

WHEN RECORDED RETURN TO:
 Corinne Schmalz, c/o Ence Homes
 619 South Bluff Street, Tower 2
 St. George, UT 84770

Amended Restrictive Covenants
 Russell Shirts Washington County Recorder
 06/23/2020 03:36:16 PM Fee \$ 40.00
 By CORINNE SCHMALZ



**EIGHTH AMENDMENT TO THE
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 OF SUGAR PLUM IN THE FIELDS SUBDIVISION**

FACTION, LLC, a Utah limited liability company (hereinafter "Declarant") hereby amends the following portions of the Declaration of Covenants, Conditions and Restrictions for Sugar Plum in the Fields Subdivision (hereinafter "Declaration") as set forth herein, pursuant to its authority under Article 8.2 of said Declaration, which Declaration was recorded on the 6th day of October, 2015, as DOC No. 20150035178 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 Sugar Plum in the Fields Subdivision, as follows:

Phase 1 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 1, said Lots being: W-SUG-1-1 through W-SUG-1-12, inclusive; and W-SUG-1-20 through W-SUG-1-35, inclusive; and W-SUG-1-190 through W-SUG-1-198, inclusive; and W-SUG-1-202; and

Phase 2 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 2, said Lots being: W-SUG-2-13 through W-SUG-2-19, inclusive; and W-SUG-2-36 through W-SUG-2-41, inclusive; and W-SUG-2-170 through W-SUG-2-189, inclusive; and W-SUG-2-199 through W-SUG-2-201, inclusive; and W-SUG-2-203 through W-SUG-2-205, inclusive; and

Phase 3 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 3, said Lots being: W-SUG-3-127 through W-SUG-3-130, inclusive; and W-SUG-3-132 through W-SUG-3-142, inclusive; and W-SUG-3-146 through W-SUG-3-159, inclusive; and W-SUG-3-162 through W-SUG-3-169, inclusive; and W-SUG-3-206; and

Phase 4 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 4, said Lots being: W-SUG-4-42 through W-SUG-4-64, inclusive; and W-SUG-4-95 through W-SUG-4-96, inclusive; and W-SUG-4-109 through W-SUG-4-110, inclusive; and W-SUG-4-113; and W-SUG-4-131; and W-SUG-4-143 through W-SUG-4-145, inclusive; and W-SUG-4-160 through W-SUG-4-161, inclusive; and

Phase 5 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 5, said Lots being: W-SUG-5-65 through W-SUG-5-77, inclusive; and W-SUG-5-85 through W-SUG-5-94, inclusive; and W-SUG-5-97 through W-SUG-5-103, inclusive; and W-SUG-5-106 through W-SUG-5-108, inclusive; and

Phase 6 Lots: per the Official Plat of Sugar Plum in the Fields Subdivision, Phase 6, said Lots being: W-SUG-6-78 through W-SUG-6-84, inclusive; and W-SUG-6-104 through W-SUG-6-105, inclusive; and W-SUG-6-111 through W-SUG-6-112,

inclusive; and W-SUG-6-114 through W-SUG-6-126, inclusive; and W-SUG-6-218 through W-SUG-6-222, inclusive; and

All future Phases, including the Lots thereof, as annexed or expanded to Sugar Plum in the Fields 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 3, Section 3.4 (u) shall be deleted, which Section language currently reads, as follows:

(U) 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 Panels 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-case 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 eves 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.

2. Said language, as above-quoted, shall be replaced in Article 3, Section 3.4 (u) with language which shall read, as follows:

(U) Air conditioning, Heating Equipment, Etc. Heat pumps/AC units shall not be placed on rooftops. Rooftop or through-the-window "swamp coolers" shall not be allowed.

Solar Panels Solar Panels 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-case 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 eves 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 does hereafter execute this Eighth Amendment as of the 17 day of June, 2020.

DECLARANT: FACTION, LLC

By: Troy Ence, Manager

ACKNOWLEDGEMENT

STATE OF UTAH)
ss.
COUNTY OF WASHINGTON)

On this 17 day of June, 2020, 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.

Corinne Schmalz
Notary Public, Residing in Washington County, UT

