

E 3281100 B 7573 P 1668-1676
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
08/12/2020 12:32 PM
FEE \$40.00 Pgs: 9
DEP RTT REC'D FOR SWAIN SUBDIVISIO
N

When recorded, return to:

H. Lewis Swain
1688 N. Canyon Circle
Farmington, Utah 84025

08-613-0101 thru 0110

Parcel Nos. 101, 102, 103, 104, 105
106, 107, 108, 109

**FIRST AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF
THE SWAIN SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE SWAIN SUBDIVISION (this "*Amendment*") is made and entered into as of July 20, 2020, by and among HLS Development, LLC, a Utah limited liability company ("*Declarant*"), and the undersigned lot owners (the "*Lot Owners*").

A. The Declarant recorded that certain Declaration of Protective Covenants, Conditions and Restriction of the Swain Subdivision on September 4, 2018, as Entry No. 3114826 in the office of the Davis County Recorder, State of Utah (the "*Declaration*").

B. The Declarant and the Lot Owners own certain real property located in Farmington, Davis County, State of Utah, as more particularly described on Exhibit A attached hereto (the "*Property*"), which is subject to the terms and conditions set forth in the Declaration.

C. Subject to the terms and condition set forth below, the Declarant the Lot Owners desire to amend the Declaration as more particularly set forth below, and have authority to make such amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant and the Lot Owners do hereby make the following amendment to the Declaration:

1. Amendment to Section 4. The third sentence of Section 4 of the Declaration, entitled "Dwelling Quality and Size," is hereby amended in its entirety as follows:

All homes shall be constructed within at least fifty percent (50%) masonry on the street facing side, and at least twenty-five percent (25%) on the remaining sides.

2. Amendment to Section 5. Section 5 of the Declaration, entitled "Lot Area," is hereby amended in its entirety as follows:

No lot shall be reduced in size from the size as shown on the recorded plat (the "Plat"). The foregoing restriction shall not, however, apply to lots #102, #105, #107 and #109.

3. Effectiveness. All other provisions of the Declaration, as amended by this Amendment, shall remain in full force and effect.

4. Counterparts. This Amendment may be executed in separate counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

[Remainder of page intentionally left blank; signature page to follow]

Exhibit A
Declaration of Protective Covenants
Conditions and Restrictions
Swain Subdivision

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF NORTH COMPTON ROAD AS DEDICATED BY THE OFFICIAL PLAT OF SHEPARD HEIGHTS SUBDIVISION; SAID POINT BEING WEST 1142.07 FEET AND SOUTH 180.57 FEET FROM THE EAST QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN AND RUNNING THENCE 19.26 FEET ALONG A 12.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD OF WHICH BEARS SOUTH 10°01'00" WEST 17.26 FEET) TO THE NORTH RIGHT OF WAY LINE OF 1400 NORTH STREET; THENCE SOUTH 56°00'27" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF 1400 NORTH STREET, 800.89 FEET; THENCE NORTH 37°53'23" WEST 17.90 FEET TO A POINT ON THE SOUTH LINE OF SHEPARD CREEK COUNTRY ESTATES PUD; THENCE NORTH 32°48'07" EAST, ALONG SAID SOUTH LINE, 708.11 FEET; THENCE NORTH 54°01'34" EAST 159.14 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTH COMPTON ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) CALLS: 60.18 FEET ALONG A CURVE WITH A 330.00 FOOT RADIUS TO THE LEFT (LONG CHORD OF WHICH BEARS SOUTH 30°26'30" EAST 60.10 FEET); THENCE SOUTH 35°58'26" EAST 230.11 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.443 ACRES AND 10 LOTS

IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

LOT OWNER: Lot 102

By: [Signature]
Name: Sanya Jarrett

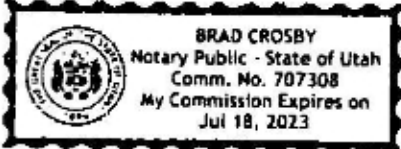
By: [Signature]
Name: Jon Jarrett

STATE OF UTAH)
:SS.
COUNTY OF DAVIS)

On the 20th day of July 2020, personally appeared before me Sanya Jarrett, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.

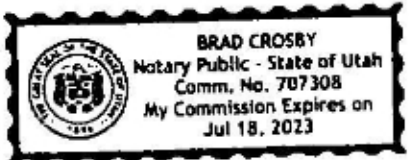
[Signature]
Notary Public

STATE OF UTAH)
:SS.
COUNTY OF DAVIS)



On the 20th day of July 2020, personally appeared before me Jon A Jarrett, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.

