

When Recorded, Return to:
Cherimoya Hill Homeowner's Association, Inc.
c/o Christopher Jessop
341 S. Main, Suite 500
Salt Lake City, Utah 84111

Space Above for Recorder's Use

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
CHERIMOYA HILL PHASES 1, 2, AND 3

THIS FIRST AMENDMENT TO DECLARATION of Covenants, Conditions and Restrictions Cherimoya Hill Phases 1, 2, and 3, is made and executed this 8 day of July, 2015 by the BOARD OF TRUSTEES for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation with its principal office located in Logan, Utah.

RECITALS:

A. On May 25, 2005, Cherimoya Hill, L.L.C., a Utah limited liability company (the "Declarant") recorded that certain Declaration of Covenants, Conditions and Restrictions Cherimoya Hill Phase 1 in the office of the Rich County Recorder, as Filing No. 65803, in Book A10, beginning at page 1275 (the "Phase 1 Declaration").

B. The Declarant also recorded that certain Declaration of Covenants, Conditions and Restrictions Cherimoya Hill Phase 2 in the office of the Rich County Recorder, on August 24, 2005, as Filing No. 66399, in Book B10, beginning at page 1327 (the "Phase 2 Declaration").

C. The Declarant next recorded that certain Declaration of Covenants, Conditions and Restrictions Cherimoya Hill Phase 3 in the office of the Rich County Recorder, on January 25, 2006, as Filing No. 67619, in Book D10, beginning at page 921 (the "Phase 3 Declaration").

D. Except for the respective legal descriptions, the Declarations for Phases 1, 2, and 3 are identical in form and substance. Hereafter the declarations shall be collectively referred to as the "Declaration". Any reference herein to an article or section of one declaration refers to the same article and section in all of the declarations.

E. The Declaration applies to Cherimoya Hill Subdivision, Phases 1, 2 and 3 (the "Property" or "Project") as defined in the Declaration. The Project is more particularly described on the attached Exhibit A.

F. The Board of Trustees described in the Bylaws of the HOA, which acts in place of the Management Committee described in the Declaration, desires to amend the Declaration pursuant to the affirmative vote of the Owners.

NOW, THEREFORE, in consideration of the recitals set forth above, the Board hereby declares and certifies as follows:

1. Amendment to Section 10.02 of Article X. Section 10.02 of the Declaration (including Phases 1, 2 and 3) is hereby amended by deleting the first sentence of Section 10.02 and including the following new sentence in its place:

No single story dwelling shall be constructed, altered or placed on any lot unless the main floor area, exclusive of attached garages and open porches, is 1,200 square feet or greater and the total square footage of living areas on all floors, exclusive of garages and open porches is no greater than 5,500 square feet.

All of the remaining sentences in Section 10.02 shall remain without change.

2. Amendment to Section 10.09 of Article X. Section 10.09 of the Declaration (including Phases 1, 2 and 3) is hereby amended by adding the following sentence to the end of Section 10.09:

Short-term leases or rentals of a home shall be permitted provided the rental is for residential (as opposed to commercial) use, the rental is for a minimum of two nights, and the property owner is in compliance with all Garden City and other applicable governmental ordinances regarding short-term rentals.

3. Representations and Certification of the Board of Trustees. The Board of Trustees certifies and represents as follows:

a. This amendment is made pursuant to and complies with Section 13.02 of the Declaration, as modified by Utah Code Ann. § 57-1-104 (effective May 12, 2015).

b. The Board of Trustees, which acts in place of the Management Committee described in the Declaration, has unanimously adopted this amendment.

c. The required vote for amendment has occurred under Utah Code Ann. § 57-1-104.

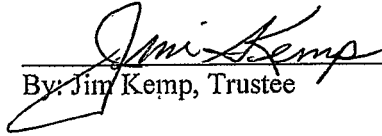
d. This amendment does not require the consent of the Declarant or any other party.

4. Effective Date. This First Amendment shall take effect upon its being filed for record in the office of the County Recorder of Rich County, Utah.


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EXECUTED the day and year first above written.

