



"W2711361"

EH 2711361 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
20-NOV-14 1044 AM FEE \$88.00 DEP SGC
REC FOR: DURFEE CREEK ESTATES HOA

DURFEE CREEK ESTATES SUBDIVISION

COMMON AREA RULES

1. **Laws, Ordinances and Regulations.** No portion of the Common Area shall be used in a manner that violates any federal, state or Weber County statute, law, ordinance, permit or regulation. If the provisions of these rules are more stringent than any applicable government statute, law, ordinance, permit or regulation the provisions of these rules shall control. Federal agencies, the State of Utah and Weber County are responsible for enforcing their laws, ordinances and regulations. The Association is responsible for the enforcement of all other provisions of these rules.

2. **Development.** No development activity of any kind shall be allowed within the Common Area.

3. **Encroachments.** No permanent or temporary encroachment of any kind shall be allowed on the Common Area, including but not limited to encroachments associated with the construction and occupancy of Residences and accessory buildings on Lots adjacent to the Common Area.

When the Board of Directors becomes aware of a Common Area encroachment, the Board shall promptly notify the responsible Lot Owner of the violation and inform the Lot Owner that a fine shall be assessed if the encroachment is not completely removed within 48-hours of the Board's notice. After 48-hours if the encroachment has not been removed the Board shall assess a fine of \$50.00 per day for each day that the encroachment or any part thereof remains on the Common Area. Unpaid fines shall accrue interest and late fees at rates to be determined by the Board and shall be collected as an unpaid assessment as set forth in the Association's Governing documents or Utah law.

A Lot Owner who is assessed a fine may submit a written request for an informal hearing before the Board to protest or dispute the fine within 30-days after the day on which the fine is assessed. No interest or late fees shall accrue until after the hearing has been conducted and the Board's final decision has been rendered or the day on which the time to request an informal hearing expires.

A Lot Owner may also appeal a fine by initiating a civil action in accordance with Utah Code Title 57, Chapter 8a, Section 208.

If it becomes necessary for the Association to remove a Common Area encroachment, the Board shall levy a Benefitted Assessment against the Lot Owner's Lot for the total cost of removal, including but not limited to any legal fees incurred as a result of the Common Area encroachment.

4. **Vegetation Maintenance.** The Association shall be responsible for the maintenance of all vegetation on the Common Area, including the control of noxious weeds. As a

general practice, vegetation maintenance shall be conducted in accordance with an annual plan prepared by the Association's Board of Directors. If requested, the Board may permit the removal of dead vegetation by individual Lot Owners.

5. **Excavations and Rock Removal.** All forms of excavation and the removal of rocks are prohibited. The foregoing shall not preclude such activities in connection with the construction of authorized Association improvements, such as the operation and maintenance of the Wastewater Disposal System, the maintenance of public utility facilities serving the Community or as required to facilitate the vegetation maintenance as described above.

6. **Signage.** Signage of any kind shall not be permitted within the Common Area, except those installed by Weber County or the Association.

7. **Animals.** All Owners, members of their family, their guests or their tenants having animals within the Common Area shall, at all times, be responsible for compliance with Title 2, Weber County Comprehensive Animal Control Ordinance, as amended.

8. **Disposal of Waste Material.** No garbage, trash, construction debris, recyclable material, dirt, rock or yard waste shall be placed or otherwise disposed of within the Common Area, except in containers, if any, that may be provided by the Association.

9. **Hazardous Activity.** The use or disposal of caustic, toxic, flammable, explosive, or otherwise hazardous materials; the discharge of fireworks; and the setting of fires within the Common Area is prohibited. Any fireworks discharged on a Lot shall be contained on the Lot and shall not be allowed to drift onto the Common Area.

10. **Protection of Natural Drainage, Ponds, Springs, Streams and Wetlands.** Except as required to protect a Residence, accessory building or other Lot improvement and respond to an emergency, the natural flow of surface or ground water in the Common Area shall not be altered in any way.

No existing pond within the Common Area shall be filled or altered except by the Association and only after receiving approval from government agencies having jurisdiction over such activities.

The riparian area along both sides of Durfee Creek shall not be cleared, thinned, or otherwise disturbed unless such activities are sponsored and supervised by the Board or committee with Board delegated responsibility or any government agencies having jurisdiction over such activities. The foregoing does not prohibit Owners of Lots adjacent to Durfee Creek from removing noxious weeds from the riparian area and fallen dead trees that may be partially resting on a Lot.

