
**SECOND AMENDMENT TO THE
FIRST AMENDED AND RESTATED
DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, AND RESTRICTIONS FOR
OLD MILL VILLAGE**

This SECOND AMENDMENT TO THE FIRST AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR OLD MILL VILLAGE ("Second Amendment") has been approved and adopted as stated below by the Old Mill Village Homeowners Association, Inc. ("Association") and becomes effective when recorded with the Davis County Recorder's Office.

RECITALS

- A. Old Mill Village is a planned unit development cluster subdivision located *in* Kaysville, Utah ("Property").
- B. The Property was originally made subject to certain covenants, conditions, and restrictions as provided in the "Declaration of Protective Covenants, Conditions, and Restrictions for Old Mill Village Homeowners Association" as recorded with the Davis County Recorder on April 1, 2005 as Entry Number 2063106 ("Original Declaration").
- C. The Original Declaration was amended and replaced by the "First Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions for Old Mill Village Homeowners Association, Inc." as recorded with the Davis County Recorder on August 6, 2014 as Entry Number 2816823 ("Declaration").
- D. The Declaration was amended by the "First Amendment to the First Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions for Old Mill Village" as recorded with the Davis County Recorder on February 10, 2022 as Entry Number 3456062 ("First Amendment").
- E. The Association and Owners desire to again amend the Declaration as provided below.
- F. Section 11.1 of the Declaration provides that it may be amended with the affirmative vote of at least 67% of the voting rights in the Association.
- G. At least 67% of the voting rights in the Association have approved this Second Amendment to the Declaration, which shall be binding upon the entire Property, including all Lots, as further provided on Exhibit A.
- H. Unless specifically modified herein, all remaining provisions of the Declaration shall remain in full force and effect.
- I. In case of any conflict between the terms of this Second Amendment and the terms of the Declaration, the provisions of this Second Amendment shall control.

E 3520566 B 8210 P 121-124
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/10/2023 10:18 AM
FEE \$40.00 Pgs: 4
DEF RTT REC'D FOR OLD MILL VILLAGE
HOA

SECOND AMENDMENT

Second Amendment

Section 3.16 (LANDSCAPING) of Article 3 (RESTRICTIONS ON USE OF RESIDENTIAL LOTS AND COMMON AREAS) of the Declaration is hereby deleted and replaced in its entirety with the following Section 3.16:

3.16 LANDSCAPING.

- (a) Gravel – defined as a loose aggregation of small water-worn or pounded stones, where the size of each rock is less than 1 inch in diameter (includes “pea” gravel) is prohibited in park strips and side yards.
- (b) Concrete, whether stamped or otherwise, in amount exceeding 20% of the park strip is also prohibited. All lots that have installed concrete in park strips prior to the July 1, 2022 shall be grandfathered, but subsequent removal of said concrete shall constitute a loss of grandfathered status and require subsequent compliance with this Declaration and the Rules and Regulations adopted by the Association
- (c) Street trees shall meet applicable Kaysville City standards for street trees when installed in the Park Strip.
- (d) Any Owner who does not commence construction within two (2) years of its purchase of the applicable Lot shall install a park strip pursuant to City ordinances.
- (e) Any homeowner that desires to install concrete in their side yard(s) must first obtain approval from the Board of Directors in writing. Specific details, including size, type and placement of landscape elements shall be determined by the homeowner.
- (f) All front yard landscaping shall be completed within one year of the occupancy date of the dwelling, including the installation of an outdoor automatic sprinkler system for irrigation in the front yard of each lot.
- (g) All Owners shall keep their Lots free of debris and weeds and shall cause the same to be mowed on a monthly basis, as necessary.

END AMENDMENT

CERTIFICATION

It is hereby certified that the foregoing Second Amendment was duly approved by at least 67% of the voting rights in the Association. The Board of Trustees have authorized the execution of this amendment.

**OLD MILL VILLAGE
HOMEOWNERS ASSOCIATION,
INC.**

By: *[Signature]*
Its: President

State of Utah)
):ss

County of Davis

On this 10th day of March, 202~~2~~³, personally appeared before me Michael Scott Collins, who being by me duly sworn, did say he/she is the President of Old Mill Village Homeowners Association, Inc.; that said instrument was signed by him/her, with authority from the Board of Trustees, on behalf of said Association after having received approval from at least 67% of the voting rights in the Association; and that the foregoing information is true and accurate to the best of his/her knowledge.

[Signature: Shauna A. Brady]
Notary Public



EXHIBIT A
Legal Descriptions and Lot Parcel Numbers

All Lots and Open Spaces within the Old Mill Village Subdivision Phases IA, IB, 2A, and 2B:

Phase IA

All of Lots 1-39 and 103 through 123, Old Mill Village, Phase IA

08-358-0001 through 08-358-0039

08-358-0103 through 08-358-0123

All of Open Spaces A, B, and G, Old Mill Village, Phase IA

08-358-0124 through 08-358-0126

Phase IB

All of Lots 40 through 102, and 124 through 174, Old Mill Village Phase 1B

08-367-0040 through 08-367-0102

08-367-0124 through 08-367-0174

All of Open Spaces B, C, D, E, F, H, I

08-367-0175 through 08-367-0181

Phase 2A

All of Lots 214 through 215, and 217 through 244, Old Mill Village Phase 2A

08-409-0214 through 08-409-0215

08-409-0217 through 08-409-0244

All of Open Space H

08-409-0246

Phase 2A 1st Amendment

All of Lots 245 through 258, Old Mill Village Phase 2A, 1st Amendment

08-660-0245 through 08-660-0258

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All of Open Space A

08-660-0259

Phase 2B

All of Lots 246 through 289, Old Mill Village Phase 2B

08-406-0246 through 08-406-0289

All of Open Space D, E, F, G, and H, Old Mill Village Phase 2B

08-406-0291 through 08-406-0295