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BK 7996 PG 300

Office of the Davis County Recorder



Davis
COUNTY

U.S. DEPARTMENT OF THE INTERIOR

E 3472761 B 7996 P 300-307
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/26/2022 09:56 AM
FEE \$104.00 Pgs: 8
DEP RT REC'D FOR FRUIT HEIGHTS CIT
Y

Recorder
Richard T. Maughan
Chief Deputy
Laile H. Lomax

THE UNDERLYING DOCUMENT ATTACHED HERETO IS AN ORIGINAL DOCUMENT SUBMITTED FOR RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF DAVIS COUNTY, UTAH. THE DOCUMENT HAS INSUFFICIENT MARGIN SPACE FOR THE REQUIRED RECORDING ENDORSMENT STAMP. THIS PAGE BECOMES THE FRONT PAGE OF THE DOCUMENT FOR RECORDING PURPOSES.

THE DOCUMENT HEREIN RECORDED IS A Declaration
(Document Type)

07-358-0001 → 0048
Tax Serial Number(s)

**SECOND AMENDMENT TO THE AMENDED & RESTATED
SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS &
RESTRICTIONS FOR
DEER COVE SUBDIVISION** D

(A Neighborhood and Sub-Association within Hidden Springs Master Community)
In Davis County, Utah

[This is a corrected Second Amendment, correcting the incorrect legal description included as Exhibit A to the Second Amendment recorded March 10, 2022 as Entry No. 3462256]

THIS SECOND AMENDMENT TO THE AMENDED & RESTATED SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEER COVE SUBDIVISION (this "Second Amendment") is hereby adopted by the Fruit Heights Hidden Springs Deer Cove Sub-Homeowners Association, Inc. ("Deer Cove Association"), for and on behalf of its Members, and made effective as of the date recorded in the Davis County Recorder's Office.

In the event of conflict between this Second Amendment and the Master Declaration, this Second Amendment shall control with regard to the Lots and Owners within the Deer Cove Association.

RECITALS:

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

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

(C) On or about August 21, 2006, a Plat Map depicting Deer Cove at Hidden Springs was recorded in the Davis County Recorder's Office as Entry No. 2194583 ("Deer Cove Plat").

(D) On or about November 15, 2006, an Amendment to the Declaration of Covenants, Conditions, Agreements & Restrictions of Hidden Springs Master Community was recorded in the Davis County Recorder's Office as Entry No. 2219117.

(E) On or about January 11, 2019, an Amended & Restated Declaration of Covenants, Conditions & Restrictions was recorded as Entry No. 3138096, which replaced the earlier declaration affecting the Master Community ("Master Declaration").

(F) On or about January 18, 2019, an Amended & Restated Supplemental Declaration of Covenants, Conditions & Restrictions for Deer Cove Subdivision (A Neighborhood and Sub-

Association within Hidden Springs Mater Community) was also recorded as Entry No. 3139430 ("Deer Cove Declaration").

(G) On or about June 17, 2019, an Amended Notice of Reinvestment Fee Covenant was recorded as Entry No. 3166317.

(H) On or about May 12, 2020, a First Amendment to the Amended & Restated Supplemental Declaration of Covenants, Conditions & Restrictions for Deer Cove Subdivision (A Neighborhood and Sub-Association within Hidden Springs Mater Community) was also recorded as Entry No. 3250737 ("Deer Cove First Amendment").

(I) With approval of the Fruit Heights Hidden Springs Master Homeowners Association, Inc. ("Master Association"), the Deer Cove Association and its Members, consistent with the Deer Cove Declaration and any subsequent amendments (including any not referenced herein), hereby adopt this Second Amendment. It is the intent of this Second Amendment to replace reference to previous subdivisions plats of record and to adopt and recognize the **Deer Cove at Hidden Springs PRUD Subdivision Amended Plat** as the effective plat for the Deer Cove at Hidden Springs Subdivision and for the Deer Cove Association, replacing all previous plats.

(J) In accordance with Utah Code § 10-9a-606(5), the Deer Cove Association has obtained no less than 67% of the total voting interest consenting to this Second Amendment making any necessary conveyance of Common Area in order to adjust the Lot boundaries as set forth in **Exhibit B. Further, The Deer Cove Association has obtained the written approval on a corrected and final plat from all owners whose Lot, Limited Common Area or Private Area is being impacted by this Second Amendment.**

(K) Pursuant to Article 19.7 of the Deer Cove Declaration and the Utah Community Association Act, Owners of record, holding not less than sixty-seven percent (67%) of the total voting power of the Deer Cove Association, provided their written consent approving and consenting to the recording of this Second Amendment.

