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DOC # 20080013084

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
03/31/2008 04:49:59 PM Fee \$ 83.00
By DIXON & TRUMAN

Page 1 of 20

FOURTH AMENDMENT TO DECLARATION

COVENANTS, CONDITIONS, AND RESTRICTIONS OF

PHEASANT RUN ESTATES

This Fourth Amendment to Declaration of Covenants, Conditions, and Restrictions of PHEASANT RUN ESTATES is made this 21st day of January, 2008 by, STEVEN B. DAVIS and MICHELE BRANDLEY DAVIS, STEPHANIE L. GRIN and DAVID M. GRIN Jr., as Co-Trustees of the Grin Family Trust, GARY LAMBERT and JANE LAMBERT, as Co-Trustees of the Gary Hardy Lambert Trust, JANET LEE BAKER DOXEY, Trustee of the Janet Lee Baker Doxey Family Living Trust, JAMES E. CRAWFORD and PATRICIA CRAWFORD, BRADLEY NELSON and JEAN K. NELSON, as Co-Trustees of the Bradley B. And Jean K. Nelson Trust, RIED POPE and GLORIA DAWN POPE, CAROLYN B. GARDNER, EARL GIBBS, SCOTT D. GATCHELL and SUE GATCHELL, TOM STUART, LINDA THOMAS, TODD R. PLUMB and DIANNE PLUMB, PAMELA JO ARCHIBALD, as Trustee of the Pamela Jo Archibald Loving Trust, DIANE L. PRINCE, as Trustee, or her successor in interest, as Trustee of the Diane L. Prince Family Trust, DAN NUTTALL and KIM NUTTAL, H. CLARK THOMAS and LINDA THOMAS, JOHN P. ABBOTT and BETTY A. ABBOTT, SCOTT S. ANDERSON, DAVID NEILSON BARNES and CHERIE WHITE BARNES, MARILYNN A. MONSON, as Trustee or her successor trustee(s) of the Marilynn A. Monson Living Trust, LAURETT B. FRIZZELL WINTERTON, as Trustee of the Laurett B. Frizzell Winterton Trust, and DWIGHT MONSON, as President of Pheasant Run Estates Homeowners Association, Inc.

RECITALS

- A. On the last day of June, 1987, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, the Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates, (the "Declaration"), which was recorded as Entry No. 315998 in Book 454, pages 94-117, of the Official Records of Washington County.
- B. On the 1st day of November 1989, Declarant and Lot Owners caused to be filed an amendment to the Declaration of Covenants, Conditions, and Restrictions of Pheasant Run Estates. Said amendment was filed for record in the office of the County Recorder of Washington County, Utah and Recorded as Entry No. 0356169, in Book 0539, Page 0656 of the Official Records of Washington, County.
- C. On the 24th day of February, 1992, Declarant and Lot Owners caused to be filed a second amendment to the Declaration of Covenants, Conditions, and Restrictions of Pheasant Run Estates. Said amendment was filed for record in the office of the County Recorder

of Washington County, Utah and Recorded as Entry No. 400535, in Book 0643, Page 0767 of the Official Records of Washington, County.

- D. On the 8th of April, 1992, Declarant and Lot Owners caused to be filed a third amendment to the Declaration of Covenants, Conditions, and Restrictions of Pheasant Run Estates. Said amendment was filed for record in the office of the County Recorder of Washington County, Utah and Recorded as Entry No. 403879, in Book 0652, Page 0407 of the Official Records of Washington, County.
- E. The Lot Owners have determined that to provide for the preservation and enhancement of the property value and for maintenance of the Common Areas as set forth in the Declaration requires that said Declaration be amended as hereinafter set forth.

NOW, THEREFORE, for the foregoing purposes, the Lot Owners hereby amend said Declaration as follows:

ARTICLE XII MISCELLANEOUS shall be amended to insert the following provision as Section 10 of ARTICLE XII:


