

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

For  
HIDDEN SPRINGS MASTER COMMUNITY  
In Davis County, Utah

THIS FIRST AMENDMENT TO THE AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIDDEN SPRINGS MASTER COMMUNITY (this "First Amendment") is hereby adopted by Fruit Heights Hidden Springs Master Homeowners Association, Inc. ("Master Association"), for and on behalf of its Members, and made effective as of the date recorded in the Davis County Recorder's Office.

**RECITALS:**

(A) This First Amendment affects and concerns the real property located in Davis County, Utah and more particularly described in **Exhibit "A"** attached hereto ("Property" or "Master Community").

(B) On or about March 18, 2005, the Declaration of Covenants, Conditions, Agreements & Restrictions for Hidden Springs Master Community ("Enabling Master Declaration") was recorded in the Davis County Recorder's Office, as Entry No. 2059700.

(C) On or about November 30, 2005, Bylaws of the Fruit Heights Hidden Springs Master Homeowners Association, Inc. were signed by the Secretary of the Master Association. These Bylaws have not been recorded with the Davis County Recorder's Office, state of Utah.

(D) On or about October 17, 2007, an Amendment to the Declaration of Covenants, Conditions, Agreements & Restrictions of Hidden Springs Master Community ("Deer Ridge Phase 2 Amendment") was recorded in the Davis County Recorder's Office as Entry No. 2314086.

(E) On or about January 11, 2019, an Amended & Restated Declaration of Covenants, Conditions & Restrictions, with Amended and Restated Bylaws of the Fruit Heights Hidden Springs Master Homeowners Association, Inc. was recorded as Entry No. 3138096, which replaced the earlier declaration affecting the Master Community ("Amended & Restated Declaration").

(F) The Amended & Restated Declaration expressly left intact Section 5.12 from the Enabling Declaration pending further amendment which, according to the Amended and Restated Declaration Article 12.6, only requires 51% of the total eligible votes of the Master Association to amend.



(G) The Master Association and its Members, consistent with the Amended & Restated Declaration and any subsequent amendments (including any not referenced herein), hereby adopt this First Amendment. It is the intent of the this First Amendment to replace Article 12.6 of the Amended and Restated Declaration, thereby also removing any enforceability of Section 5.12 of the Enabling Declaration.

(H) Pursuant to Article 12.6 of the Amended & Restated Declaration and the Utah Community Association Act, Owners of record, holding not less than sixty-seven percent (51%) of the total voting power of the Master Association, provided their written consent approving and consenting to the recording of this First Amendment.

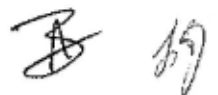
### CERTIFICATION

By signing below, the Board hereby certifies that the above described approval was obtained, approving and consenting to the recording of this First Amendment.

NOW, THEREFORE, pursuant to the foregoing, the Board of Directors of the Master Association hereby makes and executes this First Amendment, which shall be effective as of its recording date.

### COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.
2. No Other Changes. Except as otherwise expressly provided in this First Amendment, the Amended & Restated Declaration remain in full force and effect without modification.
3. 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.
4. Conflicts. In the case of any conflict between the provisions of this First Amendment and the provisions of the Amended & Restated Declaration, or any prior amendments, the provisions of this First Amendment shall in all respects govern and control. In the case of any existing provisions that could be interpreted as prohibiting the modifications set forth in this First Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this First Amendment.



AMENDMENTS

Section 5.12 of the Enabling Declaration is hereby deleted in its entirety. Article 12.6 of the Amended and Restated Declaration is hereby deleted in its entirety and replaced as follows:

12.6 Vehicles & Parking.

(a) Recreational Vehicles (RV's) and camper/trailers, motorhomes, boats up to 30 feet in length and up to 10 feet tall are allowed year round stored behind the front line of the adjacent wall of the house and on a concrete pad. All must be in working order and good repair. Anything that exceeds these size requirements are allowed to be parked in the subdivision for 48 hours to support loading/unloading. These oversized vehicles are not allowed on a year round basis.

(b) The size of the acceptable trailers will be defined by the HOA Board but generally are expected for the highest point of the cargo box or load to be no higher than 10 feet. (ATV, UTV, personal watercraft, motorcycles, rafts, canoes). These items are not allowed to be stored in the subdivision on the streets or in the driveway beyond the 48 hour loading/unloading period.

