



## 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 21<sup>st</sup> 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 1<sup>st</sup> 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 24<sup>th</sup> 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 8<sup>th</sup> 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.

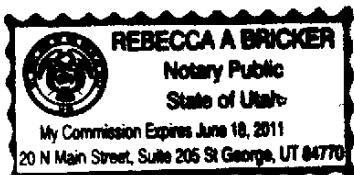
EXECUTED the day and year set forth below.

## PHEASANT RUN ESTATES HOMEOWNERS ASSOCIATION.

By:   
DWIGHT MONSON, President

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 25 day of June, 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.



Rebecca A. Brink  
NOTARY PUBLIC

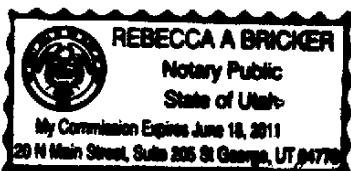
**SIGNATURES CONTINUE**

SG-PRE-1

Steven B. Davis  
STEVEN B. DAVIS

STATE OF Utah )  
COUNTY OF Washington ; ss.

On the 21<sup>st</sup> 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.

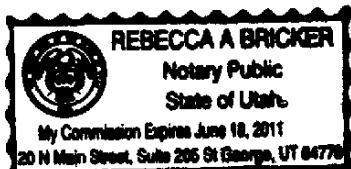


Rebecca A. Bricker  
NOTARY PUBLIC

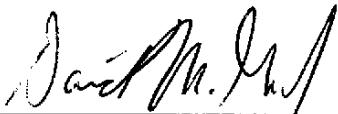
Michele Brandley Davis  
Michele Brandley Davis

STATE OF Utah )  
COUNTY OF Washington )

On the 5<sup>th</sup> 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 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

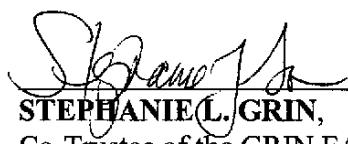


SG-PRE-2

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

STATE OF MT )  
: ss.  
COUNTY OF Lake )

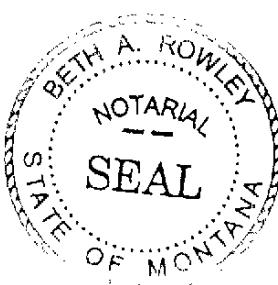
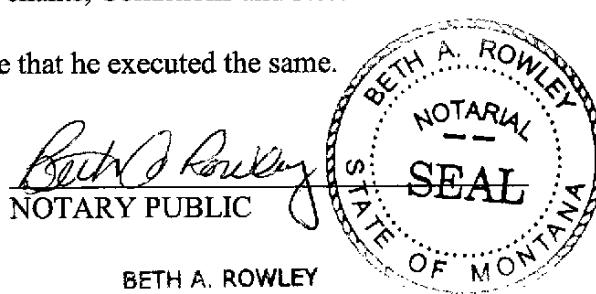
On the 10 day of March, 2008, personally appeared before me David M. Grin Jr., as Co-Trustee of the Grin Family Trust, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me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



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

STATE OF MT )  
: ss.  
COUNTY OF Lake )

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.



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

*Gary Lambert*  
SG-PRE-3-A

**GARY LAMBERT**

Co-Trustee of the GARY HARDY LAMBERT TRUST

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 11<sup>th</sup> 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.

*Rebecca A. Bricker*  
NOTARY PUBLIC



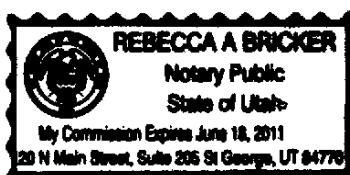
**JANE LAMBERT**

Co-Trustee of the GARY HARDY LAMBERT TRUST

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 11<sup>th</sup> 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.

*Rebecca Bricker*  
NOTARY PUBLIC

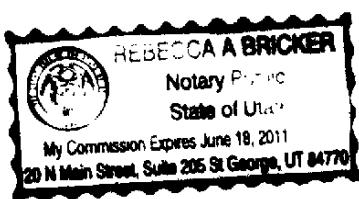


SG-PRE-4

*Janet Lee Baker Doxey*  
**JANET LEE BAKER DOXEY**  
Trustee of the  
**JANET LEE BAKER DOXEY FAMILY LIVING TRUST**

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 27 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.