10. Effect of Violations - - Remedies. For every violation of the covenants, conditions and restrictions set forth in the Declaration, including Article IX, and all amendments thereto, and for every violation of a rule, regulation or standard of the Board of Directors or of the Architectural Control Committee, the Owner of the Lot concerning which the violation has occurred may be assessed a fine of up to \$500.00 for each day that a violation persists. The Board of Directors shall be entitled to levy the fine against the Owner for each violation regardless of whether the violation is caused by the Owner or the Owner's contractor or some other person. The fine shall be levied against the Owner for each day the violation continues. In addition, the Association shall be entitled to injunctive relief compelling the Owner to correct the violation and cease further violations of this Declaration or a rule, regulation or standard of the Board of Directors or of the Architectural Control Committee. The fines set forth herein shall together with the hereinafter provided for interest, costs of collection and attorneys fees, be, constitute, and remain a continuing lien on the Lot. The person who is the owner of the Lot at the time the fine is incurred shall be and remain personally liable for the payment of the fine plus interest, costs of collection and attorneys fees. Such personal liability shall not pass to the Owner's successors in title unless expressly assumed by them. The fines shall bear interest from the date incurred at the rate of Eighteen Percent (18%) per annum and the Association may, in its discretion, bring an action against the Owner who is personally liable, foreclosure the lien against the Lot and/or pursue any other legal or equitable remedy available. The Association shall be entitled to recover all costs and attorney's fees incurred in any action brought to enforce this Declaration. Any judgment obtained by the Association shall include reasonable attorney's fees, court costs, and each and every expense incurred by the Association in enforcing its rights.

Effective Date. This Fourth Amendment to the Declaration shall take effect upon its being filed for record in the office of the County Recorder of Washington County, Utah.

Except as amended by the foregoing provision, all other terms, covenants, conditions and restrictions set forth in the Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates, as amended, shall remain in full force and effect.

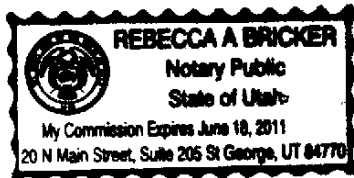
EXECUTED the day and year set forth below.

PHEASANT RUN ESTATES
HOMEOWNERS ASSOCIATION.

By: 
DWIGHT MONSON, President

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Dwight Monson, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.




NOTARY PUBLIC

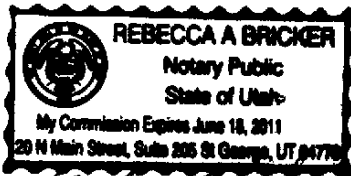
SIGNATURES CONTINUE

SG-PRE-1

Steven B. Davis
STEVEN B. DAVIS

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Steven B. Davis, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.

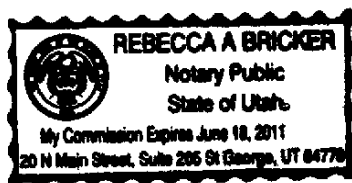


Rebecca A. Bricker
NOTARY PUBLIC

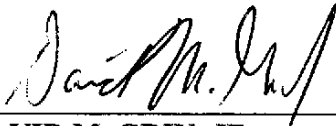
Michele Brandley Davis
MICHELE BRANDLEY DAVIS
Brandley

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 5th day of February, 2008, personally appeared before me Michele ~~Brandley Davis~~, known to me to be the person subscribed to the foregoing Fourth Amendment to ~~Brandley Davis~~ Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.



Rebecca A. Bricker
NOTARY PUBLIC



SG-PRE-2

DAVID M. GRIN, JR.,
Co-Trustee of the GRIN FAMILY TRUST

STATE OF MT)
)
COUNTY OF Lake) : ss.

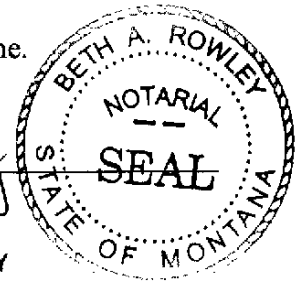
On the 10 day of March, 2008, personally appeared before me David M. Grin Jr., as Co-Trustee of the Grin Family Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.



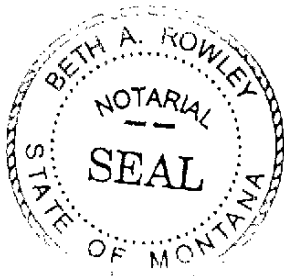
STEPHANIE L. GRIN,
Co-Trustee of the GRIN FAMILY TRUST

STATE OF MT)
)
COUNTY OF Lake) : ss.

On the 10 day of March, 2008, personally appeared before me Stephanie L. Grin, as Co-Trustee of the Grin Family Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.