\*\*\*SIGNATURES ON NEXT PAGE\*\*\*

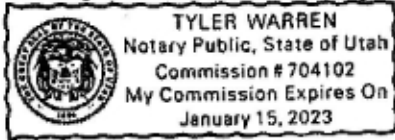
Two handwritten signatures in black ink, one above the other, located in the bottom right corner of the page.

Fruit Heights Hidden Springs Master Homeowners Association, Inc.,  
a Utah non-profit corporation

*Andrew E. Busch*  
By: ANDREW E. BUSCH  
Its: Board Member

STATE OF UTAH            )  
  : ss  
COUNTY OF Davis    )

On this 8<sup>th</sup> day of June, 2020, personally appeared before me  
Andrew E. Busch, who being by me duly sworn, did say that he/she is a Board  
Member of Fruit Heights Hidden Springs Master Homeowners Association, Inc., a Utah non-profit  
corporation and that the within and foregoing instrument was signed on behalf of said corporation  
by authority and said individual duly acknowledged to me that said corporation approved the same.



*Tyler Warren*  
Notary Public, Tyler Warren

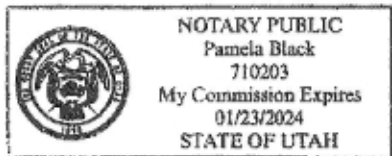
Fruit Heights Hidden Springs Master Homeowners Association, Inc.,  
a Utah non-profit corporation

*L. Scott Justensen*  
By: L. SCOTT JUSTENSEN  
Its: Board Member

STATE OF UTAH            )  
  : ss  
COUNTY OF DAVIS    )

On this 9<sup>th</sup> day of June, 2020, personally appeared before me  
L. Scott Justensen, who being by me duly sworn, did say that he/she is a Board  
Member of Fruit Heights Hidden Springs Master Homeowners Association, Inc., a Utah non-profit  
corporation and that the within and foregoing instrument was signed on behalf of said corporation  
by authority and said individual duly acknowledged to me that said corporation approved the same.

*Pamela Black*  
Notary Public



**EXHIBIT A**  
**Legal Descriptions**

**Deer Ridge Phase 1:**

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S89°46'52"W 1323.406 FEET ALONG THE SECTION LINE, SAME SAID LINE ALSO BEING THE NORTHERLY BOUNDARY LINES OF THE SUMMERWOOD PHASE 5 AND SUMMERWOOD PHASE 4 SUBDIVISIONS; THENCE S38°46'36"W, 171.767 FEET TO THE JAMES D. KNIGHT PROPERTY, THENCE N62°11'20"W, 90.079 FEET; THENCE N45°00'00"W, 128.437 FEET; THENCE N59°02'30"E, 130.604 FEET; THENCE N53°36'19"E, 296.128 FEET; THENCE N28°12'23"E 74.651 FEET; THENCE N48°10'08"E, 130.202 FEET; THENCE N17°49'59"E, 52.928 FEET; THENCE N89°57'34"E, 97.210 FEET; THENCE S68°30'21"E, 157.480 FEET; THENCE S 49°31'42"E, 106.975 FEET; THENCE N67°43'56"E, 215.103 FEET; THENCE S84°59'19"E 337.912 FEET; THENCE N80°26'30"E 113.505 FEET; THENCE N74°51'43"E 115.907 FEET; THENCE S83°17'05"E 191,400 FEET; THENCE N85°56'39"E 105.233 FEET; THENCE N89°03'45"E 142.088 FEET; THENCE S47°54'51" E 102.816 FEET; THENCE N68°27'50"E 60.000 FEET; THENCE S88°03'59"E 53.115 FEET; THENCE S01°56'01"W 122.332 FEET; THENCE S22°21'43"E 238.207 FEET; THENCE S89°10'22"W 690.917 FEET TO THE POINT OF BEGINNING. CONTAINS 17.823 ACRES AND 25 LOTS.

