

**FIRST AMENDMENT
TO THE
FIRST AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS
FOR AND RESPECTING
RIVERSTONE TOWNHOMES**

This First Amendment (the “Amendment”) is made and adopted by the Association and Declarant pursuant to § 3.9 of the Declaration, effective upon recording in the Recorder’s Office of Morgan County, Utah.

1. RECITALS

- A. WHEREAS, the First Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Riverstone Townhomes (the “Declaration”) was recorded on May 27, 2021, as Entry No. 157077 in the Recorder’s Office of Morgan County, Utah; and
- B. WHEREAS, the Association’s insurer requires compliance with the Utah State Fire Code (the “Fire Code”) as a condition of ongoing coverage, particularly regarding the use and storage of open-flame devices within the townhome development; and
- C. WHEREAS, the Declaration currently contains no provisions requiring compliance with the Fire Code; and
- D. WHEREAS, pursuant to §§ 6.3(b) and 6.3(d) of the Declaration, the Declarant (also referred to as the Developer) remains within its Period of Administrative Control; and
- E. WHEREAS, pursuant to §§ 3.8 and 3.9, the Declarant retains sole discretion during the Period of Administrative Control to execute documents on behalf of the Association and to amend the Declaration; and
- F. WHEREAS, the Association, acting through its Declarant-controlled Board, desires to amend the Declaration to require compliance with the Fire Code; and
- G. WHEREAS, the Declarant concurs with and approves this amendment to require compliance with the Fire Code;
- H. NOW THEREFORE, the Association, acting through its Declarant-controlled Board, and the Declarant, pursuant to the authority granted in the Declaration, hereby amend the Declaration to add provisions requiring compliance with the Utah State Fire Code. This Amendment, including these Recitals and Exhibit A, shall run with and bind the Land described in **Exhibit A** as equitable servitudes enforceable under the Declaration, and shall be effective upon its recording in the Recorder’s Office of Morgan County, Utah.

The Declaration is hereby amended as set forth on the following pages:

2. AMENDMENT

ARTICLE IV – RESTRICTIONS ON USE OF RESIDENTIAL UNITS AND COMMON AREAS of the Declaration is hereby amended to add the following subsection:

4.20 Open-Flame Devices and Fire Code Compliance

4.20.1 Purpose

This restriction is adopted to promote fire safety, reduce property and casualty risk, and ensure compliance with both the Utah State Fire Code (as adopted in Utah Code § 15A-5-103) and the risk mitigation standards commonly applied by property insurance carriers and professional loss control assessors. The restriction is further intended to: (a) preserve insurability and help minimize premiums under the Association's property insurance policies; (b) protect the health and safety of residents and guests; and (c) reduce the Association's potential liability exposure arising from preventable fires.

4.20.2 Definitions

The following definitions are applicable to this Section only.

"Combustible Construction" means any building material or surface that is capable of igniting and burning, including, without limitation, wood or vinyl siding, wood fencing or decking, wood framing, and the exterior walls of dwellings, garages, or other improvements made from combustible material. This term excludes construction made entirely of non-combustible materials, such as concrete, brick, or stucco over masonry.

"Fire Code" means Utah Code § 15A-5-103 (the "Utah State Fire Code Act") and Section 308, including 308.1.4, of the International Fire Code, as adopted and amended by the State of Utah.

"Open-Flame Cooking Device" means any outdoor cooking device that produces an open flame, including, without limitation, gas grills, charcoal grills, pellet grills, barbecues, hibachis, and any other cooking device restricted under the Fire Code.

"Open-Flame Device" means any device that produces an open flame, including all Open-Flame Cooking Devices as well as other flame-producing outdoor devices such as fire pits (wood- or propane-fueled), chimineas, torches, open-flame patio heaters, decorative flame tables, and similar outdoor equipment. This term excludes permanently installed indoor gas appliances, such as gas ovens, stoves, cooktops, dryers, water heaters, and furnaces, when installed and used indoors in accordance with applicable building codes.

4.20.3 Fire Code Compliance

Pursuant to the Fire Code, the use and storage of Open Flame Devices, including Open-Flame Cooking Devices, are prohibited on or under balconies, porches, and decks, or within ten (10) feet of any Combustible Construction.

4.20.4 Additional Restrictions

The use of Open-Flame Devices, including Open-Flame Cooking Devices, is strictly prohibited in garages.

