

Amended Restrictive Covenants Page 1 of 3
Gary Christensen Washington County Recorder
04/01/2022 01:51:07 PM Fee \$40.00 By RUESCH &
REEVE, PLLC

When Recorded mail to:
The Haven at Heritage Acres, LLC
PO Box 669
Washington UT 84780

**FIRST AMENDMENT TO
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE HAVEN AT HERITAGE ACRES RESIDENTIAL SUBDIVISION**

This First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for The Haven at Heritage Acres Residential Subdivision ("First Amendment") is executed pursuant to the provisions of the Declaration of Covenants, Conditions and Restrictions for The Haven at Heritage Acres Residential Subdivision, as described in Recital A hereof by The Haven at Heritage Acres, LLC, a Utah limited liability company ("Declarant").

A. On February 19, 2019 Declarant caused to be recorded with the Recorder of Washington County, Utah, a Declaration of Covenants, Conditions and Restrictions for The Haven at Heritage Acres Residential Subdivision as Doc No. 20190005707 (the "Declaration") and related Plat covering the real property and improvements constituting The Haven at Heritage Acres Residential Subdivision in Washington County, Utah, and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Project"); and

B. Pursuant to Article 8.1, "[u]ntil termination of the Declarant Control Period, Declarant may unilaterally amend this Declaration for any purpose..."; and

C. The Declarant desires to amend the Declaration, as set forth below; and

D. This Amendment shall take effect upon the date it is recorded in the records of the Washington County Recorder (the "Amendment Date").

E. This Amendment shall be binding against all of the property described in the Declaration and any annexation, expansion or supplement thereto. Namely, the property more particularly described in the attached Exhibit "A."

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Article 2.6 is hereby amended and restated as follows:

2.6. Boats, Recreational and Motor Vehicles. All parking of boats, recreational and motor vehicles shall be according to and governed by Ivins City ordinances.

2. Article 2.11 is hereby adopted as follows:

2.11 Signs. All signs shall comply with all City ordinances, including but not limited to, the City's sign and/or lighting ordinances and shall be placed on the wall on or both Project entrances.

3. Article 3.4 is hereby amended and restated as follows:

3.4 Exterior Building Materials. Exterior walls shall be of new materials, limited to the following: stucco, brick, stone, small accents of wood, or a combination thereof. Wood accents may consist of small amounts of wood or cementitious siding type materials as approved by the Declarant on a case by case basis. Without limiting the foregoing, metal and vinyl siding is explicitly prohibited. All soffit and fascia materials shall be synthetic stucco or cementitious siding. All exterior building materials must be approved in advance by Declarant.

4. Article 3.5 is hereby amended and restated as follows:

3.5 Roofing Materials. Roof material shall be limited to slate, clay, concrete tiles, or non-reflective metal roofing. Asphalt shingles may not be used. Tile roof shall be noncombustible tiles. Roof mounted air-conditioning equipment shall not be permitted.

5. Article 3.6 is hereby amended and restated as follows:

3.6 Garages. All residences constructed on a Lot in the Property shall include a fully enclosed, private garage, built to accommodate at least two (2) vehicles. Garages must be attached to the primary structure. Carports are not permitted.

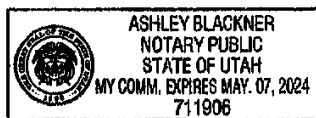
DATED this 1 day of April, 2022

DECLARANT


The Haven at Heritage Acres, LLC
By: Seth Foster, Manager

STATE OF UTAH)
)
) ss
COUNTY OF WASHINGTON)

On this 1st day of April, 2022, personally appeared before me Seth Foster, who being duly sworn, says that he is the Manager the limited liability company that executed the above and foregoing instrument and that said instrument was signed in behalf of said limited liability company by authority of its articles of organization, operating agreement, or by authority of a resolution of its members, and said Seth Foster acknowledged to me that said limited liability company executed the same.



Kelly Bechner
Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION

All of Lots 1 through 27, inclusive, of The Haven at Heritage Acres Phase 1, according to the official plat thereof on file and of record in the Office of the Recorder of Washington County, State of Utah.

Tax Parcel Nos. I-HHA-1-1 through -27

All of Lots 28 through 62, inclusive, of The Haven at Heritage Acres Phase 2, according to the official plat thereof on file and of record in the Office of the Recorder of Washington County, State of Utah.

Tax Parcel Nos. I-HHA-2-28 through -62