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E# 3159748 PG 1 OF 4
Leann H. Kilts, WEBER COUNTY RECORDER
10-Jun-21 0813 AM FEE \$164.00 DEP T
REC FOR: SMITH KNOWLES PC
ELECTRONICALLY RECORDED

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

For Hawk Haven Subdivision
In Weber County, Utah

This First Amendment to the Declaration of Covenants, Conditions & Restriction for Hawk Haven Subdivision (hereinafter "First Amendment") hereby amends that certain Declaration of Covenants, Conditions & Restrictions for Hawk Haven Subdivision, recorded in the Weber County Recorder's Office on September 4, 2019, as Entry No. 3001008, as amended ("Declaration"), and is executed by Lodder Burton, LLC, a Utah limited liability (hereinafter "Declarant").

RECITALS:

(A) This First Amendment affects and concerns real property located in Weber County, Utah and more particularly described on **Exhibit "A"** attached hereto, as may be expanded and provided for in the Declaration ("Property").

(B) The Hawk Haven Townhomes Subdivision First Amendment Phase 1 Plat ("Phase 1 Plat") was recorded on August 22, 2019, as Entry No. 2998604.

(B) The Project remains within the Class B Control Period, as defined in Article 6.1 of the Declaration. Also, in accordance with Article 20.8 of the Declaration, the Declarant may amend the Declaration at any time during the Class B Control Period at the sole discretion of the Declarant.

NOW, THEREFORE, the Declaration is hereby amended as follows.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.

2. Effective Date. The First Amendment will take effect on the date recorded at the office of the Weber County Recorder's Office (the "Effective Date").

3. No Other Changes. Except as otherwise expressly provided in this First Amendment, the Declaration remains in full force and effect without modification.

4. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the First Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the First Amendment acting in said capacity.

AMENDMENTS

5. Article 1.0(Q) of the Declaration is hereby deleted in its entirety and replaced with the following:

(Q) "Limited Common Area" shall mean all property designated on the recorded Plat Map(s), as modified or further described in the Declaration, as Limited Common Area, being intended ultimately to be owned by the Association but for the exclusive use and enjoyment of one or more appurtenant Dwellings but fewer than all of the Dwellings, including but not limited to: driveways, patio/deck areas, and the backyard area immediately to the rear of a Dwelling extending the entire width of the Dwelling rearward to a depth of 8 feet. Upon approval from the Declarant or Association, an Owner may enclose the Limited Common Area with an approved fence.

6. Article 9.2 of the Declaration is hereby deleted in its entirety and replaced with the following:

9.2 Due Date, Charges & Interest. Monthly assessments shall be due and payable in accordance with procedures adopted by the Board. The Board may charge late fees and/or interest in an amount set by the Board. The Association is entitled to recover all attorney fees and costs incurred to collect delinquent Assessments. The Board may also impose other reasonable charges imposed by a Manager related to collections.

7. Article 13.8 is hereby added to the Declaration.

Article 13.8 Submission to Declarant. During the Class B Control Period, no exterior Improvement or landscape may be constructed by an Owner or Owner's agent without the prior approval of the Declarant or Association. The Declarant may adopt polices with respect to allowed fencing, landscaping and other exterior Improvements.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date indicated below.

Lodder Burton, LLC, the Declarant

By: *[Signature]*
Its: President

STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 9 day of June, 2021, personally appeared before me, Peter Lodder, who being by me duly sworn did say that he/she is an authorized agent of Lodder Burton, LLC, and that the within and foregoing instrument was signed on behalf of said limited liability company and duly acknowledged to me that he/she executed the same.

[Signature]
NOTARY PUBLIC

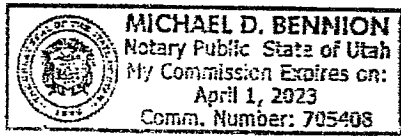


EXHIBIT "A"

UNITS 1 - 6, IN BUILDING "A", UNITS 1- 5, IN BUILDING "B", UNITS 1-4, IN BUILDING "C", UNITS 1-4, IN BUILDING "D", UNITS 1-7, IN BUILDING "E", UNITS 1-7, IN BUILDING "F", UNITS 1-6, IN BUILDING "G", AND COMMON AREAS, CONTAINED WITHIN THE HAWK HAVEN TOWNHOMES SUBDIVISION FIRST AMENDMENT PHASE 1, A RE-SUBDIVISION OF LOT 1, HAWK HAVEN TOWNHOMES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER, STATE OF UTAH.

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN SAID PROJECT'S COMMON AREAS AS ESTABLISHED IN SAID DECLARATIONS AND ALLOWING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

TAX SERIAL NO. 15-698-0001 THROUGH 15-698-0040

UNITS 1-5, IN BUILDING "H"; UNITS 1-5, IN BUILDING "I"; UNITS 1-7, IN BUILDING "J"; UNITS 1-6, IN BUILDING "K"; UNITS 1-7, IN BUILDING "L", AND COMMON AREAS, CONTAINED WITHIN THE HAWK HAVEN TOWNHOMES SUBDIVISION SECOND AMENDED PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER, STATE OF UTAH.

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN SAID PROJECTS COMMON AREAS AS ESTABLISHED IN SAID DECLARATIONS AND ALLOWIG FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

TAX SERIAL NO. 15-737-0001 THROUGH 15-737-0032