

RETURNED

DEC 20 2023

E 3554972 B 8403 P 110-116
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/20/2023 10:18 AM
FEE 174.00 Pgs: 7
DEP JMF REC'D FOR GOLDEN
SPIKE HOA MANAGER

After Recording Return to:

Smith Knowles P.C.
2225 Washington Blvd Ste. 200
Golden, UT 84001

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS for Riverside Place Subdivision, a Master Community
&
FIRST AMENDMENT TO THE SUB-ASSOCIATION DECLARATION OF
COVENANTS, CONDITIONS & RESTRICTIONS for Riverside Place Adult Community
and Sub-Association**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS for Riverside Place Subdivision, a Master Community & FIRST AMENDMENT TO THE SUB-ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS for Riverside Place Adult Community and Sub-association ("Combined Amendment") hereby amends that certain Master Declaration, as amended, recorded on July 18, 2018, as Entry No. 3105536 and that certain Sub-Association Declaration, recorded on December 18, 2019, as Entry No. 3212060 and is adopted by the Visionary Homes 2022, LLC, a Utah limited liability company, the successor Declarant to MB – Riverside Place, LLC and MB – Riverside Place Phase 4, 5, 6, LLC (hereinafter "Declarant") and made effective as of the date recorded in the Davis Recorder's Office.

The Sub-association has received the approval of the Master Association/Declarant, consenting to the recording of this Combined Amendment.

RECITALS:

(A) This Combined Amendment affects and concerns the real property located in Davis County, Utah, and more particularly described in the attached **Exhibit "A"** ("Master Community"). This Combined Amendment also affects and concerns the Adult Community located within the Master Community, as set forth in **Exhibit "B."**

(B) On or about August 16, 2017, a Plat Map depicting Phase 1 for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3039013.

(C) On or about August 16, 2017, a Plat Map depicting Phase 2 for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3039013.

(D) On or about July 18, 2018, the Declaration of Covenants, Conditions and Restrictions for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3105536, as modified by the First Amendment, converting such declaration to a "Master Declaration."

(E) On or about July 15, 2019, a Plat Map depicting Phase 3 for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3172405.

(F) The First Amendment to the Declaration of Covenants, Conditions and Restrictions for Riverside Place Subdivision, a Master Community was recorded on December 13, 2019, as Entry No. 3211223, creating the Master Declaration and Master Community.

(G) Sub-Association Declaration of Covenants, Conditions and Restrictions for Riverside Place Adult Community, recorded on December 18, 2019, in the Davis County Recorder's Office as Entry No. 3212060 ("Declaration" or "Sub-Association Declaration") creating the Adult Community.

(H) On or about May 16, 2022, a Plat Map depicting Phase 4 for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3477043 ("Phase 4 Plat").

(I) As authorized by Articles 21.8 of the Master Declaration, Declarant may amend the Declaration in Declarant's sole discretion.

(J) Declarant desires to clarify the designations, boundaries and responsibilities for Lots 323-R, Lots 411-R, 410-R, 409-R, 408-R, 407-R, and 406-R.

NOW, THEREFORE, pursuant to the foregoing, Declarant hereby makes and executes this Combined 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 Combined Amendment and the subsequent Sub-association Declaration, the Master Declaration remains in full force and effect.

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

4. **Conflicts.** In the case of any conflict between the provisions of this Combined Amendment and the provisions of the Master Declaration and the provisions of this Combined Amendment shall in all respects govern and control. In the case of any existing provision with the Master Declaration that could be interpreted as prohibiting the modifications set forth in this

Combined Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this Combined Amendment.

AMENDMENTS

5. Annexation. Pursuant to Articles VI and XV of the Master Declaration, Declarant hereby confirms annexation of Phases 1 through 4 to the Master Community.

6. Lot 323-R Common Area Designation. Lot 323-R shall be Common Area within the Adult Community, with all related responsibilities, rights, and obligations.

