

RETURNED
MAR 22 2024

E 3565128 B 8465 P 333-340
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
3/22/2024 11:50 AM
FEE 172.00 Pgs: 8
DEPIC REC'D FOR GOLDEN
SPIKE REALTY MANAGEMENT

After Recording Return to:

Riverside Place
PO Box 238
Pay, UT 84407

FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS for Riverside Place Subdivision, a Master Community, (& Riverside Place Adult Community)

THIS FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS for Riverside Place Subdivision, a Master Community ("Fifth Amendment") hereby amends that certain Master Declaration, as amended, recorded on July 18, 2018, as Entry No. 3105536 and is adopted by the Visionary Homes 2022, LLC, a Utah limited liability company, (hereinafter "Declarant") and made effective as of the date recorded in the Davis Recorder's Office.

RECITALS:

(A) This Fifth Amendment affects and concerns the real property located in Davis County, Utah, and more particularly described in the attached **Exhibits "A" and "B"** ("Master Community").

(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 October 20, 2020, the Supplemental Declaration of Covenants, Conditions & Restrictions for Riverside Place Subdivision, a Master Community was recorded in the office of the Davis County Recorder, as Entry No. 3299945.

(I) On or about April 28, 2021, another Supplemental Declaration of Covenants, Conditions & Restrictions for Riverside Place Subdivision, a Master Community was recorded in the office of the Davis County Recorder, as Entry No. 3376414.

(J) On or about September 24, 2021, the Fourth Amendment to the Declaration of Covenants, Conditions & Restrictions for Riverside Place Subdivision was recorded in the Davis County Recorder's Office as Entry No. 3421837.

(K) 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").

(L) The Second Amendment to the Declaration of Covenants, Conditions, & Restrictions for Riverside Place Subdivision and First Amendment to the Sub-Association Declaration of Covenants, Conditions & Restrictions for Riverside Place Adult Community, recorded on December 20, 2023, as Entry No. 3554972 ("Second Amendment").

CERTIFICATION

By signing below, the Board hereby certifies that pursuant Article 21.8 of the Master Declaration, the Association has obtained the approval or written consent of at least sixty-seven (67%) of the total voting interest in the Association.

NOW, THEREFORE, pursuant to the foregoing, Declarant hereby makes and executes this Fifth 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 Fifth 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 Fifth Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Fifth Amendment acting in said capacity.

4. Conflicts. In the case of any conflict between the provisions of this Fifth Amendment and the provisions of the Master Declaration and the provisions of this Fifth 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 Fifth Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this Fifth Amendment.

AMENDMENT

5. Article 11.16(d) of the Master Declaration is hereby deleted in its entirety and replaced with the following (Also, to the extent necessary Article 11.5 is hereby modified to allow the following):

- 11.16(d). Fire pits and similar Improvements may be allowed if approved by the Association through the ACC process. The Board may also adopt rules with respect to the size, type, fuel-type, design, and other criteria and considerations for fire pits and other similar outdoor Improvements.

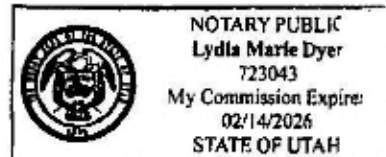
**RIVERSIDE PLACE HOMEOWNERS' ASSOCIATION, INC. & RIVERSIDE PLACE
ADULT COMMUNITY OWNERS ASSOCIATION, INC.**

[Signature]
By: Braxton Buckway
Its: Master Board President

STATE OF UTAH)
: ss
COUNTY OF Weber)

On this 15 day of March, 2024, personally appeared before me Braxton Buckway, who being by me duly sworn, did say that they are the Master Board President and that the within and foregoing instrument was signed on behalf of said corporations by authority and said member duly acknowledged to me that said corporation approved the same.

[Signature]
Notary Public
Residing at: Zions Bank - Roy
My Commission Expires: 2/14/2026



**RIVERSIDE PLACE HOMEOWNERS' ASSOCIATION, INC. & RIVERSIDE PLACE
ADULT COMMUNITY OWNERS ASSOCIATION, INC.**

[Signature]
By: Marlesse Jones
Its: Sub-Association Board President

STATE OF UTAH)
: ss
COUNTY OF Weber)

On this 15th day of March, 2024, personally appeared before me Marlesse Jones, who being by me duly sworn, did say that they are the Sub-Association Board President and that the within and foregoing instrument was signed on behalf of said corporations by authority and said member duly acknowledged to me that said corporation approved the same.

[Signature]
Notary Public
Residing at: Roy, Utah
My Commission Expires: 07/13/2027

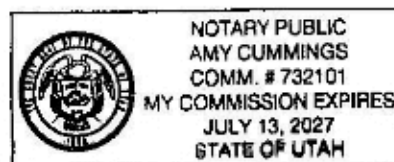


Exhibit "A"

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

Serial No. 13-322-0001 *correct*

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

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

Undeveloped Land *Riverside Place Sub Ph 3 lots 301-R to 328-R & Parcel A*
13-345-0301 thru 13-345-0329

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. 13-345-0301 through 13-345-0304, 13-345-0322 through 13-345-0329 *correct*

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. 13-345-0305 through 13-345-0321 *correct*

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

Riverside Place Sub Ph 5

lots 501-R to 509-R

13-357-0501 thru 13-357-0509

100.74 FT; TH N $11^{\circ}32'42''$ E 70.01 FT; TH N $03^{\circ}11'39''$ E 136.61 FT TO THE POB. CONT. 2.853 ACRES

Serial No. 13-357-0501 through 13-357-0509 *correct*

Riverside Place Sub Ph 4 lots 401-R to 411-R
PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S $00^{\circ}36'39''$ W 696.26 FT & S $89^{\circ}23'21''$ E 691.77 FT FR THE NW COR OF SD SEC 28; TH N $03^{\circ}55'30''$ E 291.60 FT; TH S $86^{\circ}00'06''$ E 434.61 FT; TH S $89^{\circ}50'59''$ E 100.85 FT; TH S $01^{\circ}20'50''$ W 327.82 FT; TH N $88^{\circ}39'10''$ W 112.04 FT; TH S $57^{\circ}40'43''$ W 79.14 FT; TH N $85^{\circ}49'29''$ W 193.76 FT; TH N $04^{\circ}10'30''$ E 80.00 FT; TH N $85^{\circ}49'29''$ W 180.83 FT TO THE POB. CONT. 4.163 ACRES

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

PART OF THE NW 1/4 OF SEC 28-T5N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT, SD PT BEING S $00^{\circ}36'39''$ W 1130.47 FT & S $89^{\circ}23'21''$ E 1122.17 FT FR THE NW COR OF SD SEC 28; TH N $72^{\circ}40'46''$ W 102.89 FT; TH N $11^{\circ}04'18''$ 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 $91^{\circ}35'22''$, A CHORD BEARING OF N $56^{\circ}51'59''$ E, & A CHORD LENGTH OF 7.89 FT; TH S $77^{\circ}20'20''$ E 84.46 FT; TH S $04^{\circ}07'05''$ W 100.74 FT TO THE POB. CONT. 0.210 ACRES

Serial No. 13-345-0305 pt *Pt lot 305-R (Ph 3)*
pt street

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)