NOTARY PUBLIC

BETH A. ROWLEY
NOTARY PUBLIC for the State of Montana
Residing at Polson, Montana
My Commission Expires 03/18/2008


NOTARY PUBLIC

BETH A. ROWLEY
NOTARY PUBLIC for the State of Montana
Residing at Polson, Montana
My Commission Expires 03/18/2008

SG-PRE-3-A

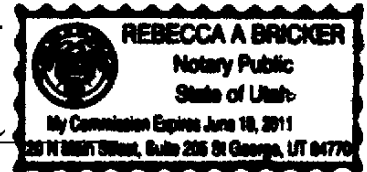

GARY LAMBERT

Co-Trustee of the GARY HARDY LAMBERT TRUST

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 11th day of January, 2008, personally appeared before me Gary Lambert,
as Co-Trustee of the Gary Hardy Lambert Trust, known to me to be the person subscribed to the
foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of
Pheasant Run Estates who duly acknowledged to me that he executed the same.


NOTARY PUBLIC



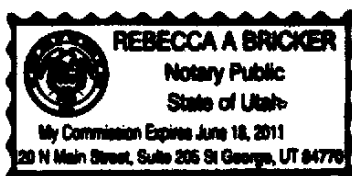

JANE LAMBERT

Co-Trustee of the GARY HARDY LAMBERT TRUST

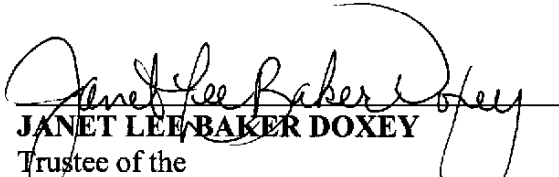
STATE OF Utah)
COUNTY OF Washington) : ss.

On the 11th day of January, 2008, personally appeared before me Jane Lambert,
as Co-Trustee of the Gary Hardy Lambert Trust, known to me to be the person subscribed to the
foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of
Pheasant Run Estates who duly acknowledged to me that she executed the same.


NOTARY PUBLIC

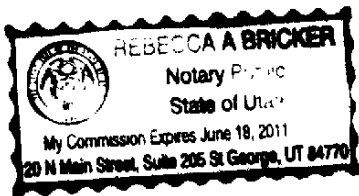


SG-PRE-4


JANET LEE BAKER DOXEY
Trustee of the
JANET LEE BAKER DOXEY FAMILY LIVING TRUST

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Janet Lee Baker Doxey, Co-Trustee of the Janet Lee Baker Doxey Family Living Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.



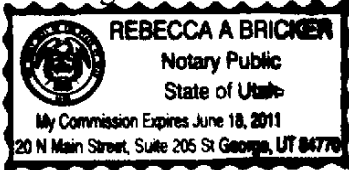

NOTARY PUBLIC

SG-PRE-5

James E. Crawford
JAMES E. CRAWFORD

STATE OF Utah)
) : ss.
COUNTY OF Washington)

On the 21st day of January, 2008, personally appeared before me James E. Crawford, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.



Rebecca A. Bricker
NOTARY PUBLIC

Patricia Crawford
PATRICIA CRAWFORD

STATE OF Utah)
) : ss.
COUNTY OF Washington)

On the 23rd day of January, 2008, personally appeared before me Patricia Crawford, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.



Margaret A. Vernon
NOTARY PUBLIC

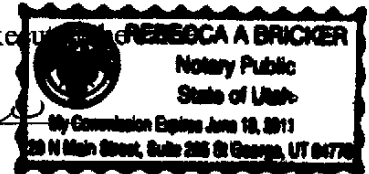
SG-PRE-6

Bradley Nelson
BRADLEY NELSON
Co-Trustee of the
BRADLEY B. AND JEAN K. NELSON TRUST

STATE OF Utah)
) : ss.
COUNTY OF Washington)

On the 21st day of January, 2008, personally appeared before me Bradley Nelson, as Co-Trustee of the Bradley B. And Jean K. Nelson Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the

Rebecca A. Bricker
NOTARY PUBLIC

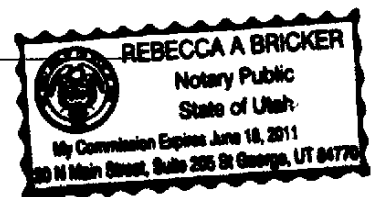


Jean K Nelson
JEAN K. NELSON
Co-Trustee of the
BRADLEY B. AND JEAN K. NELSON TRUST

STATE OF Utah)
) : ss.
COUNTY OF Washington)

On the 21st day of January, 2008, personally appeared before me Jean K. Nelson, as Co-Trustee of the Bradley B. And Jean K. Nelson Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.

Rebecca A. Bricker
NOTARY PUBLIC



SG-PRE-7



RIED POPE

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Ried L. Pope, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.



