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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
03/31/2017 01:18 PM  
FEE \$29.00 Pgs: 7  
DEP RT REC'D FOR STONEGATE PRESERV  
E LLC

WHEN RECORDED, RETURN TO:  
Stonegate Preserve, LLC  
P.O. Box 1347  
Bountiful, UT 84011  
(801) 617-2100

RETURNED  
MAR 31 2017

14-510-0001 thru 0008

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
STONEGATE SUBDIVISION, PHASE I**

This Second Amendment to Declaration of Covenants, Conditions and Restrictions for Stonegate Subdivision, Phase 1 is executed this 31<sup>st</sup> day of March, 2017, by Stonegate Preserve, LLC, a Utah limited liability company, as "Developer," with regard to the real property located in the City of Clinton, County of Davis, State of Utah, described more particularly on Exhibit "A" attached hereto and incorporated herein by this referene.

RECITALS

WHEREAS, Developer executed the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR STONEGATE SUBDIVISION, PHASE I** which was executed by Developer on January 26, 2016, and recorded in the records of Davis County, Utah, as Entry 2931590, in Book 6492, at Pages 1029-1061 on April 11, 2016 (the "Stonegate Phase I CCRs");

WHEREAS, Developer executed the **FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR STONEGATE SUBDIVISION, PHASE I** which was executed by Developer on October 5, 2016, and recorded in the records of Davis County, Utah, as Entry 2971764, in Book 6615, at Pages 1974-1976 (the "First Amendment"); and

WHEREAS, pursuant to Section 35 of the Stonegate Phase I CCRs, Developer now wishes to amend certain provisions of the Stonegate Phase I CCRs in the manner set forth herein:

NOW, THEREFORE, by virtue of the provisions of Section 35 of the Stone Phase I CCRs, the undersigned Developer does hereby amend the Stonegate Phase I CCRs as follows:

**A. SECTION 11.d (5) – Minimum Requirements.** Section 11.d (5) of the Stonegate Phase I CCRs shall be deleted in its entirety and replaced with the following:

“11.d (5) No slab on grade Dwelling Units are permitted. Slab on grade accessory buildings may be permitted in accordance with the provisions of Section 14 herein.”

**B. SECTION 11.d (9) – Minimum Requirements.** Section 11.d (9) of the Stonegate Phase I CCRs shall be deleted in its entirety and replaced with the following:

“11.d (9) All fencing shall comply with the following minimum requirements:

a) Vinyl fencing is permitted in the side and rear yard areas, with such vinyl fencing of the same style putty color vinyl fencing that Developer has installed at the rear perimeter of the Subdivision. White vinyl fencing is permitted in the side and rear yard areas.

b) 3 or 4-slat vinyl fencing, including white vinyl fencing, is permitted around animal enclosure areas, or internal garden areas. Such slat fencing shall be prohibited less than 50' from the rear of any Dwelling Unit. Alternative metal livestock fencing, similar in style and material to “Sample 11.9(b)” below, may be permitted, with the prior written approval of the ARC.

c) Any and all other fencing materials not expressly approved in this Declaration or by the ARC in writing, including by way of illustration but not limitation, cinderblock, and other types or colors of vinyl fencing are prohibited.

d) Decorative wrought iron, no higher than 5', is permitted around the front yard area, or rear garden areas.

