

WHEN RECORDED RETURN TO:

Silver Springs Single Family Homeowners Association
4574 N. Silver Springs Drive Suite #13
Park City, Utah 84060

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11-21-94
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1994 NOV 17 14:34 PM FEE \$20.00 BY DMG
REQUEST: F L STAYROAK - SILVERS SPRING H

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SILVER SPRINGS DEVELOPMENT SUBDIVISIONS

SUMMIT COUNTY, UTAH

AMENDMENT TO DECLARATION made this 10th day of November, 1994, by Silver Springs Single Family Homeowners Association, hereinafter referred to as "Association":

WITNESSETH:

WHEREAS, the Association is the duly authorized delegate and successor in interest to the previous Declarants, who had caused to be recorded a Declaration of Covenants, Conditions and Restrictions and subsequent amendments thereto, hereinafter "Declaration"; and

WHEREAS, the undersigned President of the Board of Trustees, representing the Board of Trustees who are the duly constituted and governing body of the Association; and

WHEREAS, the Association has deemed it desirable to amend further the aforesaid Declaration, pursuant to approval by a majority vote of the membership at the annual meeting on November 9, 1994; and

WHEREAS, the undersigned President of the Board of Trustees, representing the Board of Trustees hereby confirm that the following amendments are duly authorized, pursuant to Article XI, Section 4 of the amended Declaration, and shall govern Architectural Control for lots 1 through 202, Phases 1A, 1B, 1C, 1D, and 1E.

NOW THEREFORE, the original Declaration dated July 6, 1979, recorded on July 16, 1979, as Entry #157620 in Book M137, Pages 104-121; as modified by a supplementary declaration dated January 9, 1981, recorded on January 9, 1981, as Entry #175088 in Book M178, Pages 273-275, modified by an amended declaration dated January 25, 1981, recorded on January 26, 1981, as Entry #176773 in Book M180, page 705, further modified by an amended declaration dated April 15, 1982, recorded on April 16, 1982, as Entry #190493 in Book M217, Pages 482-517, subsequently modified by an amendment to the amended declaration dated June 25, 1982, recorded on July 6, 1982, as Entry #193368 in Book M225, Pages 194-197, and an amended declaration dated October 14, 1985, recorded on January 16, 1986, as Entry #244975 in Book M370, Pages 267-275, with an amendment to the amended declaration dated May 6, 1989, recorded on June 26, 1989 as Entry #309692 in Book M525, Pages 672, and an amended declaration dated February 15, 1991, recorded on May 2, 1991, as an Entry in Book M606, Pages 314-316; and an amendment to the amended declaration dated February 8, 1993, recorded on May 23, 1994, as Entry #405079 in Book 807, Pages 765-766; shall be amended as follows:

Article I, Section 1. DEFINITIONS

"Association" shall mean and refer to Silver Springs Single Family Homeowner's Association, a nonprofit corporation, incorporated under the laws of the State of Utah, its successors and assigns.

Article I, Section 3. DEFINITIONS

"Lot" shall mean any parcel of property shown as a separate numbered lot on the recorded plat of the Subdivisions, with the exception of the "Common Area." Where there are provisions, either in the Plat maps, or otherwise, for more than one family dwelling on any one numbered lot, such as in the case of a duplex, then each family dwelling unit shall be deemed to be one lot for purposes of this Declaration.

Article I, Section 6. DEFINITIONS

"Declarant" shall mean and refer to Association.

Article IV, Section 1., Paragraph d. MEMBERS EASEMENT OF ENJOYMENT

(Deleted in its entirety.)

Article IV, Section 4. TITLE TO THE COMMON AREA

(Deleted in its entirety.)

Article VI, Section 4. CURING OF DEFAULT

Upon the timely curing of any default for which a notice of claim of lien was filed by the Association, the officers of the Association are hereby authorized to file or record, as the case may be, an appropriate release of such notice, upon payment by the defaulting owner of a fee, to be determined by the Association, to cover the costs of preparing and filing or recording such release, together with the payment of such other costs, interest or fees as shall have been incurred.