Tax I.D.'s: 07-246-0001 through 07-246-0035

**Deer Ridge Phase 2:**

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N89°10'22"E 623.13 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF DEER RIDGE, AT HIDDEN SPRINGS SUBDIVISION TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MAHOGANY DRIVE; THENCE THE FOLLOWING SIX COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: SOUTHEASTERLY 102.85 FEET ALONG THE ARC OF A 280.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS S31°16'16"E 102.28 FEET; THENCE S41°47'40"E 45.28 FEET; THENCE SOUTHEASTERLY 124.54 FEET ALONG THE ARC OF A 190.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS S23°01'02"E 122.32 FEET THENCE S04°14'23"E 71.16 FEET; THENCE SOUTHEASTERLY 99.68 FEET ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS S12°53'36"E 99.00 FEET; THENCE S21°32'48"E 200.54 FEET TO THE NORTHERLY BOUNDARY LINE OF DEER CREST AT HIDDEN SPRINGS SUBDIVISION; THENCE S89°10'22"W 360.00 FEET ALONG SAID NORTHERLY BOUNDARY LINE TO THE NORTHWEST CORNER OF LOT 8 OF SAID DEER CREST AT HIDDEN SPRINGS SUBDIVISION; THENCE S00°49'39"E 134.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE S89°10'21"W 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 9 OF SAID DEER CREST AT HIDDEN SPRINGS SUBDIVISION; THENCE N 00°49'39"W 134.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE S 89°10'22"W 474.85 FEET ALONG THE NORTHERLY BOUNDARY LINE OF SAID DEER CREST AT

HIDDEN SPRINGS SUBDIVISION TO THE EASTERLY BOUNDARY LINE OF THE CORNERSTONE SUBDIVISION; THENCE N00°02'44"W 591.39 FEET ALONG SAID EASTERLY BOUNDARY LINE AND EXTENDED TO THE POINT OF BEGINNING. CONTAINS 10.297 ACRES AND 24 LOTS

Tax I.D.'s: 08-431-0026 through 08-431-0029; 08-431-0032; 08-431-0033; 08-431-0035; 08-431-0036; 08-431-0038 through 08-431-0047; 08-431-0050 through 08-431-0053

**Deer Ridge Phase 2 Amended:**

BEGINNING AT A POINT WHICH IS NORTH 89°10'22" EAST 320.03 FEET ALONG THE SECTION LINE FROM THE NORTH QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE NORTH 89°10'22" EAST 204.37 FEET ALONG THE SECTION LINE; THENCE SOUTH 4°34'19" WEST 104.64 FEET TO THE NORTHERLY LINE OF ISLAND VIEW COURT AND A POINT ON A 55.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 120.45 FEET, (CENTRAL ANGLE = 125°28'29", CHORD BEARING AND DISTANCE = SOUTH 31°49'54" WEST 97.78 FEET) TO A POINT OF REVERSE CURVATURE TO A 10.50-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 5.51 FEET, (CENTRAL ANGLE = 30°05'04", CHORD BEARING AND DISTANCE = SOUTH 15°52'10" EAST 5.45 FEET); THENCE SOUTH 0°49'38" EAST 16.95 FEET; THENCE SOUTH 89°10'22" WEST 146.02 FEET; THENCE NORTH 0°02'44" WEST 208.73 FEET TO THE POINT OF BEGINNING, CONTAINING 0.8268 ACRES.

Tax I.D.: 08-475-0100

**Deer Ridge Phase 2 – 2<sup>nd</sup> Amendment:**

ALL OF LOTS 34 AND 37 OF DEER RIDGE AT HIDDEN SPRINGS PHASE 2 SUBDIVISION, AS RECORDED AT THE DAVIS COUNTY RECORDER'S OFFICE AS RECORD NO. 2314085 IN BOOK 4390 AT PAGE 261.

CONTAINS 34,437 S.F. OR 0.791 ACRES.

Tax I.D.: 08-581-0034

**Deer Field:**

BEGINNING AT A POINT S89°46'52"W 1601.48 FEET ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S89°46'52"W 476.40 FEET; THENCE N17°46'29"E 593.34 FEET; THENCE NORTHEAST 610.12 FEET ALONG THE ARC OF A 1939.13 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N26°47'18"E 607.61 FEET); THENCE N35°48'07"E 6.02 FEET; THENCE S39°46'00"E 103.30 FEET;

