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BK 4390 PG 262

**AFTER RECORDING PLEASE MAIL COPIES TO:**

**PATRIOT CAPITAL HIDDEN SPRINGS LLC**  
c/o Hawkins Homes & Communities  
39 East Eagleridge Drive, Suite 200  
North Salt Lake, UT 84054

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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
10/17/2007 10:44 AM  
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08-431-0026 thru 0049

**AMENDMENT TO THE DECLARATION OF**  
**COVENANTS, CONDITIONS, AGREEMENTS &**  
**RESTRICTIONS**

**OF**

***HIDDEN SPRINGS master community***

***Fruit Heights, Utah***

***A Group of Residential Subdivisions & Developments***

PATRIOT CAPITAL HIDDEN SPRINGS LLC  
an Idaho limited liability company  
DEVELOPER

**AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AGREEMENTS & RESTRICTIONS  
OF THE HIDDEN SPRINGS MASTER COMMUNITY**

This Amendment to Declarations of Covenants, Conditions, Agreements and Restrictions of the Hidden Springs master community (hereinafter know as "Original Declaration"), filed with Davis County March 18, 2005, as Entry No. 2059700, in Book 3748, Pages 327 through 366, is made and executed this 17<sup>th</sup> day of October, 2007 by, Patriot Capital Hidden Springs LLC, an Idaho limited liability company, (also known in the original declaration as the "E-Class Declarant"), which shall be known hereinafter as the "Declarant."

**ARTICLE I  
RECITALS**

WHEREAS, the Declarant previously recorded the Original Declaration as referenced above, wherein "future parcels that are developed as future phases of Hidden Springs master community" were referenced and made subject to and bound by the Original Declaration, and

WHEREAS, at the time of this recording, the Declarants are record owners of certain land situated in Fruit Heights City, Davis County, Utah, which is and shall be held, transferred, sold, conveyed, and occupied subject to the provisions of this Declaration, consists of the following described real property (hereafter known as "Property"):

All of Lots 26 through 49 of DEER RIDGE AT HIDDEN SPRINGS PHASE 2 subdivision, located in the City of Fruit Heights, according to the official approved final plat thereof, as recorded in the office of the County Recorder of Davis County, State of Utah; and

WHEREAS, It is the desire and intention of the Declarant to sell the Property subdivided as described above, and, by the execution of this instrument,

THEREFORE, it is the intention and desire of the Declarant, owner of Deer Ridge at Hidden Springs Phase 2, to make the Property subject to all the covenants, conditions, agreements, restrictions, easements, reservations, limitations and equitable servitudes set forth in the Original Declaration with **only** the following amendments:

**I. AMMEND ARTICLE V – PERMITTED USES AND PERFORMANCE STANDARDS:**

- A. Article 5 Section 5.1 **Use.** Unless otherwise specified in a Supplemental Declaration covering a particular Lot(s) or parcel(s), Lots shall be used only for single family residential purposes and such uses as are customarily incidental thereto. Lots designated as "Common Area / Open space" shall be dedicated (as designated on the plat) for open space, recreation, storm water detention and conveyance, public utility, and public access purposes; owned in common by the Association.

B. Article 5 Section 5.2.a. **Buildings or Dwellings – Dwelling Size.**

6. Deer Ridge at Hidden Springs Phase 2 (Lots 26-35, and, 37-49, excluding lot 36 which is an existing residence and exempt from these covenants):
  - a. One Story Dwellings (Rambler): The required minimum above ground footage shall be 2100 square feet with a minimum 3-car garage required, and 2350 square feet with a minimum 2-car garage required.
  - b. Multiple-Story Dwellings: The required minimum above ground footage shall be 2400 square feet with a minimum 3-car garage required, and 2800 square feet with a minimum 2-car garage required.
  - c. Special consideration may be given by the ACC due to dimensional, geological, and/or topographical conditions or constraints on these lots.

THE ARCHITECTURAL CONTROL COMMITTEE RESERVES THE RIGHT TO GRANT EXCEPTIONS TO THE ABOVE SIZE RESTRICTIONS, AT ITS SOLE DISCRETION, IN ORDER TO PLACE AN APPROPRIATE HOME ON A SPECIFIC LOT DUE TO SLOPE RESTRICTIONS, LOT IRREGULARITY OR FOR ANY REASON THEY DEEM REASONABLY APPROPRIATE.

