



Design Guidelines
for:

**South Jordan
High Pointe**

Volume II

Version 1.2

South Jordan High Pointe

Design Guidelines

Congratulations!

By reading the Design Guidelines (Volume II) and the Covenants, Conditions and Restrictions (Volume I), we assume that you are considering or have already purchased a home or home site in South Jordan High Pointe P.U.D. The property consists of high quality, semi custom homes designed in conjunction with and specifically for the various building lot configurations of the project. Homes in South Jordan High Pointe make maximum use of land space to provide all desirable elements usually associated with homes built on larger land parcels. The resulting effect is a high quality community, efficient in land use with less maintenance requirements and excellent value without sacrificing your lifestyle needs. The Corridor Park and trail along the Welby Jacobs canal will provide South Jordan High Pointe residents access to a large scale network of trails and walkable community amenities in the South Jordan City master plan.

Other benefits besides the panoramic vistas of the Wasatch Front Rocky Mountains and the city trail systems are the proximity to everything via Bangerter Highway or the 1-15 freeway. Light rail is slated to connect to the area as well. This location is in close proximity to some of the areas newest and highest quality commercial developments. The convenient location to so many shopping, dining and entertainment choices make buying a home at South Jordan High Pointe a sound financial investment, now and for years to come.

The Design Guidelines together with the Restrictive Covenants (Volume I) delineates the objectives of the developer. This goal was to create an atmosphere of *upscale new homes* on building lots that obtain the greatest use of land for maximum value and efficiency. In the early 1950's, the Rushton family began to assemble this land. Unknown to them at the time, this property is destined to become the premier convenience oriented residential community in the state...

Welcome to South Jordan High Pointe

South Jordan High Pointe Design Guidelines

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1. INTRODUCTION

The following Design Guidelines describe the considerations that the Design Review Committee will apply in reviewing the site planning, architectural design, and landscaping plans for your new home in South Jordan High Pointe. They also detail the Construction Regulations that your builder must observe while your home is under construction. Then, they set out the exact procedure that should be followed during the Design Review process. Finally, they explain the composition and operation of the Design Review Committee itself.

There are a few general points you should keep in mind when reading these Guidelines. First, remember that the Design Review Committee's responsibility is to accommodate creativity and appropriateness of home design while maintaining standards of quality and integrity. To do this best, these Guidelines set out generally broad indications of goals and objectives, combined with some clear prohibitions and requirements. This approach has left a relatively large area open for the Design Review Committee's judgment. In exercising that judgment, the Committee will use its best efforts to make decisions in keeping with the design objectives. Hopefully, there will be very few disagreements and you will understand the difficult balances with regards to the decisions that must be made. But please let the Committee know your thoughts, because the objective is to build a community of which you are tremendously proud.

Second, you will notice many capitalized terms in these Guidelines. Any of those terms which are not at the beginning of a sentence of a proper name represent terms which are defined in the Declaration of Covenants, Conditions, and Restrictions (the Declaration or Volume I) for South Jordan High Pointe which have been made part of this document by reference. If you are in any doubt as to the exact meaning of those terms, check the Declaration for a formal explanation.

Third, all applications and interpretations of these Guidelines should be made in a reasonable manner. Therefore, when you see words like "as much as possible", or "if at all possible", please keep in mind that they mean "as much as possible", within reason.

2. SITE PLANNING

Climate, vistas, and building lot configuration at South Jordan High Pointe have all contributed to shaping these Guidelines for design of improvements to home sites within the community. The following Guidelines are intended to ensure an environmentally sound and aesthetically pleasing development in South Jordan High Pointe, in harmony with the needs and desires of today's discriminating new home buyers.

A. VIEWS

South Jordan High Pointe is set in a beautiful environment with vistas of the surrounding mountains and the Salt Lake Valley, with trailheads and Parks that are planned to interact with neighboring developments and the community as a whole. When planning your home, care should be taken to optimally integrate the home into the streetscape of the community, and to situate the building and windows to harmonize with neighboring homes while taking advantage of the views. At the same time, care should be taken to provide screening to filter views from the public areas back to the house and its service areas.

Because of the importance of the interaction of the homes to the various building lots and the homes immediately surround them, the Design Review Committee shall predetermine which home designs may be built on which lots, and how such homes will be situated on the lot.

B. BUILDING ENVELOPE

The building envelope is detailed on the plat and part of each site within which, the home and any deck structures must be located. The specific building envelope for each site has been determined by the Design Review Committee.