BOARD OF TRUSTEES:
CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC.,
a Utah non-profit corporation


By: Jim Kemp, Trustee

By: Janet Karren, Trustee


By: Steven Knap, Trustee

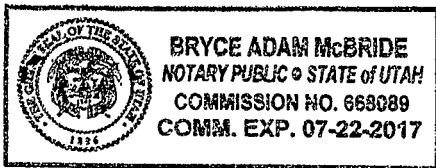

By: William Strong, Trustee


By: Matthew Cluff, Trustee

ACKNOWLEDGEMENTS

STATE OF UTAH)
)ss.
COUNTY OF Cache)

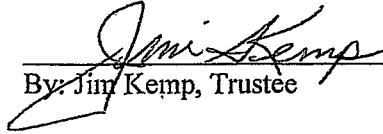
On the 9th day of July, 2015, personally appeared before me **Jim Kemp**, who by me being duly sworn, did say that he is a member of the Board of Trustees for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., executed the same.

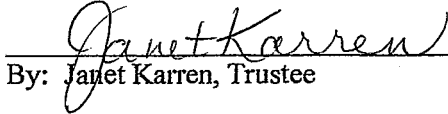




NOTARY PUBLIC

EXECUTED the day and year first above written.

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CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC.,
a Utah non-profit corporation


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By: Janet Karren, Trustee


By: Steven Knap, Trustee

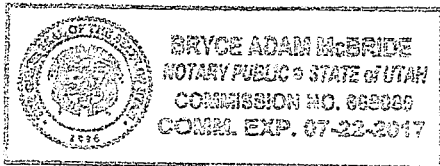

By: William Strong, Trustee


By: Matthew Cluff, Trustee

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COUNTY OF Cache)

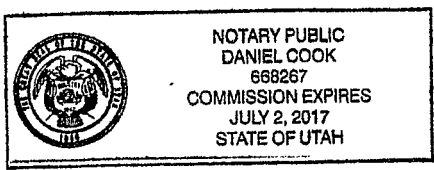
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NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF Cache)

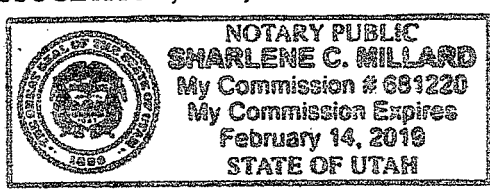
On the 13 day of July, 2015, personally appeared before me **Janet Karren**, who by me being duly sworn, did say that she is a member of the Board of Trustees for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., executed the same.



[Signature]
NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF Rich)

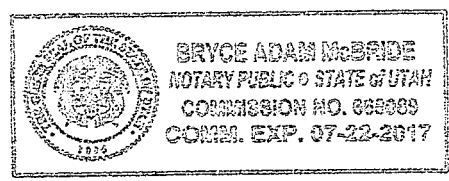
On the 8th day of July, 2015, personally appeared before me **Steven Knap**, who by me being duly sworn, did say that he is a member of the Board of Trustees for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., executed the same.



[Signature]
NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF Cache)

On the 9th day of July, 2015, personally appeared before me **William Strong**, who by me being duly sworn, did say that he is a member of the Board of Trustees for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., executed the same.



[Signature]
NOTARY PUBLIC

1 of 2 counterparts

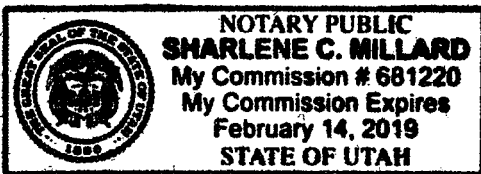
STATE OF UTAH)
)ss.
COUNTY OF _____)

On the _____ day of _____, 2015, personally appeared before me **Janet Karren**, who by me being duly sworn, did say that she is a member of the Board of Trustees for **CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC.**, a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that **CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC.**, executed the same.

NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF Rich)

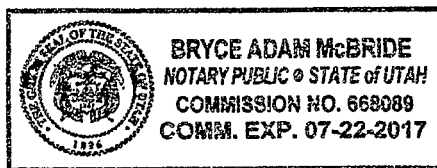
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Sharlene C. Millard
NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF Cache)

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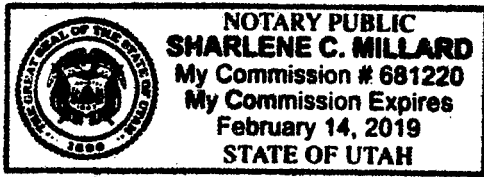
Bryce Adam McBride
NOTARY PUBLIC

2 of 2 Counterparts

STATE OF UTAH

COUNTY OF Rich)
)ss.