7. Phase 4 Easements. As depicted in the Phase 4 Plat, a powerline easement exists through portions of Lots 406-R, 407-R, and 408-R. The boundaries of these Lots have been adjusted accordingly and depict the location of Dwellings constructed or to be constructed. The Phase 4 Plat also depicts a 10 foot wide General Utility Easement through portions of Lots 411-R, 410-R, 409-R, 408-R, and 407-R ("GUE Easement"). This GUE Easement remains under the ownership of individual Lot Owners. Notwithstanding, the Association shall provide the general landscaping maintenance for this area.

VISIONARY HOMES 2022, LLC, the Declarant

By: Craig Winder
Its: Authorized Agent

STATE OF UTAH)
)
COUNTY OF Cache) : ss

On this 15th day of November, 2023, personally appeared before me Craig Winder, who being by me duly sworn, did say that they are a Authorized Agent of VISIONARY HOMES 2022, LLC, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company by authority and said member duly acknowledged to me that said limited liability company approved the same.

Kaye Lucherini
Notary Public

Residing at: Hyde Park

My Commission Expires: 05/04/2026

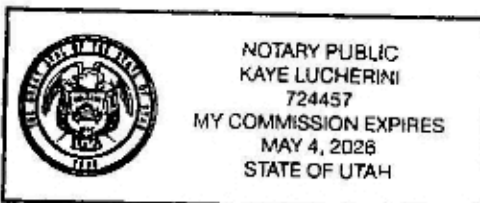


Exhibit "A"

ALL OF LOT 1-R, RIVERSIDE PLACE PHASE 1 SUBDIVISION. CONT. 0.17300 ACRES.

Serial No. 13-322-0001

ALL OF LOT 201-R THROUGH LOT 226-R, RIVERSIDE PLACE PHASE 2 SUBDIVISION.

Serial Nos. 13-323-0201 through 13-323-0226.

Undeveloped Land

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 1129.01 FT & S 89°23'21" E 752.45 FT FR THE NW COR OF SD SEC 28; TH N 85°34'51" E 211.98 FT; TH S 87°38'59" E 90.62 FT; TH S 75°07'00" E 70.16 FT; TH S 72°40'46" E 102.89 FT; TH S 01°16'53" W 183.55 FT; TH S 85°35'00" W 464.25 FT; TH N 04°25'00" W 92.29 FT; TH N 10°34'05" E 72.46 FT; TH N 04°25'08" W 92.31 FT TO THE POB. CONT. 2.566 ACRES

Serial No. ~~13-345-0079~~ 13-345-0301 through 13-345-0304, 13-345-0322 through 13-345-0322

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 849.34 FT & S 89°23'21" E 489.66 FT FR THE NW COR OF SD SEC 28; TH N 80°22'55" E 203.16 FT; TH ALG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 164.86 FT, AN ARC LENGTH OF 38.98 FT, A DELTA ANGLE OF 13°32'51", A CHORD BEARING OF N 02°50'57" W, & A CHORD LENGTH OF 38.89 FT; TH N 03°55'30" E 78.31 FT; TH S 85°49'29" E 180.83 FT; TH S 04°10'30" W 80.00 FT; TH S 85°49'29" E 193.76 FT; TH N 57°40'43" E 79.14 FT; TH S 88°39'10" E 112.04 FT; TH S 01°20'50" W 96.57 FT; TH N 90°00'00" E 8.44 FT; TH S 03°11'39" W 136.61 FT; TH S 11°32'42" W 70.01 FT; TH S 04°07'05" W 100.74 FT; TH N 72°40'46" W 102.89 FT; TH N 75°07'00" W 70.16 FT; TH N 87°38'59" W 90.62 FT; TH S 85°34'51" W 211.98 FT; TH S 86°20'54" W 54.26 FT; TH N 44°30'55" W 65.00 FT; TH N 42°05'36" W 65.00 FT; TH N 31°44'02" W 65.00 FT; TH N 31°10'21" W 159.01 FT TO THE POB. CONT. 5.438 ACRES LESS & EXCEPT THAT PPTY DESC IN QC DEED RECORDED 12/13/2017 AS E# 3064348 BK 6910 PG 386 AS (PH 4 LOT 409) DESC AS FOLLOWS: PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 1130.47 FT & S 89°23'21" E 1122.17 FT FR THE NW COR OF SD SEC 28; TH N 72°40'46" W 102.89 FT; TH N 11°04'18" E 85.65 FT; TH ALG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 5.50 FT, AN ARC LENGTH OF 8.79 FT, A DELTA ANGLE OF 91°35'22", A CHORD BEARING OF N 56°51'59" E, & A CHORD LENGTH OF 7.89 FT; TH S