C. SITE PREPARATION, GRADING AND DRAINAGE

The goal of the land planners at South Jordan High Pointe has been derive full use of available land space to benefit of each home owner and the community as a whole. These goals should be carried through to all levels of development, including individual home sites. Proper attention should be placed on drainage between and around the homes. Consideration should be taken as to how the elevations and grades interact with surrounding structures. All lots shall include a five foot drainage easement on the sides and rear of the property to allow for run off to flow in accordance with the master drainage plan. Drainage swales or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed of natural materials properly placed for positive operation of the drainage system.

Structures that are artificial in appearance, such as an exposed drainage pipe, must be avoided. Erosion is to be controlled in all circumstances. Special care must be taken during construction to protect and retain any exposed earth.

D. ACCESS DRIVES

Access drives in many cases will have a significant impact on the site, as seen from the road. Consequently, care should be given to the planning and design of access to your home. Each lot may be accessed only by a driveway with a single cut into the roadway (unless otherwise approved by the DRC). The graded or paved surface of an access drive may not exceed 30 feet in width where it crosses the road right-of-way and the front setback of the lot. Any material for the proposed driving surface other than concrete, are subject to approval by the

Design Review Committee. Stamped and or colored concrete driveways or borders are encouraged to add interest and diversity to the community.

Driveway and parking area materials close to the home may vary as they relate to individual architecture, but should always maintain a finished quality. Drainage across or under driveways, where required, should be integrated into the design of the drive or apron.

E. ON-SITE PARKING

Each site must have an enclosed garage for at least two cars, emphasis should be made in home design to provide for additional third car garage or storage behind the conventional two car garage in a “tandem parking configuration”. This option allows homeowners adequate storage space for vehicles and recreational vehicles while minimizing garage dominance of the architecture and streetscape. Some lots are designed specifically to hold traditional third car garages (located to the side of the two car garage). It is preferred that only those lots utilize that garage configuration. An additional area for at least two guest parking spaces shall be provided, typically in the driveway or the area between the driveway and the side property line. Parking of any vehicle within the front yard setback areas, motorized or not, such as: trailers, boats, motor homes, or large recreational vehicles, etc. on any site overnight is prohibited. Inoperable or vehicles in the process of being restored are only allowed inside garages.

Absolutely no overnight on street parking will be permitted in South Jordan High Pointe by the Owner, their lessees or guests. Any vehicle that is parked on the street for a period of 32 hours will be towed to a storage garage at the Owners expense.

F. PAVING

It is the goal at South Jordan High Pointe to limit the impervious cover of the ground to the optimum area commensurate with the needs of access and gracious living. Excessive areas of pavement will be discouraged. Paving materials for driveways, paths, steps, patios, and other areas should have a dull-non-reflective surface and must be earth tones that blend well with the natural surroundings.

G. FENCES AND WALLS

Fencing shall play an integral role in defining public and private outdoor space for the South Jordan High Pointe community. In an effort to promote consistency and uniformity, all home sites that install fencing shall be required to have 6’ tan, vinyl, privacy fence down the sides and along the back of the property. If fencing between the house and the side yard fence is installed it should match in materials and color to the other fencing.

Chainlink or wire fencing is strictly prohibited, unless completely screened from public view. The only exception wherein chainlink fencing would be allowed is for the use to contain a pet area also screened from public view.

Special care and consideration to maintain a private rear yard atmosphere should be used.

*A fence permit must be obtained through the South Jordan City planning department.

H. TERRACES AND DECKS

Outdoor living will certainly be one of the great pleasures of having a home at South Jordan High Pointe. The nature and topography of the home sites together with the views will influence the location of on-grade lower level entrances to yards, terraces, and elevated decks. Yards and terraces should be designed to be an extension of the architecture while also responding to the homesite's contours. The landscape should provide a key element in a comprehensive design that integrates the man-made features with the natural terrain.

Great care must be taken to aesthetically consider the finish of decks and terraces, especially with regards to railings. When exposed to the public view and where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds 36 inches above finish grade below, it is recommended that the deck be skirted with wood siding, manufactured decking material, or other finish. In all cases, great care must be taken to support the deck with elements of sufficient visual substance that they appear to be architecturally integrated with the residence itself. Style, color and materials that are used on the home itself must also be utilized for decks, skirting, or terraces.

*Any projection constructed, such as a deck or covered patio, is to comply with RM zoning regulations of South Jordan City.