Article VII, Section 1. APPROVAL BY ARCHITECTURAL COMMITTEE

No building, fence, wall or any other structure shall be commenced, erected, or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made, nor shall any excavating, alteration of any stream or clearing, on any lot within the properties be done unless a written application is submitted for approval of such improvement or improvements to the Architectural Committee and in connection therewith shall submit two complete sets of plans and specifications for the proposed improvement or improvements, together with a reasonable processing fee.

Article VII, Section 3.

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

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Article VII, Section 4.

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

Article VII, Section 6. PROFESSIONAL ASSISTANCE

If at any time the Architectural Committee shall determine that it would be in the best interest of the Association for such owner to employ professional assistance, to design any improvement involved in the proposed work, the Architectural Committee shall inform such

owner in writing of its determination.

Article VII, Section 7. LANDSCAPING CONTROL

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

Article VII, Section 8. ARCHITECTURAL COMMITTEE RULES

As the Architectural Committee determines changes are necessary to the Architectural Committee Rules, such proposals and recommendations shall be presented to the Association Board of Trustees. The Association Board of Trustees may adopt, amend, and repeal by a majority vote, such rules and regulations to be known as "Architectural Committee Rules" which, among other things, interpret or implement the provisions of Section 1. of this Article to be applied to all improvements occurring or commencing after such adoption, amendment, or repeal. A copy of the Architectural Committee Rules as they may be adopted, amended, or repealed shall be available from the Architectural Committee.

Article VII, Section 9. BUILDING AND LANDSCAPING TIME RESTRICTIONS

The exterior construction of all structures shall be completed within a period of one (1) year following commencement of construction. Any exterior additions or alterations to existing dwellings shall be completed within a period of one (1) year following commencement of construction of such addition or alteration. The front yard of each lot shall be landscaped within a period of one (1) year following completion or occupancy of each dwelling. Side and rear yards shall be landscaped within a period of two (2) years following completion or occupancy of each dwelling.

All members of the Association possessing vacant lots shall be responsible for keeping such lots clean in appearance and free from all refuse and potential fire hazards. No vacant lot shall be used for storage of any kind except during the construction period.

Article VII, Section 10. APPOINTMENT OF ARCHITECTURAL COMMITTEE

The Association Board of Trustees shall appoint the Architectural Committee, consisting of not less than three (3) members for a term not to exceed three (3) years. In the event of the death or resignation of any member of the Committee, the Board of Trustees of the Association, shall appoint such member's successor.

Article VII, Section 13. APPEAL OR VARIANCES

A petition may be filed for an appeal or a variance by any member. The Architectural Committee will review the appeal or variance petition and make a recommendation to the Association Board of Trustees. The Board of Trustees may, by a simple majority vote of its members, allow reasonable variances to any of the covenants, conditions, or restrictions contained in this instrument, on such terms and conditions as it shall require.

Each and every member who desires an appeal or variance to be considered, must present their petition in writing to the Architectural Committee for consideration. Each appeal or variance to be considered must be in compliance with local, county, and state laws, ordinances and regulations.

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The approval or disapproval of any appeal or variance petition will be presented to the member in written notice and is only applicable to the member who submitted the petition.

The decision made by the Association Board of Trustees shall be final and binding upon all parties.

Construction or alterations pursuant to any appeal or variance granted shall commence within six months of the issuance of the appeal or variance, or the appeal or variance shall automatically expire. If construction or alterations are made in a timely manner and in accordance with the provisions of the plans and specifications as submitted and approved, the appeal or variance shall run with the land.

Article VIII, Section 1. DUTIES AND POWERS

In addition to the duties and powers enumerated in the Articles of Incorporation and Bylaws, or elsewhere provided for herein, and without limiting the generality thereof, the Association shall:

- (a) Maintain such policy and policies of insurance as the Board of Trustees of the Association deems necessary or desirable in furthering the purposes of and protecting the interests of the Association and its members.
- (b) Have the authority to employ a manager or other persons and to contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association.
- (c) Have the power to establish and maintain a working capital and contingency fund in an amount to be determined by the Board of Trustees of the Association.

Article X, Preamble USE RESTRICTIONS

The general objectives and intent of these covenants, restrictions and conditions, is to create and maintain a large residential district characterized by the following. Spacious estates; large homes; private parks and playgrounds; well kept lawns, trees and other plantings; minimum vehicular traffic; and quiet residential conditions favorable to family living.

