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Cache County, UT
Michael Gleed, Rec. - Filed By MLG
For-NIBLEY SUNRISE MEADOWS LLC

**SIXTH SUPPLEMENT TO
DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
SUNRISE MEADOWS SUBDIVISION**

An Expandable Subdivision in Nibley, Cache County, Utah

THIS SIXTH SUPPLEMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS (this “Sixth Supplement to Declaration”) is made this 13th day of July, 2016, by NIBLEY SUNRISE MEADOWS, LLC, a Utah limited liability company (referred to herein as “Declarant”), in its capacity as the owner and developer of SUNRISE MEADOWS SUBDIVISION, an expandable subdivision in Nibley, Cache County, Utah.

RECITALS:

- A. Declarant is the Developer of Sunrise Meadows Subdivision, an expandable subdivision located in Nibley, Utah (the “Subdivision”).
- B. On or about March 3, 2005, Declarant caused to be recorded in the Public Records as Entry 884665 that certain “Declaration of Protective Covenants, Conditions and Restrictions for Sunrise Meadows Subdivision, an Expandable Subdivision in Nibley, Cache County, Utah (the “Declaration”).
- C. Pursuant to Section 1.03 of the Declaration, Declarant is permitted to expand the Subdivision by annexing additional real property (“Additional Land”), as set forth and described in Exhibit “B” to the Declaration for purposes of development into additional Lots consistent with the existing phases of the Subdivision and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Subdivision as Phase 7 thereof.

NOW, THEREFORE, in consideration of the foregoing, Declarant hereby makes this Sixth Supplement to Declaration as follows:

1. All defined terms as used in this Sixth Supplement to Declaration, including the RECITALS, shall have the meanings ascribed to them herein or, as the case may be, in the Declaration.

2. The following described real property situated in Nibley City, Cache County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Subdivision to be held, transferred, sold, conveyed and occupied thereof:

See Exhibit "A" attached hereto and made a part hereof

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on a Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through and under the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct and complete each of the buildings and all of the other improvements described in this Declaration or on a Plat, and to do all things reasonably necessary or proper in connection therewith; or (ii) to construct and complete on the Additional Land, or any portion thereof, such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Subdivision). If, pursuant to the foregoing reservations, the said property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire 10 years after the date on which this Declaration is recorded in the Public Records.

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THE FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, without limitation, any mortgage (and nothing in this paragraph shall be deemed to modify or amend such mortgage); all visible easements and rights-of-way; all easements and rights-of-way, encroachments, or discrepancies shown on, or revealed by, a Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said real property at such time as construction of all Subdivision improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities; AND TO EACH OF THE COVENANTS,

CONDITIONS, AND RESTRICTIONS CONTAINED IN THIS
DECLARATION.

3. With respect to the Additional Land annexed hereunder, Section 4.04(b) of the Declaration is amended in its entirety to read as follows:

4.04(b) Height and Square Footage. All Dwellings must have a living space of at least 1,100 square feet, exclusive of attic, basement, garage, loft and porch spaces.

4. With respect to the Additional Land annexed hereunder, Section 4.04(d) of the Declaration is amended in its entirety to read as follows:

4.04(d). Construction Materials. All Dwellings and associated structures must be stick framed or of similar construction and must be constructed of new materials. Log homes or outbuildings are not permitted. The entire length of the front of all Dwellings must have at least four (4) feet of brick or stone, with said requirement being measured from the top of the foundation.

5. With respect to the Additional Land annexed hereunder, Section 4.04(e) of the Declaration is amended in its entirety to read as follows:

4.04(e) Garages. All Dwellings must have a garage large enough to accommodate two (2) vehicles. Each Dwelling must have a driveway leading from the road to the garage.