The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of ponds, springs, streams or wetlands located within or adjacent to the Common Area.

12. **Discharge of Firearms and Hunting.** The discharge of firearms and other dangerous weapons as defined by Utah law into the Common Area from any Lot and within the Common Area is prohibited. The hunting of all wildlife by any means is expressly prohibited with the Common Area. The foregoing does not prohibit crossing the Common Area to hunt on adjacent land where hunting is permitted.

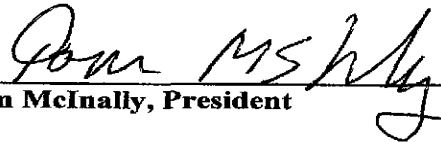
13. **Use of Motorized Vehicles and Parking.** The term "motorized vehicles" includes without limitation, automobiles, trucks, trailers, motorcycles, tractors, excavation equipment, snowmobiles, campers, vans, and all-terrain vehicles.

Except as required to operate and maintain the Wastewater Disposal System, to respond to an emergency, including but not limited to an accident, injury or wildfire, and to remove or relocate stray livestock, no motorized vehicles shall be operated or parked within the Common Area.

If the owner of a vehicle parked on the Common Area does not promptly move the vehicle to an acceptable location after being requested to do so, the Association shall have the authority to have the vehicle towed from the Community.

CERTIFICATION

I, the undersigned, being President of Durfee Creek Association Inc., a Utah non-profit corporation ("the Association"), do hereby certify the foregoing to be the Common Area Rules for Durfee Creek Estates Subdivision, as adopted by resolution of the Board of Directors on September 19, 2014 and that such Common Area Rules are applicable to the real property contained in Durfee Creek Subdivision as set forth in the attachment hereto.

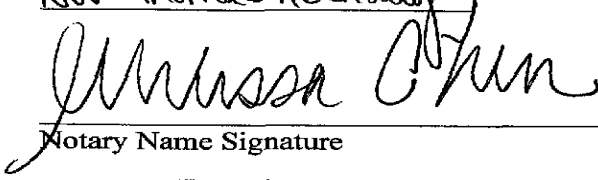


Tom McNally, President

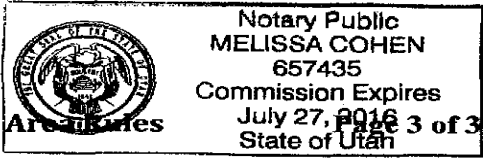
Acknowledgment

State of Utah
County of Weber

Subscribed and sworn to before me on this 20th ^{1 November} day of 2014 by
Tom McNally



Notary Name Signature



Common Area Rules

September 19, 2014

Attachment to Common Area Rules

Durfee Creek Estates Subdivision Parcel Numbers		
17-092-0027 ✓	17-137-0017 ✓	17-226-0001 ✓
17-135-0001 ✓	17-138-0001 ✓	17-292-0001 ✓
17-135-0002 ✓	17-138-0002 ✓	17-292-0002 ✓
17-136-0001 ✓	17-138-0003 ✓	17-292-0005 ✓
17-136-0002 ✓	17-138-0004 ✓	17-297-0001 ✓
17-136-0003 ✓	17-138-0005 ✓	17-297-0002 ✓
17-136-0004 ✓	17-138-0006 ✓	17-297-0003 ✓
17-136-0005 ✓	17-138-0007 ✓	17-297-0004 ✓
17-136-0006 ✓	17-138-0008 ✓	17-297-0005 ✓
17-137-0001 ✓	17-138-0009 ✓	17-297-0006 ✓
17-137-0002 ✓	17-139-0001 ✓	17-297-0007 ✓
17-137-0003 ✓	17-139-0002 ✓	17-297-0008 ✓
17-137-0004 ✓	17-139-0003 ✓	17-297-0009 ✓
17-137-0005 ✓	17-139-0004 ✓	17-297-0010 ✓
17-137-0006 ✓	17-225-0001 ✓	17-297-0011 ✓
17-137-0007 ✓	17-225-0002 ✓	17-297-0012 ✓
17-137-0008 ✓	17-225-0008 ✓	17-307-0001 ✓
17-137-0009 ✓	17-225-0009 ✓	17-307-0002 ✓
17-137-0010 ✓	17-225-0010 ✓	17-307-0003 ✓
17-137-0011 ✓	17-225-0011 ✓	17-307-0004 ✓
17-137-0012 ✓	17-225-0012 ✓	17-307-0005 ✓
17-137-0013 ✓	17-225-0013 ✓	17-307-0006 ✓
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