Article X, Section 2. Paragraph g. LAND USE AND BUILDING TYPE

No fences shall be allowed in the front yards or in side yards from the average front line of the dwelling forward. For corner lots side yards, fences, hedges and landscaping will be permitted if it does not interfere with driving visibility.

Article X, Section 9. OVERNIGHT PARKING AND STORAGE OF VEHICLES

No vehicle of any kind shall be permitted to be parked on any public street within the subdivision projects between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. No parking is permitted at any other time while snow is present requiring removal.

The long-term storage/parking (greater than four days) of any automobiles, trucks, buses, tractors, trailers, camping vehicles, boats, boat trailers, snowmobiles, mobile homes, two and three wheeled motor vehicles, or other wheeled vehicles shall be forbidden unless such vehicles are kept from the view of the general public common areas and/or vehicular circulation. Said vehicle must vacate the identified parking/storage location for a minimum of six (6) hours before the long-term parking period restarts.

Article X, Section 10. PETS, LIVESTOCK AND POULTRY

No animals, other than housepets shall be kept or maintained in a residential lot less than 2 acres or in any residential project. These animals shall be contained or otherwise controlled at all times and shall be restricted to two per household.

Article X, Section 11. SIGNS

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

Article X, Section 16 NO BUSINESS USES

The lands within the property shall be used exclusively for single family residential living purposes and shall never be occupied or used for any commercial or business purpose which requires client visits, supplier pick up and delivery, or has employees outside the immediate family and with the further exception that any owner or his duly authorized agent may rent or lease said owner's residential building from time to time.

Article X, Section 21. CONSTRUCTION AND FENCE RESTRICTIONS

In order to promote a harmonious community development and protect the character of the neighborhood, the following guidelines are set out:

- (a) Dwelling size, design, alterations or additions will conform to standards contained in this declaration.
- (b) Exterior construction materials will be limited to stone, stone veneer, brick or brick veneer, wood siding, stucco or simulated wood siding and shall be in earth tones indigenous to the area and approved by the Architectural Committee. No reflective finish, other than glass and surfaces of hardware fixtures, shall be used on exterior surfaces including but without limitation, the exterior surfaces of any of the following: retaining walls, doors, trim, fences, pipes, equipment, and only mailboxes approved by the Architectural Committee.
- (c) Roof design shall be limited to a minimum of a 4/12 pitch. Roofs shall be constructed so that no reflective surfaces, other than roof valleys or flashing, are visible by other property owners.
- (d) Location of all storage or utility buildings, garbage and refuse containers, air conditioning equipment, clothes drying lines, and utility pipes, etc., must be placed at the rear of the dwelling and located on the site in such a manner as not to be conspicuous from the frontage street.
- (e) Any light used to illuminate garages, patios, parking areas or for any other purpose shall be so arranged as to reflect light away from adjacent residences and away from the vision of passing motorists.
- (f) Fences or walls shall be of wood, stone, or brick only. Fences, walls or hedges shall not exceed six feet in height.

Article X, Section 22. OFF ROAD VEHICLES

No automobiles, trucks, motorcycles, trail bikes, snowmobiles, four wheel drive vehicles or vehicles of any kind shall be operated any place on the subdivision other than the public

roadways.

Article X, Section 23. MAIL BOX AND YARD LAMP

All owners at the time of construction shall be required to furnish, install and maintain a mail box and a front yard lamp. The type and location of the mailbox shall be in accordance with the specifications and requirements of the Architectural Committee.

Article X, Section 25. REMOVAL OF NATURAL FOLIAGE

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

Article X, Section 26. RESTORATION OF CUT AND FILL

Owner shall be responsible for the restoration of cut or fill slopes between the back of the curve and each respective property. All cut or fill slopes shall be restored as per owner's landscaping plan for such area, at the sole expense of the owner. All restoration work shall be approved by the Architectural Committee and shall be completed within six months of creation of cut or fill conditions.


Article X, Section 27. RULES REGARDING FIRES

(Deleted in its entirety. Subsequent sections will be renumbered consecutively, if necessary.)

IN WITNESS WHEREOF, the undersigned, being the President of the Board of Trustees, representing the Board of Trustees of the Association, has hereunto set our hand this 15th day of November, 1994.


Frederic L. Staybrook



SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15th DAY OF Nov 1994

NOTARY PUBLIC