6. With respect to the Additional Land annexed hereunder, Section 4.04(f) of the Declaration is amended in its entirety to read as follows:

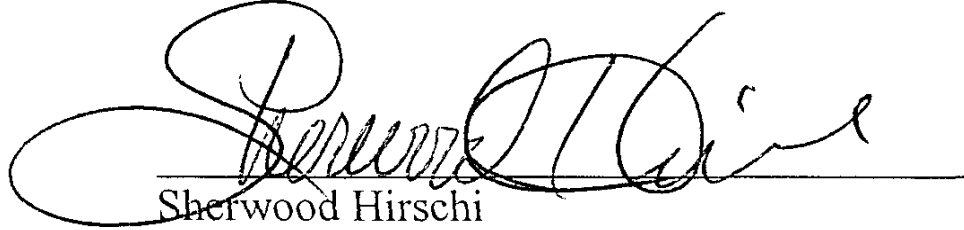
4.04(f) Roof. All Dwellings and associated structures must be constructed with a minimum roof pitch of six (6) feet of rise to twelve (12) feet of vertical distance.

7. Except as modified by the provisions of this Sixth Supplement to Declaration, the Declaration shall remain unchanged and, together with this Sixth Supplement to Declaration, shall constitute the Declaration of Covenants, Conditions and Restrictions for the Subdivision as expanded by the annexation of the Additional Land described herein.

8. The Plat entitled "Sunrise Meadows Subdivision Phase 7", prepared and certified by Steven C. Earl, a Utah Registered Surveyor, executed and acknowledged by Declarant, accepted by Nibley City, was filed for record in the Public Records concurrently with the recordation of this Sixth Supplement to Declaration.

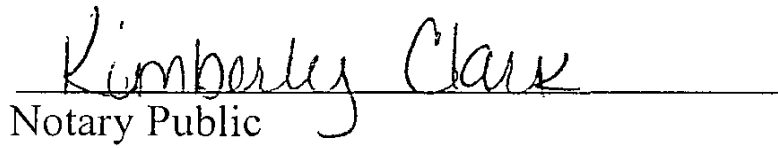
DATED on the day and year first written above.

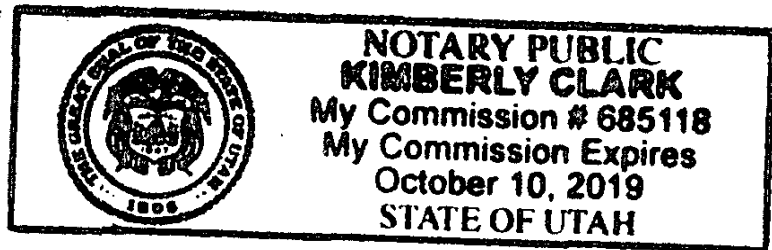
NIBLEY SUNRISE MEADOWS, LLC


Sherwood Hirschi

STATE OF UTAH)
 :SS
County of Cache)

On the 13th day of July, 2016, personally appeared before me Sherwood Hirschi who, being duly sworn, stated that he is the authorized member of Nibley Sunrise Meadows, LLC, that the foregoing instrument was signed on behalf of the company, and that he is vested with authority to execute this instrument on behalf of the company.


Notary Public



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EXHIBIT "A"

A PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 17;
THENCE S0°33'33" E 100.95 FEET ALONG THE EAST SIXTEENTH LINE OF SAID SECTION TO THE NORTHEAST CORNER OF SUNRISE MEADOWS SUBDIVISION PHASE 2;
THENCE ALONG THE NORTHERLY BOUNDARY OF SAID SUBDIVISION THE FOLLOWING THREE COURSES:
S89°26'27"W 353.00 FEET;
N83°56'28"W 79.73 FEET;
N48°03'28"W 90.22 FEET;
THENCE N41°56'32"E 115.00 FEET;
THENCE N48°03'28"W 22.13 FEET;
THENCE N41°56'32"E 162.93 FEET;
THENCE N89°26'27"E 327.26 FEET TO THE EAST SIXTEENTH LINE OF SAID SECTION 17;
THENCE S00°33'33"E 189.05 FEET ALONG SAID SIXTEENTH LINE TO THE POINT OF BEGINNING.

CONTAINING 2.83 ACRES, MORE OR LESS

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