

When recorded return to;
Vince Clayton, % Ence Homes
619 South Bluff St., Tower 2
St. George, UT 84770

DOC # 20160029302

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
08/12/2016 11:30:14 AM Fee \$ 17.00
By FACTION LLC

Page 1 of 2



**FOURTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
RIVERSTONE SUBDIVISION**

FACTION, LLC, a Utah limited liability company (hereinafter "Declarant") hereby amends the following portions of the Declaration of Covenants, Conditions and Restrictions for Riverstone Subdivision (hereinafter "Declaration") as set forth herein, pursuant to its authority under Article 7 of said Declaration, which Declaration was recorded on the 13th day of November, 2013, as DOC No. 20130042180 in the records of the Washington County Recorder, and affecting the real property located in Washington County, Utah, more particularly described as recorded phases of Riverstone Subdivision, as follows:

Phase 1 Lots: per the Official Plat of Riverstone Subdivision, Phase 1, said Lots being:

SG-RIV-1-3 through SG-RIV-1-10; and SG-RIV-1-12 through 15; and SG-RIV-1-26; and

Phase 2 Lots: per the Official Plat of Riverstone Subdivision, Phase 2, said Lots being:

SG-RIV-2-23 through SG-RIV-2-25; and SG-RIV-2-58; and SG-RIV-2-82 through SG-RIV-2-86; and SG-RIV-2-107 through SG-RIV-2-113; and

Phase 3 Lots: per the Official Plat of Riverstone Subdivision, Phase 3, said Lots being:

SG-RIV-3-1; and SG-RIV-3-2; and SG-RIV-3-16 through SG-RIV-3-22; and SG-RIV-3-56; and SG-RIV-3-57; and SG-RIV-3-11; and

Phase 4 Lots: per the Official Plat of Riverstone Subdivision, Phase 4, said Lots being:

SG-RIV-4-27 through SG-RIV-4-37; and SG-RIV-4-46 through 55; and

Phase 5 Lots: per the Official Plat of Riverstone Subdivision, Phase 5, said Lots being:

SG-RIV-5-59 through SG-RIV-5-64; and SG-RIV-5-74; and SG-RIV-5-76 through SG-RIV-5-81; and SG-RIV-5-87 through SG-RIV-5-106; and

Phase 6 Lots: per the Official Plat of Riverstone Subdivision, Phase 6, said Lots being:

SG-RIV-6-65 through SG-RIV-6-73; and SG-RIV-6-75; and

All future Phases, including the Lots thereof, as annexed or expanded to Riverside Cliffs Subdivision, in accordance with the provisions of the Declaration thereof, as herein cited.

The Declarant, hereby amends and modifies the Declaration, as follows:

1. The following Sub Section (v) of Section 3.4 currently as it reads, as follows, shall be deleted in its entirety and shall be replaced with the modified and amended language of Item 2, hereof:

"(v) Air conditioning, Heating Equipment, and Soft Water Tanks. Such equipment, if placed on the exterior area of the Home, must be screened from view so as not to be visible from neighboring Lots or from the streets within the Property, and shall be insulated for sound attenuation, if required by the ACC. Solar panels, heat pumps and/or air conditioning units are not permitted on roofs or through windows."

2. The following language shall replace and amend the language of Item 1, hereof, as follows:

"(v) Air-conditioning, Heating Equipment, Soft Water Systems, Etc. Such equipment, if placed on the exterior area of the Home, shall be screened from street-view. Heat pumps/AC units shall not be placed on rooftops. Rooftop or through-the-window "swamp coolers" shall not be allowed

"Solar Panels Solar Panes or Solar Panel Arrays (group of connected solar panels) of any type shall only be allowed provided the ACC approves an Owner's submission of an ACC Review Request which must detail Owner's Solar Panel Proposal, according to provisions of Article 3 of the Declaration. Approval or Denial in one given, previous instance by the ACC/Board shall not constitute a precedent for any other Request submission for Solar

Panels. Approval or Denial by the Board/ACC shall be on a Case-By-Cases Basis.

"All Solar Panel Proposals shall be in full compliance with all ACC-published Solar Panel Guidelines, as well as 'current input' to their evaluation. Such Guidelines, as of the date hereof include, but shall not be limited to, the following:

"Solar Panel Guidelines (as of the date of Declarant's execution of this Amendment):

- "1. All roof mounted solar (photovoltaic) systems must be constructed of non-reflective materials, including racking materials and panel frames: and
- "2. All solar panels must be mounted parallel to roof surface, which surface is part of a pitched roof system. No additional pitch will be permitted: and
- "3. All racking or mounting material must be underneath solar array (grouping of panels). No racking may extend beyond area of array. Also, all conduit, wiring, and roof penetrations must be located beneath the solar array. No conduit shall be exposed on the rooftop(s): and
- "4. No panels may extend beyond roof area, either hanging over eaves or a ridge-line of a Home's roof: and
- "5. All solar panel systems must adhere to National Electrical Code and Local Code and inspection, as applicable: and
- "6. Panels and all associated pieces and portions, thereof, must be maintained and repaired so as NOT to look old and dilapidated: and
- "7. Owner's proposed location of the Panels or Array shall be subject to the ACC's consideration of near or adjoining Lots. Panels will not be approved by the ACC for mounting on the front-facing portions of the Home's roof: and
- "8. As a general rule, rear-yard, ground installation of solar panels will not be permitted; however, the ACC, on the condition of Case-By-Case review, may permit such installation PROVIDED such solar panel system shall be located in the Home's rear-yard which is to be totally enclosed by an ACC-approved block wall(s) with approved screened wrought-iron gate(s) with locking mechanism(s). Furthermore, any ACC-approved ground installation shall not be visible from the public streets of the Subdivision.

"FINAL NOTE REGARDING THESE GUIDELINES: the foregoing Guidelines are not part of the Declaration; these Guidelines are a published work of the ACC and are here-presented for 'informational purposes only.' These Guidelines may be amended or added-to by the ACC and/or Board for any reason or purpose, at any time, and without amendment to the Declaration and without need for provide notice to Members, except as such may be a part of a periodic Board Meeting, and without need of any Member Vote thereof."

IN WITNESS WHEREOF, Declarant doe hereafter execute this Fourth Amendment as of the 12th day of August, 2016.

DECLARANT: FACTION, LLC

By: Troy Ence, Manager

ACKNOWLEDGMENT

STATE OF UTAH)

ss.)

COUNTY OF WASHINGTON)

On this 12th day of August, 2016, before me personally appeared Troy Ence, whose identity is personally known to me, and who, being by me duly sworn did say that he is the Manager of FACTION, LLC, a Utah limited liability company, and that the foregoing document was signed by him on behalf of said company by proper authority and he acknowledged before me that the company executed the document and the document was the act of the company for its stated purpose.

Tammy L Williams
Notary Public, Residing in Washington County, UT