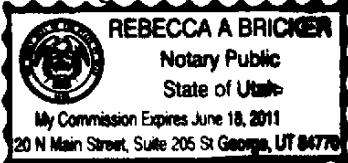
Rebecca A. Bricker  
NOTARY PUBLIC

SG-PRE-5

*James E. Crawford*  
\_\_\_\_\_  
JAMES E. CRAWFORD

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 21<sup>st</sup> 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.

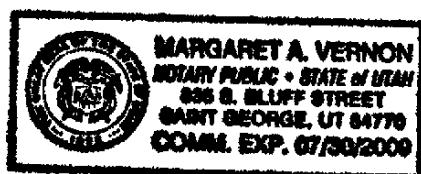


*Rebecca A. Bricker*  
\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PATRICIA CRAWFORD

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 23<sup>rd</sup> 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**

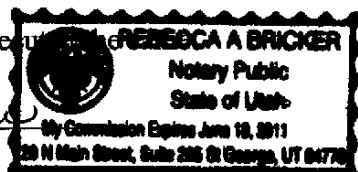
Co-Trustee of the  
BRADLEY B. AND JEAN K. NELSON TRUST

STATE OF Utah )  
: ss.  
COUNTY OF Washington )

On the 21<sup>st</sup> 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 same.

Rebecca A. Bricker  
NOTARY PUBLIC



Jean K. Nelson

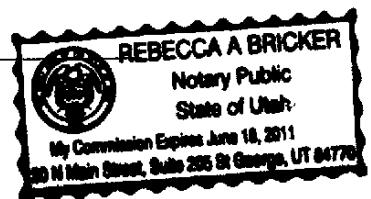
**JEAN K. NELSON**

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

STATE OF Utah )  
: ss.  
COUNTY OF Washington )

On the 21<sup>st</sup> 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**

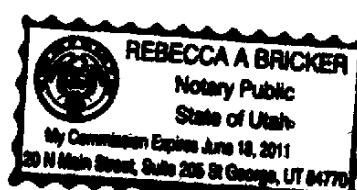
STATE OF Utah )  
: ss.  
COUNTY OF Washington )

On the 21<sup>st</sup> 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 )  
: ss.  
COUNTY OF Washington )

On the 21<sup>st</sup> 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.

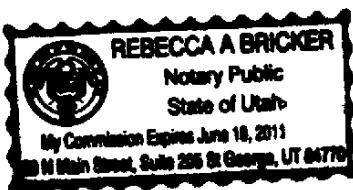
  
\_\_\_\_\_  
NOTARY PUBLIC

SG-PRE-8

For CAROLYN B. GARDNER,

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 18 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

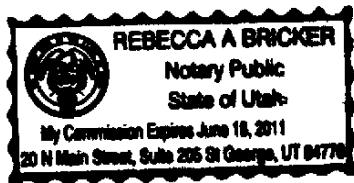
**SG-PRE-9**



**EARL GIBBS**

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 21<sup>st</sup> 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.



Rebecca A. Bricker  
NOTARY PUBLIC

*John*  
SG-PRE-10

**SCOTT D. GATCHELL**

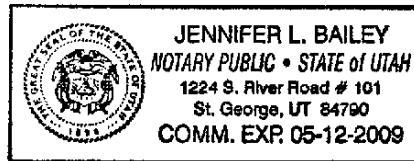
STATE OF Utah )  
: ss.  
COUNTY OF Washington)

On the 29<sup>th</sup> 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.

*Jennifer L. Bailey*  
NOTARY PUBLIC

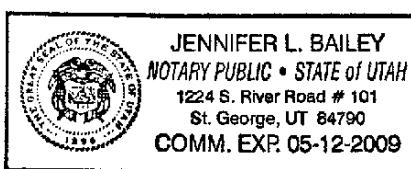
*Sue Gatchell*  
**SUE GATCHELL**

STATE OF Utah )  
: ss.  
COUNTY OF Washington)



On the 29<sup>th</sup> 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.

