") was recorded in the Davis County Recorder's Office as Entry No. 2602781.

(D) On or about June 6, 2014, an Amendment to the Amended and Restated Declaration of Pheasantbrook Home Owners Association, a Planned Unit Development, ("First Amendment").

(E) On or about August 1, 2022, a Second Amendment to the Amended & Restated Declaration was recorded in Davis County Recorder's Office, as Entry No. 3490617 ("Second Amendment").

(F) On or about January 10, 2024, a Third Amendment to the Amended & Restated Declaration was recorded in Davis County Recorder's Office, as Entry No. 3556991 ("Third Amendment").

CERTIFICATION

Pursuant to Article 19.3 of the Amended & Restated Declaration, the requisite Owners of record provided their consent approving and consenting to the recording of this Fourth Amendment at a Special Meeting. By signing below, the Board hereby certifies that the above-described approvals were obtained, approving and consenting to the recording of this Fourth Amendment.

(G) These Recitals are made a part of this Fourth Amendment.

NOW, THEREFORE, pursuant to the foregoing, the Board hereby makes and executes this Fourth Amendment, which shall be effective as of its recording date.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.
2. No Other Changes. Except as otherwise expressly provided in this Fourth Amendment, the Amended and Restated Declaration, as amended, remains in full force and effect without modification.
3. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the Fourth Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Fourth Amendment acting in said capacity.
4. Conflicts. In the case of any conflict between the provisions of this Fourth Amendment and the provisions of the Amended & Restated Declaration, as amended, this Fourth Amendment shall in all respects govern and control. In the case of any existing provisions that could be interpreted as prohibiting the modifications set forth in this Fourth Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this Fourth Amendment.

AMENDMENTS

5. Article 19.9 is hereby added to the Amended & Restated Declaration and provides as follows:

19.9 Reinvestment Fee. The Association may levy a one-time reinvestment fee to be paid to the Association when a change in ownership of a Lot occurs in the maximum amount of one-half of one percent (.005) of the sales price or fair market value of the Lot, unless a lesser amount is adopted by the Board.

PHEASANTBROOK HOME OWNERS ASSOCIATION

Matthew Gibson

By:
Its: Board President

STATE OF UTAH)
 : ss
COUNTY OF DAVIS)

Matthew Gibson
~~Delisi R. Nixon~~

On this 15th day of May, 2024, personally appeared before me Delisi R. Nixon, who being by me duly sworn, did say that they are the President and authorized representative of PHEASANTBROOK HOME OWNERS ASSOCIATION and that the within and foregoing instrument was signed on behalf of said corporation and duly acknowledged to me that they executed the same.

Delisi R. Nixon
Notary Public
Residing at: Salt Lake City, UT Kensington
My Commission Expires: 2/28/2027

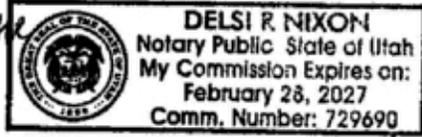


Exhibit "A"
Legal Description

Phase 1 – Units 1 through 24, contained with the Pheasantbrook Planned Unit Development
Serial Nos. 02-037-0001 through 02-037-0024

Phase 2 – Units 41 through 48, contained with the Pheasantbrook Planned Unit Development
Serial Nos. 02-037-0041 through 02-037-0048

Phase 3 – Units 25 through 40; 49 through 52, contained with the Pheasantbrook Planned Unit
Development
Serial Nos. 02-038-0025 through 02-038-0040; 02-38-0049 through 02-038-0052

Phase 4 Amended – Units 53 through 64, contained with the Pheasantbrook Planned Unit
Development
Serial Nos. 02-038-0053 through 02-038-0064

Phase 5 Amended – Units 65 through 72, contained with the Pheasantbrook Planned Unit
Development
Serial Nos. 02-034-0065 through 02-034-0072)

Phase 6, Units 73 through 92, contained with the Pheasantbrook Planned Unit Development
Serial Nos. 02-034-0073 through 02-034-0092

Phase 7 – Units 93 through 124, contained with the Pheasantbrook Planned Unit Development
Serial Nos. 02-035-0093 through 02-035-0124

Phase 8 – Units 125 through 144, contained with the Pheasantbrook Planned Unit Development
Serial Nos. 02-036-0125 – 02-036-0144

Including the following common areas:

02-034-0093; 02-035-0125; 02-036-0145; 02-037-0049; 02-037-0050

Total: 149 Parcels