4.20.5 Exclusions

Notwithstanding the foregoing and consistent with the Fire Code, the following are not prohibited:

1. The use and storage of liquid propane (LP)-gas cooking devices having an LP-gas container with a water capacity (WC) of not greater than 2½ pounds (nominal 1 pound (16 oz) LP-gas capacity). This exception under the Fire Code allows the use and storage of LP-

gas containers no larger than 1 pound (16 oz) gas capacity (2.5 pounds water capacity). These typically small green propane bottles are commonly used with tabletop or camping-style grills, but may also be connected to larger grills using an appropriate adapter. Larger LP-gas containers—such as standard 5-gallon (20 lb.) cylinders—are not permitted under this exception, regardless of the grill or device they fuel.

- 2. The use and storage of electric cooking grills that do not produce a flame and that bear the mark of an independent testing laboratory, such as Underwriter Laboratory.

IN WITNESS WHEREOF, the undersigned Association has adopted this Amendment, and the undersigned Declarant has acknowledged the same, each executing this Amendment as of the date written below.

ASSOCIATION

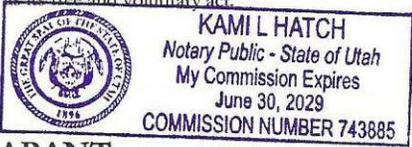
Cole Rowser

Cole Rowser, Director
Riverstone Townhomes Homeowners Association, Inc.

State of Utah)
) ss.
County of Morgan)

On the 15 day of the month October, in the year 2025, the above-named individual, proven by satisfactory evidence, personally appeared before me and, under oath or affirmation, stated that he is a duly authorized Director of the Riverstone Townhomes Homeowners Association, Inc.; that this instrument was signed on behalf of the Association by authority of its governing documents; and that the Association executed it as its free and voluntary act.

(Seal)



Kami L. Hatch
NOTARY PUBLIC SIGNATURE

DECLARANT

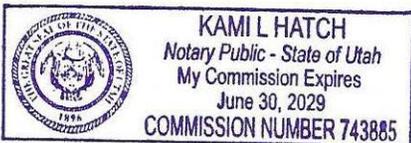
Cole Rowser

Cole Rowser, Manager
Riverstone Townhomes, LLC

State of Utah)
) ss.
County of Morgan)

On the 15 day of the month October, in the year 2025, the above-named individual, proven by satisfactory evidence, personally appeared before me and, under oath or affirmation, stated that he is an authorized member or manager of Riverstone Townhomes, LLC, the Declarant; that this instrument was signed on behalf of the Declarant by authority of its governing documents; and that the Declarant executed it as its free and voluntary act.

(Seal)



Kami L. Hatch
NOTARY PUBLIC SIGNATURE

EXHIBIT A – Legal Description

PHASE 1: Lots 1 through 27, Riverstone Townhomes Phase 1, according to the plat thereof recorded as Entry No. 154598 on December 21, 2020, in the Recorder's Office of Morgan County, Utah; being Parcel Nos. 00-0088-1361 through 00-0088-1387.

PHASE 2: Lots 28 through 40, Riverstone Townhomes Phase 2, according to the plat thereof recorded as Entry No. 155710 on February 25, 2021, in the Recorder's Office of Morgan County, Utah; being Parcel Nos. 00-0088-5328 through 00-0088-5340.

PHASE 3: Lots 44 through 55, Riverstone Townhomes Phase 3, according to the plat thereof recorded as Entry No. 154598 on December 27, 2021, in the Recorder's Office of Morgan County, Utah; being Parcel Nos. 00-0089-4310 through 00-0089-4321.

PHASE 4: Lots 56R through 66R, 67 through 78, and 79R through 81R, Riverstone Townhomes Phase 4, according to the plat thereof recorded as Entry No. 159492 on December 27, 2021, in the Recorder's Office of Morgan County, Utah; being Parcel Nos. 00-0089-4491 through 00-0089-4516.

PHASE 5: Lots 82R through 92R and 93 through 95, Riverstone Townhomes Phase 5, according to the plat thereof recorded as Entry No. 159495 on December 27, 2021, in the Recorder's Office of Morgan County, Utah; being Parcel Nos. 00-0089-4562 through 00-0089-4575.