[Signature]
Notary Public



IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

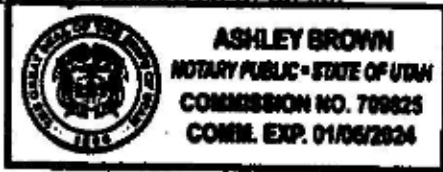
LOT OWNER: LOT 103

By: Kenneth Frost
Name: Kenneth Frost

By: SHYLA FROST
Name: Shyla Frost

STATE OF Utah)
) :ss.
COUNTY OF Davis)

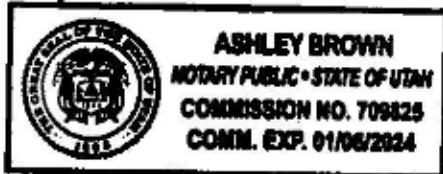
On the 22 day of JULY 2020, personally appeared before me Kenneth Frost, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



Ashley BROWN
Notary Public

STATE OF Utah)
) :ss.
COUNTY OF DAVIS)

On the 22 day of JULY 2020, personally appeared before me Sheld Frost, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



Ashley BROWN
Notary Public

IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

LOT OWNER: LOT 104

Todd & Brooke Barnett

By: [Signature]

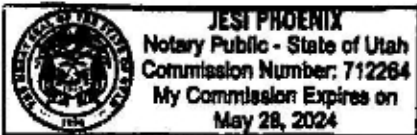
Name: Todd Barnett

By: [Signature]

Name: Brooke Barnett

STATE OF Utah)
:SS.
COUNTY OF Davis)

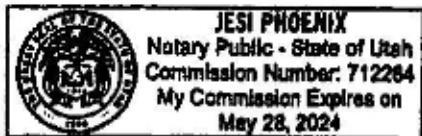
On the 27 day of July, 2020, personally appeared before me Todd Barnett, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



[Signature]
Notary Public

STATE OF Utah)
:SS.
COUNTY OF Davis)

On the 27 day of July, 2020, personally appeared before me Brooke Barnett who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



[Signature]
Notary Public

IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

LOT OWNER: LOT 105

By: *J. M. Alphin*

Name: Joseph Alphin

By: _____

Name: _____

STATE OF Utah)
 :SS.
COUNTY OF Weber)

On the 23 day of July 2020, personally appeared before me _____, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



Mindi Herrera
Notary Public

STATE OF _____)
 :SS.
COUNTY OF _____)

On the ____ day of _____ 2020, personally appeared before me _____, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.

Notary Public

IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

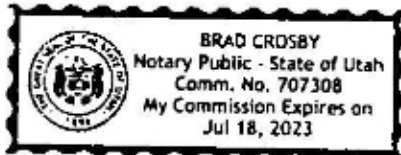
LOT OWNER: LOT 107

By: *Brack Williams*
Name: Brack Williams

By: *Tyra Williams*
Name: Tyra Williams

STATE OF UTAH)
) :SS.
COUNTY OF DAVIS)

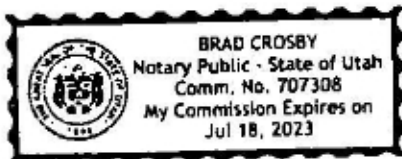
On the 22nd day of July 2020, personally appeared before me _____, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.



Brad Crosby
Notary Public

STATE OF UTAH)
) :SS.
COUNTY OF DAVIS)

On the 22nd day of July 2020, personally appeared before me _____, who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenant, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.

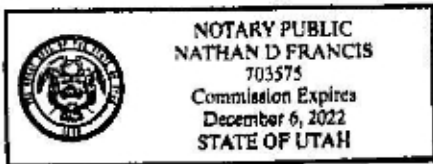


Brad Crosby
Notary Public

IN WITNESS WHEREOF, the Declarant and the Lot Owners have executed this Amendment as of the day and year first written above.

DECLARANT: LOTS #106, #109, #110

HLS Development, LLC



By: [Signature]
Name: _____
Title: Declarant and lot owner

STATE OF UT)
) :ss.
COUNTY OF DEW)

On the 3 day of August 2020, personally appeared before me Harry Lewis Swain who is personally known to me and who duly acknowledged that he/she/it, signed the foregoing First Amendment to Declaration of Protective Covenants, Conditions and Restrictions of The Swain Subdivision, voluntarily for his/her/its stated purpose and is duly authorized to do so.

[Signature]
Notary Public