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**DOC # 20170000687**

Amended Restrictive Covenants  
Russell Shirts Washington County Recorder  
01/06/2017 08:40:25 AM Fee \$ 17.00  
By ENCE HOIMES

Page 1 of 2



When recorded return to:  
Vince Clayton, % Ence Homes  
619 South Bluff St., Tower2  
St. George, UT 84770

**FIFTH 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 13<sup>th</sup> 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 Riverstone Subdivision, in accordance with the provisions of the Declaration thereof, as cited .

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

1. The language of Article 2, Section 2, Sub Section 2.13 shall be deleted, which Sub Section language currently reads, as follows:

"GARBAGE AND REFUSE DISPOSAL. No Lot, or part or portion of the Property, shall be used or maintained as dumping ground for rubbish, rubble, trash, garbage or other waste. Such trash, rubbish, rubble, garbage or other waste as produced within the Property, shall be kept only in City-approved sanitary containers, except when placed for City-collection. No rubbish, trash, papers,

junk or debris shall be burned upon the Property.

"Each Lot shall use the standard, approved St. George City trash container for garbage collection, and shall use same in accordance with City policies. Other such containers, as permitted by the City, may be used. All containers that are used shall be kept clean and in repair and shall not be placed on the street for collection in a broken or unsightly condition. All trash collection containers shall be kept neatly by Lot Owner's in the rear yard, the garage, or in a screened side yard area. Containers are not to be visible from the street except on collection day."

Said language, as above-quoted, shall be replaced in Sub Section 2.13 with the following language, which shall read, as follows:

"GARBAGE AND REFUSE DISPOSAL. No Lot, or part or portion of the Property, shall be used or maintained as dumping ground for rubbish, rubble, trash, garbage or other waste. Such trash, rubbish, rubble, garbage or other waste as produced within the Property, shall be kept only in City-approved sanitary containers, except when placed for City-collection. No rubbish, trash, papers, junk or debris shall be burned upon the Property.

"Each Lot Owner shall use the standard, City-approved trash container for garbage collection, using same in accordance with City policies. Other such containers, as permitted by the City, may be used.

"All containers that are used shall be kept clean and in repair by the Owner and shall not be placed on the street for collection in a broken or unsightly condition. Such containers shall be kept neatly 'kept' by a Lot Owner in the rear-yard, the side-yard(s) of the Lot, or in the garage; in no case, shall containers be kept or placed in the front-yard set-back of the Home. Containers are not to be placed on the street except on collection day. An Owner is responsible to remove empty containers from the street not later than the day following garbage collection."

IN WITNESS WHEREOF, Declarant doe hereafter execute ~~this~~ Fourth Amendment as of the 5<sup>th</sup> day of January, 2017.

**DECLARANT: FACTION, LLC**

By: Troy Ence, Manager

**ACKNOWLEDGMENT**

STATE OF UTAH )

ss. )

COUNTY OF WASHINGTON )

On this 5<sup>th</sup> day of January, 2017, 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 Lynn Williams  
Notary Public, Residing in Washington County, UT