THENCE N35°40'39"E 101.96 FEET; THENCE S78°57'00"E 336.27 FEET; THENCE N72°12'00"E 130.49 FEET; THENCE S06°01' 32"W 108.85 FEET; THENCE N80°05'55"E 128.02 FEET; THENCE N06°01'32"E 110.71 FEET; THENCE S87°12'00"E 196.64 FEET; THENCE S47°26'00"E 96.40 FEET; THENCE S65°15'00"E 160.00 FEET; THENCE N79°00'00"E 152.00 FEET; THENCE S25°49'05"E 160.31 FEET; THENCE S43°37'46"W 156.48 FEET; THENCE S83°18'27"W 296.94 FEET; THENCE N45°04'54"W 62.46 FEET; THENCE N23°36'07"W 108.45 FEET; THENCE S89°25'39"W 28.00 FEET; THENCE S27°33'00"W 174.79 FEET; THENCE S11°15'03"W 63.89 FEET; THENCE S50°41'28"W 48.20 FEET; THENCE S55°20'50"W 189.66 FEET; THENCE S17°49'59"W 104.95 FEET; THENCE S48°10'08"W 130.20 FEET; THENCE S28°12'23"W 74.65 FEET; THENCE S53°36'19"W 296.13 FEET; THENCE S59°02'30"W 130.60 FEET TO THE POINT OF BEGINNING. CONTAINS 23.535 ACRES AND 59 LOTS.

Tax I.D.'s: 07-247-0001 through 07-247-0088

**Deer Crest Phase 1:**

BEGINNING AT A POINT WHICH IS S00°02'44"E 591.39 FEET ALONG THE QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N89°10'22"E 1088.40 FEET; THENCE S00°56'21" E 214.99 FEET; THENCE S23°27'36" E 174.36 FEET; THENCE S60°54'00"W 712.58 FEET TO THE EXTENSION OF THE SOMERSET FORM, PUD; THENCE S89°08'10"W 162.22 FEET ALONG THE NORTHERLY BOUNDARY LINE AND ITS EXTENSION OF SAID SOMERSET FARM, PUD TO THE PROPERTY CONVEYED TO THOMAS A FINDLAY; THENCE THE FOLLOWING THREE COURSES ALONG SAID THOMAS A. FINDLAY PROPERTY: (1) THENCE N00°51'50"W 50.00 FEET; (2) THENCE S89°08'10"W 135.96 FEET; (3) THENCE S00°51'50" E 50.00 FEET TO THE NORTHERLY BOUNDARY LINE OF SAID SOMERSET FARM. PUD; THENCE S89°08'10"W 239.90 FEET TO THE QUARTER SECTION LINE AND THE EASTERLY BOUNDARY LINE OF CORNERSTONE SUBDIVISION; THENCE N00°02'44"W 713.87 FEET ALONG SAID SECTION LINE AND EASTERLY BOUNDARY LINE TO THE POINT OF BEGINNING. CONTAINS 15.97 ACRES AND 36 LOTS.

Tax I.D.'s: 08-354-0001 through 08-354-0037

**Deer Crest Phase 2:**

BEGINNING AT A POINT THAT IS N89°10'2"E 688.14 FEET ALONG THE SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N89°10'22"E 617.52 FEET ALONG SAID SECTION LINE TO THE WESTERLY BOUNDARY LINE OF SHEPHARD HEIGHTS SUBDIVISION, RECORDED AS ENTRY NO. 1448314 IN THE OFFICE OF THE DAVIS COUNTY RECORDER; THENCE S00°08'27"E 888.18 FEET ALONG SAID WESTERLY BOUNDARY LINE; THENCE S60°54'00"W 167.11 FEET TO THE EAST LINE OF THE DEER CREST PHASE 1 SUBDIVISION; THENCE N23°27'36"W 174.36 FEET; THENCE N00°56'21"W 214.99 FEET, THENCE S89°10'22"W 169.40. FEET;

THENCE N21°32'48"W 223.24 FEET TO A POINT ON A 270.00 FOOT RADIUS CURVE TO THE RIGHT THE CHORD OF WHICH BEARS N12°53'36"W 81.25 FEET THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 17°18'25" A DISTANCE OF 81.56 FEET; THENCE N04°14'23"W 71.16 FEET TO A POINT ON A 250.00 FOOT RADIUS CURVE TO THE LEFT THE CHORD OF WHICH BEARS N23°01'12"W 160.95 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°33'17" A DISTANCE OF 163.86 FEET; THENCE N41°47'40"W 45.26 FEET TO A POINT ON A 220.00 FOOT RADIUS CURVE TO THE RIGHT THE CHORD OF WHICH BEARS N34°09'37"W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°16'06" A DISTANCE OF 58.63 FEET TO THE POINT OF BEGINNING.  
CONTAINS 8.21 ACRES AND 9 LOTS.

Tax I.D.'s: 08-402-0037 through 08-402-0047