On the 8th day of July, 2015, personally appeared before me **Matthew Cluff**, who by me being duly sworn, did say that he is a member of the Board of Trustees for CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, and that the within and foregoing instrument was signed in behalf of said company pursuant to its Bylaws, and by authority of a resolution of the Board, and duly acknowledged to me that CHERIMOYA HILL HOMEOWNERS ASSOCIATION, INC., executed the same.



Sharlene C. Millard
NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION OF CHERIMOYA HILL SUBDIVISION, PHASES 1, 2, AND 3.

Lots 1-26, CHERIMOYA HILL SUBDIVISION PHASE 1, as shown by the official plat thereof filed 25 May 2005 as Filing No. 65802 in Book A10, Page 1274, in the office of the Recorder of Rich County, Utah.

Parcel ID No. 41-33-05-001 through 41-33-05-026

Lots 27-46, CHERIMOYA HILL SUBDIVISION PHASE 2, as shown by the official plat thereof filed 24 August 2005 as Filing No. 66398 in Book B10, Page 1326, in the office of the Recorder of Rich County, Utah.

Parcel ID No. 41-33-06-027 through 41-33-06-046

Lots 47-57, CHERIMOYA HILL SUBDIVISION PHASE 3, as shown by the official plat thereof filed 25 January 2006 as Filing No. 67618 in Book D10, Page 920, in the office of the Recorder of Rich County, Utah.

Parcel ID No. 41-33-07-047 through 41-33-07-057

CHERIMOYA HILL - BALLOT ACCOUNTING - June 2015

Lot No.	Owner(s)	10.02 Amendment	10.09 Amendment
1 (Ph 1)	Grant & Charlene Wood	Y	Y
2	Dale and Janet Karren	Y	Y
3	Trent & Kathy Holmberg	Y	Y
4	Ted C. Holmberg, Trustee	Y	Y
5			
6			
7			
8			
9			
10	Jim and Char Christensen (RMT)	Y	Y
11	Jim and Char Christensen (RMT)	Y	Y
12	Mark C. Haslam	Y	Y
13	Bill & Carol Strong	Y	Y
14	Bill & Carol Strong	Y	Y
15			
16			
17	Jim Kemp	Y	Y
18	Steve Beazer	Y	Y
19	Steve Beazer	Y	Y
20	Brian & Brooke Hunsaker	Y	Y
21	Brian & Brooke Hunsaker	Y	Y
22	Richard & Marir Stevenson	Y	Y
23	Ryan Stevenson	Y	Y
24	Rhett Hosman	Y	Y
25			
26	Tim & Charlene Smith	Y	Y
27 (Ph 2)			
28	Curtis Galvez	Y	Y
29	Grant & Charlene Wood	Y	Y
30	Matt Cluff	Y	Y
31			
32			
33	Scott & Jenny Jensen	Y	Y
34	Scott & Jenny Jensen	Y	Y
35	Rod & Tammy Green	Y	Y
36			
37			
38	Jim Kemp	Y	Y
39	Jim Kemp	Y	Y
40	Steve Beazer	Y	Y
41	Steve Beazer	Y	Y
42	Steve Beazer	Y	Y
43			
44			
45	Steven Knap	Y	Y

CHERIMOYA HILL - BALLOT ACCOUNTING - June 2015

46	S. Brent Guy	Y	Y
47 (Ph 3)	Margaret Sargent	Y	Y
48	Margaret Sargent	Y	Y
49	Margaret Sargent	Y	Y
50	Margaret Sargent	Y	Y
51	Jim Beazer	Y	Y
52	Jim & Sandra Kros	Y	Y
53	Jon Fullmer	N	Y
54	Bruce Warner	Y	Y
55	Chuck Stocking	Y	Y
56			
57	Garry & Debra Forakis	Y	Y
TOTALS		Yes=40 No=1 Lots not voting=16 Approval=70%	Yes=41 No=0 Lots not voting=16 Approval = 72%