CERTIFICATION

By signing below, the Board hereby certifies that the above described approvals were obtained, approving, and consenting to the recording of this Second Amendment.

NOW, THEREFORE, pursuant to the foregoing, the Board of Directors of the Deer Cove Association hereby makes and executes this Second 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 Second Amendment, the Deer Cove Declaration, as amended, remains 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 Second Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Second Amendment acting in said capacity.
4. Conflicts. In the case of any conflict between the provisions of this Second Amendment and the provisions of the Master Declaration, Deer Cove Declaration, or any prior amendments, the provisions of this Second Amendment shall in all respects govern and control for the Property. In the case of any existing provisions that could be interpreted as prohibiting the modifications set forth in this Second Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this Second Amendment. It is the intent of this Second Amendment that certain maintenance and insurance responsibilities will be modified as a result of the correct boundaries.

AMENDMENTS

5. **Exhibit B** of the Deer Cove Declaration is hereby replaced with a new "**Exhibit B**", the Deer Cove at Hidden Springs PRUD Subdivision Amended Plat, which was recorded of even date herein, attached hereto and incorporated herein.

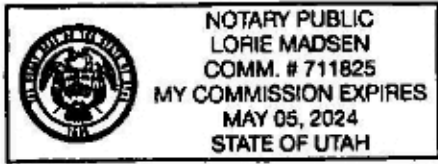
SIGNATURES ON NEXT PAGE

Fruit Heights Hidden Springs Deer Cove Sub-Homeowners Association, Inc.,
a Utah non-profit corporation

By: Michael Alphin
Its: President
Michael Alphin
STATE OF UTAH)

) : ss
COUNTY OF Washington)

On this 15 day of April, 2022, personally appeared before me Michael Alphin, who being by me duly sworn, did say that he/she is the President of Fruit Heights Hidden Springs Deer Cove Sub-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.



Lorie Madsen
Notary Public

Fruit Heights Hidden Springs Deer Cove Sub-Homeowners Association, Inc.,
a Utah non-profit corporation

By: Thieda Wellman
Its: Board Member

STATE OF UTAH)
) : ss
COUNTY OF)

On this 19th day of April, 2022, personally appeared before me Thieda Rae Wellman, who being by me duly sworn, did say that he/she is the President of Fruit Heights Hidden Springs Deer Cove Sub 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.



Suzanne D. Wright
Notary Public

Exhibit "A"
Legal Description

Parcel 1

Beginning at a point which is N 00° 02' 53" W 313.37 feet and S 89° 57' 07" W 777.21 feet from the South Quarter Corner of Section 1, Township 3 North, Range 1 West, Salt Lake Base and Meridian; and running thence N 49° 31' 42" W 58.81 feet; thence S 47° 30' 49" W 18.39 feet; thence N 42° 29' 11" W 73.37 feet; thence N 68° 30' 21" W 129.02 feet; thence S 89° 57' 34" W 97.21 feet; thence N 17° 49' 17" E 52.01 feet; thence N 55° 20' 50" E 189.66 feet; thence N 50° 41' 28" E 48.20 feet; thence N 11° 15' 03" E 63.89 feet; thence N 27° 33' 00" E 174.79 feet; thence N 89° 25' 39" E 28.00 feet; thence S 23° 36' 07" E 108.45 feet; thence S 45° 04' 54" E 62.46 feet; thence N 83° 18' 27" E 296.94 feet; thence N 43° 37' 46" E 156.48 feet; thence N 25° 49' 05" W 160.31 feet; thence N 45° 18' 33" E 149.09 feet; thence N 26° 40' 00" E 205.69 feet; thence S 69° 53' 00" E 289.89 feet; thence S 03° 13' 00" W 375.00 feet; thence S 71° 03' 00" E 370.74 feet; thence N 12° 08' 00" E 600.60 feet; thence N 86° 17' 45" E 132.38 feet; thence S 09° 53' 13" E 0.81 feet; thence Southwesterly 52.16 feet along the arc of a 95.00 foot radius curve to the right, chord bears S 05° 50' 36" W 51.51 feet; thence S 21° 34' 26" W 520.07 feet; thence Southwesterly 101.57 feet along the arc of a 124.65 foot radius curve to the right, chord bears S 44° 55' 00" W 98.78 feet; thence S 81° 18' 54" W 15.49 feet; thence Southwesterly 116.77 feet along the arc of a 120.00 foot radius curve to the left, chord bears S 40° 23' 00" W 112.21 feet; thence Southwesterly 8.89 feet along the arc of an 11.50 foot radius curve to the right, chord bears S 59° 49' 36" W 8.67 feet; thence S 81° 58' 45" W 15.04 feet; thence S 08° 01' 15" E 50.00 feet; thence Southeasterly 14.70 feet along the arc of a 11.50 foot radius curve to the right, chord bears S 61° 24' 21" E 13.72 feet; thence Southeasterly 151.06 feet along the arc of a 150.00 foot radius curve to the left, chord bears S 28° 41' 22" E 144.76 feet; thence S 89° 03' 45" W 142.09 feet; thence S 85° 56' 39" W 105.23 feet; thence N 83° 17' 05" W 191.40 feet; thence S 74° 51' 43" W 115.91 feet; thence S 80° 26' 30" W 113.50 feet; thence N 84° 59' 19" W 337.91 feet; thence S 67° 43' 56" W 215.10 feet, to the Point of Beginning.