77°20'20" E 84.46 FT; TH S 04°07'05" W 100.74 FT TO THE POB. CONT. 0.210 ACRES
TOTAL ACREAGE 5.228 ACRES

Serial No. ~~13-018-0080~~ **13-345-0305 through 13-345-0321**

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 854.28 FT & S 89°23'21" E 1246.32 FT FR THE NW COR OF SD SEC 28; TH E 245.75 FT, M/L, TO THE W LINE OF STAN COOK SUB PHASE 2 AMD AS SURVEYED; TH S 01°22'05" W 468.44 FT; TH S 85°34'52" W 268.33 FT; TH N 01°16'53" E 183.55 FT; TH N 04°07'05" E 100.74 FT; TH N 11°32'42" E 70.01 FT; TH N 03°11'39" E 136.61 FT TO THE POB. CONT. 2.853 ACRES

Serial No. ~~13-018-0081~~ **13-357-0501 through 13-357-0509**

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 696.26 FT & S 89°23'21" E 691.77 FT FR THE NW COR OF SD SEC 28; TH N 03°55'30" E 291.60 FT; TH S 86°00'06" E 434.61 FT; TH S 89°50'59" E 100.85 FT; TH S 01°20'50" W 327.82 FT; TH N 88°39'10" W 112.04 FT; TH S 57°40'43" W 79.14 FT; TH N 85°49'29" W 193.76 FT; TH N 04°10'30" E 80.00 FT; TH N 85°49'29" W 180.83 FT TO THE POB. CONT. 4.163 ACRES

Serial No. ~~13-018-0082~~ **13-018-0087 13-363-0401 through 13-363-0411**

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S 00°36'39" W 1130.47 FT & S 89°23'21" E 1122.17 FT FR THE NW COR OF SD SEC 28; TH N 72°40'46" W 102.89 FT; TH N 11°04'18" E 85.65 FT; TH ALG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 5.50 FT, AN ARC LENGTH OF 8.79 FT, A DELTA ANGLE OF 91°35'22", A CHORD BEARING OF N 56°51'59" E, & A CHORD LENGTH OF 7.89 FT; TH S 77°20'20" E 84.46 FT; TH S 04°07'05" W 100.74 FT TO THE POB. CONT. 0.210 ACRES

Serial No. ~~13-018-0083~~ **pt 13-345-0305**

Exhibit "B"

Lots within Sub-Association & subject to Age Requirements as housing for older persons pursuant to the Fair Housing Act and Housing for Older Persons Act of 1995

Phase 1:

Lot 1-R

Phase 2:

Lot 201-R

Lot 202-R

Lot 203-R

Lot 204-R

Lot 205-R

Lot 206-R

Lot 207-R

Lot 208-R

Lot 209-R

Lot 210-R

Lot 211-R

Lot 212-R

Lot 213-R

Lot 214-R

Lot 215-R

Lot 216-R

Lot 217-R

Lot 218-R

Lot 219-R

Lot 220-R

Lot 221-R

Lot 222-R

Lot 223-R

Lot 224-R

Lot 225-R

Lot 226-R

Phase 3:

Lot 301-R

Lot 302-R

Lot 303-R

Lot 304-R

Lot 305-R
Lot 306-R
Lot 307-R
Lot 308-R
Lot 309-R
Lot 310-R
Lot 311-R
Lot 312-R

Lot 321-R
Lot 322-R
Lot 324-R
Lot 325-R
Lot 326-R
Lot 327-R
Lot 328-R

Lot 323-R (Common Area)