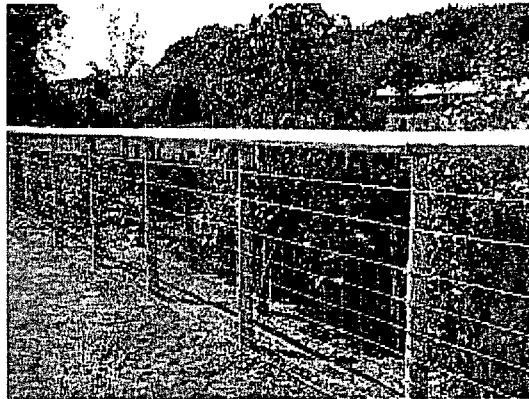
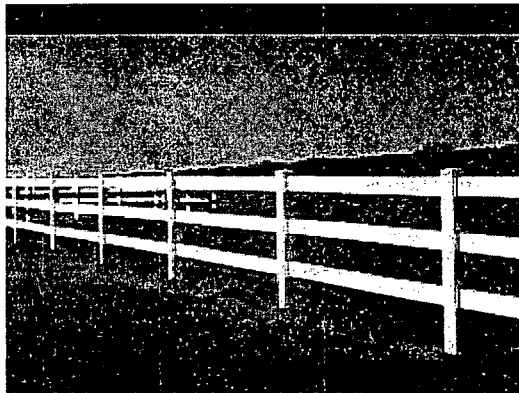
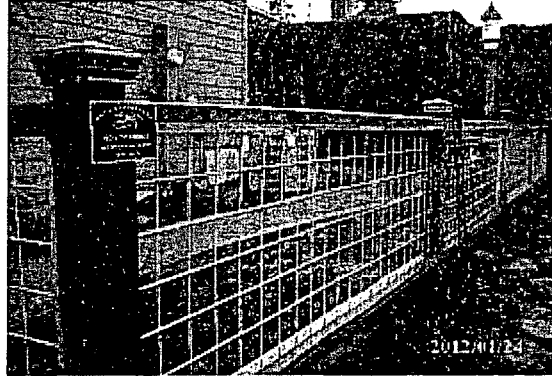
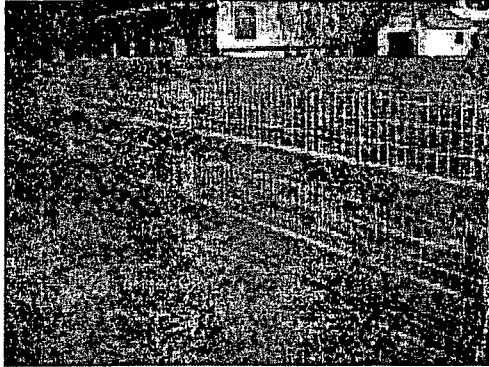
e) If corner lots are fenced, the fencing will be installed so water utilities are accessible from the City right of way.

f) Fencing including, by way of illustration but not limitation, all hedges, trees, bushes, shrubs or other animate or inanimate, natural or artificial object, behind entry monuments or other monuments, planter boxes or special landscaping established by the Developer is prohibited.

g) No fence or similar structure may be built in any side or rear yard with a height in excess of six feet (6').

h) If there is a dispute regarding fencing of any kind, such as what constitutes the front, side or rear yards, the decision of the ARC shall be final, binding and conclusive.

Sample 11.9(b)



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C. **SECTION 14 – Accessory Buildings.** Section 14 of the Stonegate Phase I CCRs shall be deleted in its entirety and replaced with the following:

“14. **Accessory Buildings.** Accessory buildings will be permitted on the Lots. The design, construction, installation, or placement of an Accessory Building must be approved in advance by the ARC and is subject to the following guidelines. Any Accessory Building constructed, installed or placed on a Lot without the express written consent of the ARC shall be considered non-conforming. If there is a dispute of any kind whatsoever, such as whether a structure is an Accessory Building, the decision of the Developer or, upon the termination of the Period of Developer’s Control, the ARC shall be final, conclusive and binding, and decisions may be made for purely aesthetic reasons.

a. **Height.** No Accessory Building may exceed one story in height, subject to the requirements of the City zoning ordinances.

b. **Setbacks.** Accessory Buildings shall be located so that such Accessory Building does not encroach upon any easements and is in full compliance with Clinton City Zoning Ordinances, and City Fire Department requirements.

