

608336

AMENDMENT TO DECLARATION OF BUILDING AND USE RESTRICTIONS

WHEREAS, the Undersigned is the Owner of the following described real property in the City of Clearfield, County of Davis, State of Utah:

All of Lots 1 to 108, inclusive, AMENDED PLAT OF MELANIE ACRES SUBDIVISION PHASE 3, a Subdivision of part of Section 14, Township 4 North, Range 2 West, Salt Lake Meridian, and

WHEREAS, a Declaration of Building and Use Restrictions and Party Wall Declaration was executed affecting said property dated January 11, 1982 and recorded January 12, 1982 as Entry No. 607319 in Book 890, page 174 of Official Records of Davis County, Utah, and the Undersigned is desirous of amending said Declaration,

- Abstracted
- Indexed
- Entered
- Platted
- On Margin
- Compared

NOW THEREFORE, said Declaration is hereby Amended by Amending Paragraphs 1 and 4 to read as follows:

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one attached or detached single-family dwelling not to exceed two stories in height and private garages and/or carports for not more than three vehicles. All construction is to be of new materials, except that used brick may be used with prior written consent and approval of the Architectural Control Committee.
4. BUILDING LOCATION: (a) No building shall be permitted or located on any lot nearer than 25 feet to the front lot line, nor nearer than 20 feet to any side lot line. (b) A detached dwelling may be located adjoining a zero lot line on an interior lot line, or some dwellings shall have a common wall with an adjoining dwelling on an adjacent lot and have a zero side yard, but in each case a minimum 10 foot side yard shall be maintained and required on the opposite side of the building. No dwelling shall be located nearer than 25 feet to the rear lot line on any interior lot. Detached garages or other permitted accessory buildings shall be located seven feet or more from the rear lot line and shall not encroach on any easements on the lot. (c) For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of any building on a lot to encroach upon another lot, except as provided herein. Where a detached single family dwelling is constructed on a lot, using a zero lot line, AN EASEMENT five feet in width adjoining said zero lot line is hereby created and granted on the adjoining lot for any overhanging eaves of the building and for any required maintenance and repair of said dwelling.

Further, the Undersigned does hereby declare that that certain Declaration of Building and Use Restrictions dated March 25, 1981 and recorded March 26, 1981 as Entry No. 588805 in Book 861, page 720 of the Official Records of Davis County, Utah, are of no further force or effect and are hereby cancelled.

WITNESS our hand this 29th day of January, A. D. 1982.

M. & J. CONSTRUCTION, INC.

By

Edwin M. Higley
Edwin M. Higley, President.

STATE OF UTAH

SS.

COUNTY OF DAVIS

On the 29th day of January, A. D. 1982 personally appeared before me EDWIN M. HIGLEY, who being by me duly sworn did say, that he, the said EDWIN M. HIGLEY, is the President of M & J CONSTRUCTION COMPANY, INC., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of Directors, and said EDWIN M. HIGLEY, duly acknowledged to me that said corporation executed the same.

[Signature]
Notary Public



My Comm. Expires: 4/4/82

Residing in: Kaysville, Utah