

When Recorded Return To:

D.R. Horton, Inc.  
12351 South Gateway Park Place, Suite D-100  
Draper, Utah 84020  
Attention: Adam Loser

**FIFTH AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
GATEWAY TO LITTLE VALLEY**

THIS FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GATEWAY TO LITTLE VALLEY (this “**Fifth Amendment**”) is made as of February 9, 2024, by D.R. HORTON, INC., a Delaware corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On January 22, 2021, Forestar (USA) Real Estate Group Inc., a Delaware corporation (“**Original Declarant**”), caused to be recorded as Entry No. 13540701 in Book 11103, beginning at Page 6206, in the official records of the Office of the Recorder of Salt Lake County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Original Declaration**”) pertaining to a master planned development known as Gateway to Little Valley or Little Valley Gateway located in the City of Magna, Salt Lake County, Utah.

B. On June 16, 2021, Original Declarant caused to be recorded as Entry No. 13693275 in Book 11192, beginning at Page 1110, in the Official Records that certain First Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**First Supplemental Declaration**”).

C. On October 25, 2021, Original Declarant caused to be recorded as Entry No. 13806819 in Book 11258, beginning at Page 8978, in the Official Records that certain Assignment of Declarant’s Rights for Gateway to Little Valley, pursuant to which Original Declarant assigned to Declarant all of Original Declarant’s rights, title and interest as the declarant under the Original Declaration, as supplemented by the First Supplemental Declaration, and Declarant accepted the assignment of all rights, title and interest as declarant under the Original Declaration, as supplemented by the First Supplemental Declaration.

D. On November 10, 2021, Declarant caused to be recorded as Entry No. 13820627 in Book 11267, beginning at Page 2989, in the Official Records that certain Second Supplemental Declaration and Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Second Supplemental Declaration**”).

E. On June 2, 2022, Declarant caused to be recorded as Entry No. 13963148 in Book 11344, beginning at Page 9365, in the Official Records that certain Third Supplemental

Declaration to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Third Supplemental Declaration**”).

F. On April 27, 2023, Declarant caused to be recorded as Entry No. 14098809 in Book 11415, beginning at Page 4610, in the Official Records that certain Fourth Supplemental Declaration and Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Fourth Supplemental Declaration**”).

G. On August 28, 2023, Declarant caused to be recorded as Entry No. 14145801 in Book 11441, beginning at Page 1180, in the Official Records that certain Fifth Supplemental Declaration and Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Fifth Supplemental Declaration**”).

H. On October 23, 2023, Declarant caused to be recorded as Entry No. 14166285 in Book 11452, beginning at Page 1583, in the Official Records that certain Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway to Little Valley (the “**Fourth Amendment**”).

I. The Original Declaration, as previously supplemented and amended, pertains to and affects that certain real property located in Salt Lake County, Utah, which is more particularly described on Exhibit A attached hereto and incorporated hereby by this reference (the “**Property**”).

J. Section 17.2.2 of the Original Declaration provides that until the expiration of the Period of Declarant Control, Declarant may unilaterally amend the Original Declaration for any purpose that Declarant deems to be in the best interest of the Project.

K. Pursuant to Section 17.2.2 of the Original Declaration, Declarant is executing and recording this Fifth Amendment for the purpose of amending certain provisions of the Original Declaration, as previously supplemented and amended, as hereinafter set forth.

#### FIFTH AMENDMENT

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. Defined Terms. All defined terms as used in this Fifth Amendment shall have the same meanings as those set forth in the Original Declaration, as previously supplemented and amended, unless otherwise defined in this Fifth Amendment.

2. New Section 4.2.23.4. The Original Declaration, as previously amended, is hereby amended to add and include a new Section 4.2.23.4, which shall read as follows:

4.2.23.4 The following restriction and prohibition shall pertain to all Dwelling Units within the Project. No garage may be altered in such a manner that the number of motor vehicles which may reasonably be parked therein after the alteration is less than the number of motor vehicles that could have been reasonably parked in the garage as originally designed and constructed. This restriction

and prohibition is intended to prevent an Owner from utilizing the Owner's garage for storage to the degree that precludes the parking within the Owner's garage of the number of motor vehicles that could be reasonably parked in such garage as originally designed and constructed. The Association shall have the right to establish and assess fines against Owners of Dwelling Units found to be in violation of this provision.

3. Amendment of Section 4.3.2 of the Original Declaration. Section 4.3.2 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

4.3.2. Business Activities. Property classified for the purposes set forth in Section 4.3.1 shall not be used for any business, trade, garage sale, moving sale, rummage sale, or similar activity, except that an Owner or Resident may conduct business activities within the Dwelling Unit so long as: (a) the Owner or Resident obtains all necessary licenses and permits; (b) the activity conforms to applicable laws, including all zoning requirements for the Project; (c) the business and/or trade activity does not involve door-to-door solicitation of Residents of the Project; (d) the activity is consistent with the Residential character of the Property and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other Residents of the Project, as may be determined in the sole discretion of the Board; and (e) the Owner or Resident obtains the prior written consent of the Board. This Section 4.3.2 shall not apply to any activity conducted by Declarant or a Merchant Builder which is approved by Declarant with respect to its development and sale of the Lots, and Units or Parcels which it owns within the Project or its use of any Lots, Units or Parcels which it owns within the Project. Notwithstanding the above, except for the nightly rental of a residence, the leasing of a residence shall not be considered a business and/or trade within the meaning of this Section 4.3.2. For purposes of this Declaration, the nightly rental of a residence shall be considered a business and/or trade within the meaning of this Section 4.3.2. The nightly rental of a residence within the Project shall only be permitted if: (a) the terms and conditions for the use of such residence for nightly rental purposes complies with all of the City's ordinances, restrictions and regulations pertaining to the permitted and authorized nightly rental of a dwelling within the City, and (b) the Board approves the use of such residence for nightly rental purposes, which approval may be revoked by the Board at any time in the Board's sole discretion.