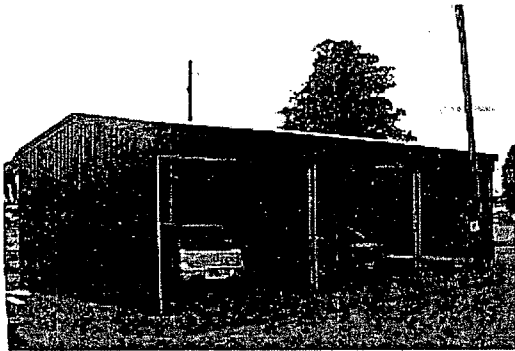
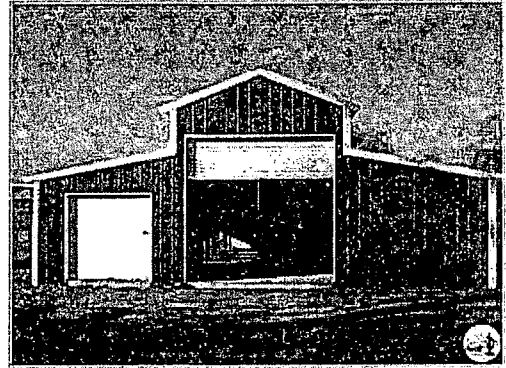
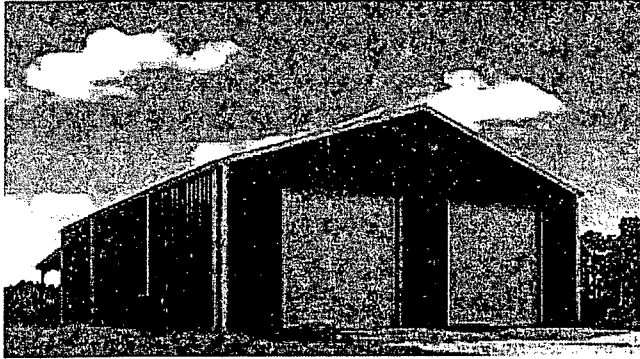
c. **Steel Buildings.** Steel Accessory Buildings may be permitted, with advance approval by the ARC. Such Steel Accessory Buildings must: (i) be highly detailed, constructed of materials which are acceptable to the ARC; (ii) have minimum 18" overhangs on the eaves; (iii) have decorative corner trims; and (iv) be finished in pre-approved colors and materials. Steel Accessory Building similar in style and construction to "Sample 14.c – Acceptable" below may be permitted with the prior approval of the ARC. Such Steel Accessory Buildings similar in style and construction to "Sample 14.c – Not Acceptable" shall not be permitted.

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Sample 14.c – Acceptable




Sample 14.c – Not Acceptable



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**D. ALL OTHER TERMS UNCHANGED.** The Stonegate Phase I CCRs, as amended by the First Amendment, and as amended hereby, are hereby ratified and shall be in full force and effect. The Stonegate Phase I CCRs are hereby amended to the extent necessary to conform to the terms of this Second Amendment, and the undersigned confirms that all terms, provisions, and conditions of the Stonegate Phase I CCRs and the First Amendment which are not specifically modified by this Second Amendment shall remain in full force and effect as of the date first above written.


DEVELOPER:  
**STONEGATE PRESERVE, LLC**  
a Utah limited liability company  
By its Manager  
Cottle Capital Group, LLC

By:   
Alan Cottle, Manager

**ACKNOWLEDGMENT**

State of Utah                    )  
  : ss.  
County of Davis                )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of March, 2017, by Alan Cottle, the Manager of Cottle Capital Group, LLC, the Manager of STONEGATE PRESERVE, LLC, a Utah limited liability company, and said Alan Cottle duly acknowledged to me that said STONEGATE PRESERVE, LLC executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at:  
My Commission Expires:

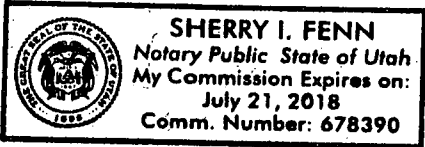


EXHIBIT "A"

PROPERTY DESCRIPTION

The following described real property is located in Davis County, Utah:

Stonegate Subdivision Phase I:

Beginning at the North Quarter Corner of Section 29, Township 5 North, Range 2 West, Salt Lake Base and Meridian, and running:

Thence East 660.55 feet along the section line;

Thence South 0°04'44" West 383.00 feet;

Thence South 68°27'24" West 8.61 feet;

Thence South 0°00'38" West 182.25 feet;

Thence West 239.25 feet;

Thence South 126.52 feet;

Thence West 413.58 feet to the quarter section line;

Thence North 0°04'13" East 694.93 feet along the quarter section line to the point of beginning.

Contains 9.787 acres.