*Jennifer L. Bailey*  
NOTARY PUBLIC



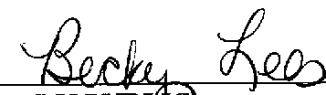
SG-PRE-13-A



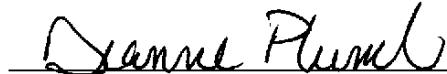
**TODD R. PLUMB**

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.

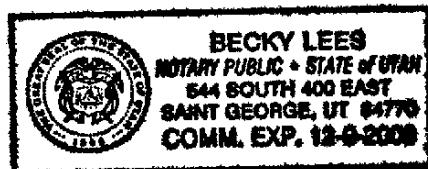


NOTARY PUBLIC



**DIANNE PLUMB**

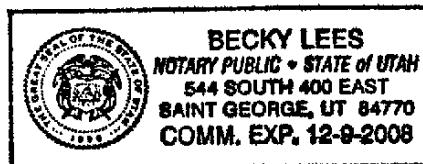
STATE OF Utah )  
COUNTY OF Washington ) : ss.



On the 29 day of February, 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



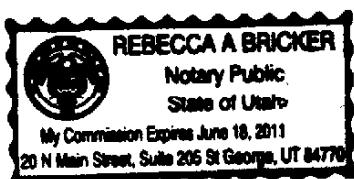
SG-PRE-14



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

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 18 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.



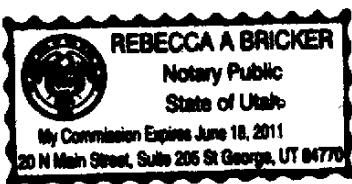
Rebecca A. Bricker  
NOTARY PUBLIC

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 21<sup>st</sup> 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.



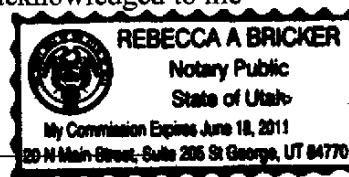
Rebecca B. Miller  
NOTARY PUBLIC

SG-PRE-16

Dan Nuttal  
**DAN NUTTALL**

STATE OF Utah )  
COUNTY OF Washington ) : ss.

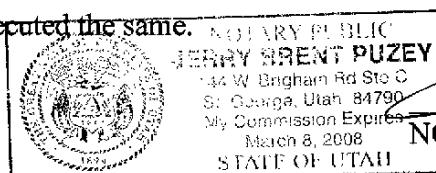
On the 25<sup>th</sup> day of January, 2008, personally appeared before me Dan Nuttal, known to me to be the person subscribed to the foregoing Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pheasant Run Estates who duly acknowledged to me that he executed the same.



Kim Nuttal  
**KIM NUTTAL**

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 22 day of January, 2008, personally appeared before me Kim Nuttal, 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.



Jerry Brent Puze  
NOTARY PUBLIC

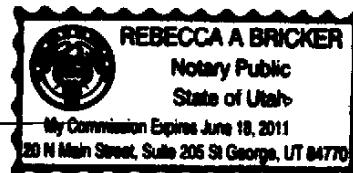
SG-PRE-20

D. N. Barnes  
DAVID NELSON BARNES

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 21<sup>st</sup> 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.

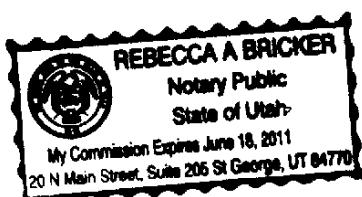
Rebecca Bricker  
NOTARY PUBLIC



Cherie White Barnes  
CHERIE WHITE BARNES

STATE OF Utah )  
COUNTY OF Washington ) : ss.

On the 21<sup>st</sup> 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.



Rebecca Bricker  
NOTARY PUBLIC

SG-PRE-22

*Mark and Alison*  
Mark and Alison

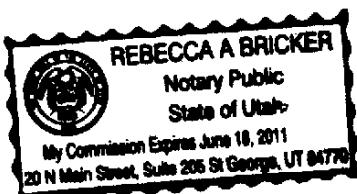
**MARILYNN A. MONSON**, Trustee,  
as Trustee or her successor trustee(s) of the  
**MARILYNN A. MONSON LIVING TRUST**

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

On the 21<sup>st</sup> day of January, 2008, personally appeared before me  
Marilynn A. Monson, as Trustee or her successor trustee(s) of the Marilynn 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.



Rebecca Balkin  
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