C. Article 5 Section 5.2.c. **Dwelling Exterior Materials.**

6. Deer Ridge at Hidden Springs Phase 2 (Lots 26-35, and, 37-49, excluding lot 36 which is an existing residence and exempt from these covenants):
  - i. The dwelling's front exterior elevation shall have a minimum 40% of the total wall space (not including windows & doors) of brick or stone products with the remainder in wood, wood composites, stucco or comparable product as approved by the ACC. In no case shall the front exterior have more than 20% of stucco or comparable product unless approved by the ACC. Any of these exterior material requirements may be waived (at the discretion of the ACC) where the historic architectural style of the home will not permit its use.

A minimum of 42" wainscot (off the foundation) of brick or stone product is required down the sides of the dwelling. Special consideration may be granted by the ACC to Lots that require a home with stepped foundations. Vinyl or Aluminum siding shall be not allowed except for the soffit, fascia and/or rain gutter areas.

- ii. Each dwelling must have a minimum 30-year architectural (lamine) asphalt type shingle. The ACC must approve any other variation from this specification. Roof pitch minimum shall be 8/12, unless otherwise approved by the ACC. All roof soffits shall be a minimum of 12", unless otherwise approved by the ACC. No complete hip-roof home designs will be allowed unless approved by the ACC.
- iii. Garages: Wherever possible, side-load garages are encouraged. The garage door(s) shall not equal greater than 40% of the total front vertical wall space on the exterior of the home unless approved by the ACC. All garage doors shall be of a decorative style as approved by the ACC.

If the ACC permits detached structures, they are to be constructed of identical exterior materials of the primary structure unless otherwise approved by the ACC. All property owners are required to check with the governing municipality for building code requirements and zoning restrictions related to said detached structures.

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D. Article 5 Section 5.6.a **Easements.**

- (12) Lots 30, 31, and 43 are recorded with a "RD" designation relating to a drainage easement along some of their property boundaries. The common boundary between lots 30 & 31 running on a bearing of N54° 36'57"W and the NE corner of lot 43 running along its north boundary line is recorded as a Drainage Easement. Said drainage easement is for the purpose of storm drain overflow should the inlet boxes in the street ROW in Island View Court get plugged. As noted on the plat, a "drainage swale is required and must be maintained by the homeowner". Said swale shall be designed into the landscaping of the affected lots.
- (13) Lots 44-49 are recorded with a 20' "Retainage, Drainage and Utility Easement" running along the rear boundary of the lots. This easement is for the purpose of installation and maintenance of individual retention basins below grade. Said retention basins are designed to retain storm runoff water from the rear of the home and yard until it is able to percolate into the ground.

E. Article 5 Section 5.17(g) **Fences, Walls & Hedges.**

- (3) Deer Ridge at Hidden Springs Phase 2: All allowed fences shall be constructed of black powder-coated wrought iron or aluminum extruded material, with style and type as approved by the ACC. Except as provided herein, chain link fencing is not a permitted fence type.

ALL OTHER PROVISIONS CITED IN ARTICLE 5 AS RECORDED IN THE ORIGINAL DECLARATION (OTHER THAN THOSE CHANGES MADE HEREIN) ARE STILL APPLICABLE.

IN WITNESS WHEREOF, the undersigned, being the Declarant and Record Owners herein, have hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**DECLARANT:**

PATRIOT CAPITAL HIDDEN SPRINGS LLC  
An Idaho limited liability company

BY: Matthew Hawkins  
NAME: Matthew Hawkins  
TITLE: Member Manager

**ACKNOWLEDGEMENT – Limited Liability Company**

On the 24<sup>th</sup> day of August, 2007, personally appeared before me Matthew C. Hawkins, who being by me duly sworn did say that he is Member Manager of Patriot Capital Hidden Springs LLC, an Idaho limited liability company, who acknowledged to me that said limited liability company executed the same.

Signed: Bradford P. Margetts

NOTARY PUBLIC Residing at: 9089 S. 2100 E  
Sandy UT 84093

My commission expires: 3/26/10