4. No Other Changes. Except as amended by the provisions of this Fifth Amendment, the Original Declaration, as previously supplemented and amended, shall remain unmodified and in full force and effect. The Original Declaration, as previously supplemented and amended, and as amended by this Fifth Amendment, shall collectively be referred to as the "**Declaration.**"

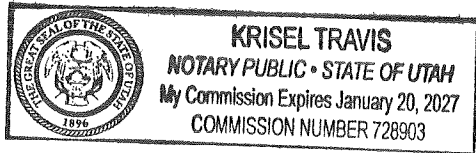
IN WITNESS WHEREOF, Declarant has caused this Fifth Amendment to be executed by a person duly authorized to execute the same.

D.R. HORTON, INC.,  
a Delaware corporation

By: *Adam R. Loser*  
Name: Adam R. Loser  
Title: Vice President  
Date of Execution: 2/9, 2024

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged to me this 9 day of February, 2024, by Adam R. Loser, in such person's capacity as the vice President of D.R. Horton, Inc., a Delaware corporation.



*Krisel Travis*  
NOTARY PUBLIC

**EXHIBIT "A"**  
**TO**  
**FIFTH AMENDMENT TO THE**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR**  
**GATEWAY TO LITTLE VALLEY**

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**Legal Description of the Property**

The Property consists of that certain real property located in Salt Lake County, Utah more particularly described as follows:

All of Lots 101 TO 259 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 1A PLAT, recorded January 15, 2021 as Entry No.13535292 Book 2021P Page 021 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 260 TO 297 and Lots 1001 to 1089 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 1B PLAT, recorded June 16, 2021 as Entry No. 13693268 Book 2021P Page 161 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 1146 TO 1218 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 2A PLAT, recorded October 15,2021 as Entry No. 13799651 Book 2021P Page 259 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 1090 TO 1139 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 2B PLAT, recorded May 25, 2022 as Entry No. 13958632 Book 2022P Page 125 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 299 TO 333 and Lots 335 TO 407 and Lots 1219 TO 1391 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 3 PLAT, recorded May 25, 2022 as Entry No. 13958633 Book 2022P Page 126 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 408 TO 437 and Lots 1392 TO 1564 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 4 PLAT, recorded April 26, 2023 as Entry No. 14098492 Book 2023P Page 094 Salt Lake County Recorder, Utah, Inclusive.

**And Also**

All of Lots 438 TO 517 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, GATEWAY TO LITTLE VALLEY, PHASE 5B PLAT, recorded August 21, 2023 as Entry No. 14143022 Book 2023P Page 174 Salt Lake County Recorder, Utah, Inclusive.

Tax Parcel Identification Numbers:

PHASE 1A:

14:323:6006 TO 14:323:6025; 14:323:27002 TO 14:323:27013; 14:323:28001 TO 14:323:28041; 14:323:29001 TO 14:323:29091;

PHASE 1B:

14:314:26002 TO 14:314:26014; 14:314:27002 TO 14:314:27003; 14:321:55003 TO 14:321:55030; 14:321:56002 TO 14:321:56020; 14:321:78001 TO 14:321:78015; 14:323:01002 TO 14:323:01010; 14:323:02001 TO 14:323:02005; 14:323:03001; 14:323:20001 TO 14:323:20012; 14:323:28042 TO 14:323:28050 ; 14:323:30001 TO 14:323:30018

PHASE 2A:

14:323:03004 TO 14:323:28050; 14:323:04001 TO 14:323:04019; 14:323:20013 TO 14:323:20033

PHASE 2B:

14:323:51003 TO 14:323:51053

PHASE 3:

14:312:77001 TO 14:312:77007; 14:312:78001 TO 14:312:78011; 14:312:79001 TO 14:312:79015; 14:312:80001 TO 14:312:80011; 14:312:81001 TO 14:312:81014; 14:312:82001 TO 14:312:82010; 14:312:83001 TO 14:312:83014; 14:312:84001 TO 14:312:84013; 14:312:85001 TO 14:312:85015; 14:312:86001 TO 14:312:86026; 14:312:87001 TO 14:312:87016; 14:323:26026 TO 14:323:26044; 14:323:31001 TO 14:323:31017; 14:323:32001 TO 14:323:32053; 14:323:33001 TO 14:323:33003; 14:323:34001 TO 14:323:34007; 14:323:35001 TO 14:323:35016; 14:323:36001 TO 14:323:36016

PHASE 4:

14:321:57001 TO 14:321:57013; 14:321:58001 TO 14:321:58025; 14:323:01012 TO 14:323:01019; 14:323:05001 TO 14:323:05028; 14:323:06001 TO 14:323:03400; 14:323:07001 TO 14:323:07021; 14:323:08001 TO 14:323:08021; 14:323:0901 TO 14:323:09024; 14:323:37001 TO 14:323:37019; 14:323:38001 TO 14:323:38011

PHASE 5B:

14:312:79016 TO 14:312:79021; 14:312:88001 TO 14:312:88003; 14:314:26017 TO 14:314:26036; 14:314:27004 TO 14:314:27014; 14:321:56023 TO 14:321:56047; 14:321:59001 TO 14:321:59010; 14:323:10001 TO 14:323:10006