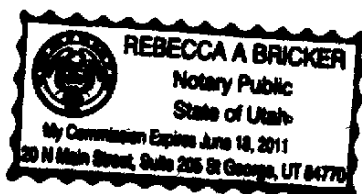
NOTARY PUBLIC



GLORIA DAWN POPE

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Gloria Dawn Pope, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.





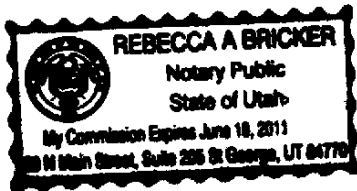
NOTARY PUBLIC

SG-PRE-8

for *R. B. Gardner*
CAROLYN B. GARDNER,

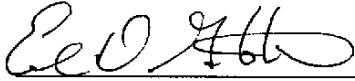
STATE OF Utah)
COUNTY OF Washington) : ss.

On the 11th day of January, 2008, personally appeared before me Carolyn B. Gardner, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.



Rebecca A. Bricker
NOTARY PUBLIC

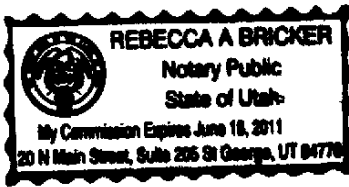
SG-PRE-9



EARL GIBBS

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Earl Gibbs,
known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of
Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me
that he executed the same.




NOTARY PUBLIC

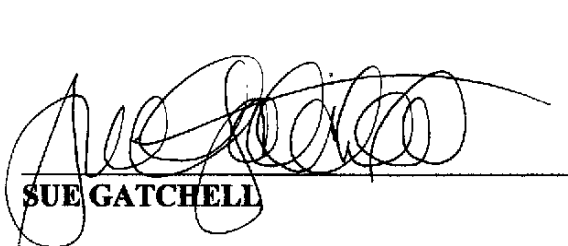


SCOTT D. GATCHELL

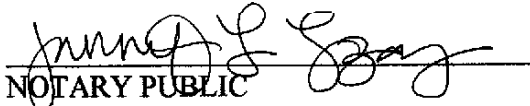
SG-PRE-10

STATE OF Utah)
COUNTY OF Washington : ss.

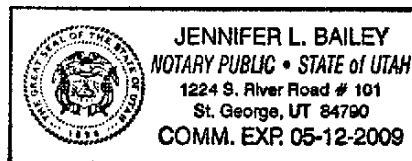
On the 29th day of February, 2008, personally appeared before me Scott D. Gatchell, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.



SUE GATCHELL

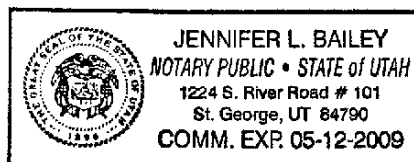


NOTARY PUBLIC



STATE OF Utah)
COUNTY OF Washington : ss.

On the 29th day of February, 2008, personally appeared before me Sue Gatchell, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.





NOTARY PUBLIC

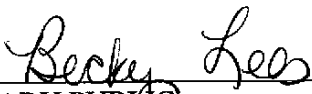
SG-PRE-13-A



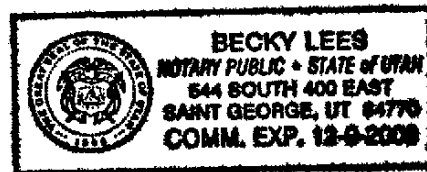
TODD R. PLUMB

STATE OF Utah)
COUNTY OF Washington : ss.

On the 29 day of February, 2008, personally appeared before me Todd R. Plumb, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.


NOTARY PUBLIC

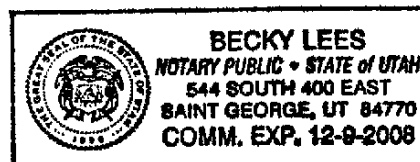

DIANNE PLUMB



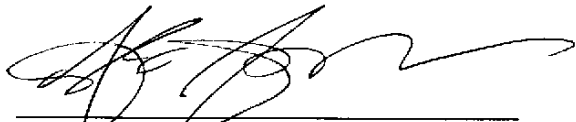
STATE OF Utah)
COUNTY OF Washington : ss.

On the 29 day of Feb., 2008, personally appeared before me Dianne Plumb, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.