Contains 16.890 acres and 38 lots.

Parcel 2

Beginning at a point on the Easterly Right-of-Way of Mahogany Road, said point being N 00° 02' 53" W 353.86 feet and N 89° 57' 07" E 551.56 feet from the South Quarter Corner of Section 1, Township 3 North, Range 1 West, Salt Lake Base and Meridian; and running the following ten courses along said Easterly Right-of-Way: (1) thence Northwesterly 94.26 feet along the arc of a 150.00 foot radius curve to the left, chord bears N 39° 32' 16" W 92.71 feet; (2) thence N 57° 32' 22" W 48.46 feet; (3) thence Northwesterly 91.65 feet along the arc of a 90.00 foot radius curve to the right, chord bears N 28° 22' 01" W 87.74 feet; (4) thence

N 00° 48' 21" E 36.55 feet; (5) thence Northeasterly 70.64 feet along the arc of a 60.00 foot radius curve to the right, chord bears N 34° 31' 57" E 66.63 feet; (6) thence N 36° 04' 20" E 17.83 feet; (7) thence Northeasterly 121.69 feet along the arc of a 149.35 foot radius curve to the left, chord bears N 44° 55' 00" E 118.35 feet; (8) thence N 21° 34' 26" E 536.29 feet; (9) thence Northeasterly 74.13 feet along the arc of a 135.00 foot radius curve to the left, chord bears N 05° 50' 36" E 73.20 feet; (10) thence N 09° 53' 13" W 250.78 feet to the Southerly Boundary Line of Spring Hollow Estates Phase 2 Subdivision; thence N 73° 28' 00"

E 25.29 feet along said Southerly Boundary Line to the extension of the Westerly Boundary Line of the U.S. Forest Service as recorded in Book 3030 at Page 768 in the Office of the Davis County Recorder, said point being N 10° 02' 47" W 4.93 feet from a found standard USFS monument marked "AP A"; thence S 10° 02' 47" E 260.17 feet to "AP B" of said Westerly Boundary Line, said point being S 10° 04' 47" E 88.00 feet from a found standard USFS monument marked Witness Corner to "AP B"; thence S 19° 36' 56" W 347.51 feet to a found standard USFS monument marked "AP C"; thence S 21° 36' 32" W 141.96 feet to a found standard USFS monument marked "AP D"; thence S 04° 12' 01" E 330.88 feet to a found standard USFS monument marked "AP E"; thence S 01° 51' 15" W 268.94 feet to a found standard USFS monument marked "AP F"; thence S 22° 29' 39" E 238.04 feet to a found standard USFS monument marked "AP G", said point also being on the Section Line; thence S 89° 10' 22" W 20.06 feet along the Section Line to the Easterly Boundary Line of Deer Ridge at Hidden Springs Subdivision; thence the following three courses along said Easterly Boundary Line: (1) thence N 22° 21' 43" W 238.21 feet; (2) thence N 01° 56' 01" E 122.33 feet; (3) thence N 88° 03' 59" W 53.11 feet, to the Point of Beginning.

Contains 1.885 acres and 4 lots.

Exhibit "B"
New Plat