NOTARY PUBLIC



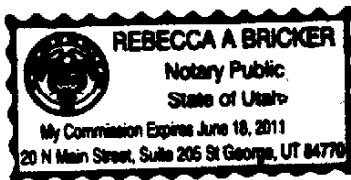
SG-PRE-14



PAMELA JO ARCHIBALD,
as Trustee of the
PAMELA JO ARCHIBALD LOVING TRUST

STATE OF Utah)
) ss.
COUNTY OF Washington)

On the 21st day of January, 2008, personally appeared before me Pamela Jo Archibald, as Trustee of the Pamela Jo Archibald Loving Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.




NOTARY PUBLIC

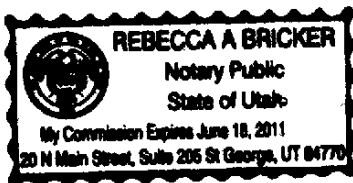
SG-PRE-15

Diane L. Prince

DIANE L. PRINCE, Trustee,
as Trustee or her successor in interest of the
DIANE L. PRINCE FAMILY TRUST

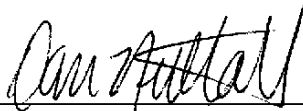
STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Diane L. Prince,
as Trustee, or her successor in interest, as Trustee of the Diane L. Prince Family Trust, known to
me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants,
Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she
executed the same.



Rebecca A. Bricker
NOTARY PUBLIC

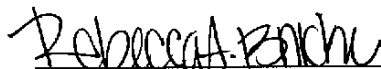
SG-PRE-16



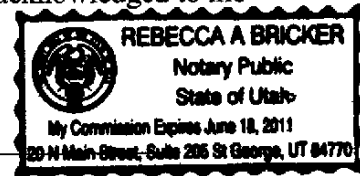
DAN NUTTALL


STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Dan Nuttall,
known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of
Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me
that he executed the same.



NOTARY PUBLIC

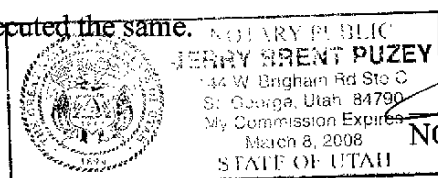




KIM NUTTAL

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 22 day of January, 2008, personally appeared before me Kim Nuttall,
known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of
Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me
that she executed the same.





NOTARY PUBLIC

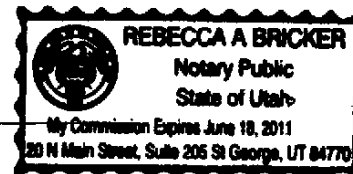
SG-PRE-20


DAVID NEILSON BARNES

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me David Neilson Barnes, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.

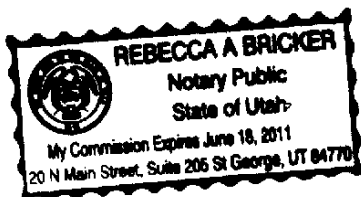

NOTARY PUBLIC




CHERIE WHITE BARNES

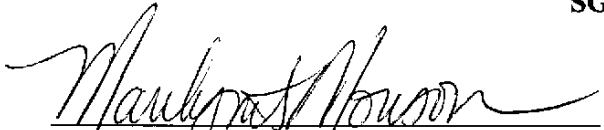
STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me Cherie White Barnes, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that she executed the same.




NOTARY PUBLIC

SG-PRE-22

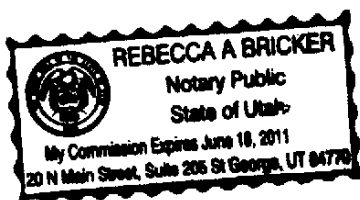

MARILYNN A. MONSON, Trustee,
as Trustee or her successor trustee(s) of the
MARILYNN A. MONSON LIVING TRUST

STATE OF Utah)
COUNTY OF Washington) : ss.

On the 21st day of January, 2008, personally appeared before me
Marilynn A. Monson, as Trustee or her successor trustee(s) of the Marilyn A. Monson
Living Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to

Declaration of Covenants, Conditions and
Restrictions of

Pheasant Run Estates who duly acknowledged to me that
she executed the same.




NOTARY PUBLIC

SG-PRE-23

Laurett B. Frizzell Winterton
LAURETT B. FRIZZELL WINTERTON,
Trustee of the
LAURETT B. FRIZZELL WINTERTON TRUST

STATE OF Utah)
) ss.
COUNTY OF Washington)

On the 22nd day of JANUARY, 2008, personally appeared before me Laurett B. Frizzell Winterton, as Trustee of the Laurett B. Frizzell Winterton Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.

Margaret A. Vernon
NOTARY PUBLIC