I. SWIMMING POOLS AND SPAS

The size, shape, and siting of swimming pools and spas, if any, must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house, including style, color and materials and other structures through the use of walls or courtyards so that they appear to be a visual extension of the home. Such enclosures are to be a minimum of 6' away from the foundation of the home. Metal or other type of above ground pools and inflatable "bubble" covers are unacceptable.

J. EXTERIOR LIGHTING

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. Illumination necessary for evening activities and security must be directed downward and be only bright enough to provide for the safe traverse of steps and paths. Subtle lighting of architectural elements will be encouraged. Exposed light sources are discouraged in favor of softer downlighting that reduces glare and better lights the surfaces of roads and walks and certain landscaped elements within the homesite.

K. STORAGE STRUCTURES

All accessory storage shall be located within enclosed buildings. Temporary storage of materials for construction in progress on the premises shall be accepted. All accessory buildings shall be constructed in the same architectural style, color, and materials as the main dwelling and shall adhere to the required setbacks and shall not be larger than 25% of the rear yard area.

*Residents are required to obtain a permit from South Jordan City planning and zoning department for storage structures.

3. ARCHITECTURAL DESIGN

The following architectural standards have been developed in response to aesthetic goals and environmental considerations at South Jordan High Pointe.

A. STYLE

The look of the project is paramount with the objective of capturing part of the traditional look found in certain areas of Salt Lake County. Although, we understand the designs and floor plans you choose will still consist of the benefits constructed in today's modern plans. There is not one specific architectural style that is required at South Jordan High Pointe, but craftsman and mountain rustic styles are encouraged. Such styles often integrate copper, timber, stone, brick and board and bat or lap siding of painted wood or masonry material. As per South Jordan City ordinances homes must have an equivalent of 2x the perimeter of the foundation of masonry material. Certain architectural styles, while having a beauty of their own, would distract from the objective of South Jordan High Pointe. Examples of such inappropriate styles are subterranean, contemporary, ultra modern, all glass type homes, and experimental or radical building designs that are not in keeping with the character proposed for South Jordan High Pointe.

B. DESIGN REPETITIONS

No two home of the same design shall be constructed side by side or directly across the street from each other. If two of the same home design are to be constructed on the same street within four lots of each other on either side of the street. It shall be required that the two homes have significantly different architectural elements in their front elevations and color schemes. If the two homes are more than four houses apart but still on the same street and within view of each other, they must have differentiating color schemes.

C. DESIGN GUIDELINES

The minimum total floor area, finished and unfinished, of any single-family dwelling in R-M zones shall be two thousand four hundred (2,400) square feet.

D. HEIGHT OF STRUCTURES

No home may exceed 35 feet in height at the highest point of its roof. This is defined as the vertical distance between the top of the roof and the finished subdivision grade, at any given point of the building coverage. In the event that this provision is different than that of the South Jordan City Ordinances, then the South Jordan City ordinances shall prevail.

E. ROOFS

Visually, the roof is one of the most important elements in the overall building design. Materials allowed will be architectural grade shingles, fire retardant wood shake, slate, or tile. Roof colors shall be earth tones or black. White, bright and reflective materials are prohibited from roofs with the exception of small copper accents. The use of major rooftop elements such as dormers, chimneys, or skylights, if any, should enhance the form of the roof and appear to be an integral part of the roof, not an appendage. The minimum pitch ratio for the roof for all homes shall be 6/12. In the event that the pitch ratio creates a hardship on a homesite, the Design Review Committee shall have the right to approve a variance to this provision.

F. FOUNDATIONS

The foundation walls on wood stem walls that connect the house to the ground, particularly on sloped sites, can be just as important as the roof in their impact on the overall design and on the relationship of the home to the surroundings. Therefore, design and material selection for this important element should be adequately planned and budgeted for. Whatever the material, it should be an extension of other elements such as walls or terraces and not accentuate a break between them.

Visible surfaces of concrete masonry on concrete foundation walls and piers may not exceed 36 inches above finish grade unless they are faced with approved exterior materials.

G. GARAGES

Each residence must have an enclosed garage for at least two cars with minimum outside dimensions of 22' deep by 22' wide. Carports, unless incorporated into the architectural aspect of the attached garages of any kind are prohibited. Great care must be taken to design garage openings to be as subtle as possible. To discourage the "all garage door look" a distance of two feet should offset side situated third car garages. It is required that front facing garage doors be of a type with architectural enhancements complimentary to the home - such as carriage style. Front Garage protrusion shall not exceed eight feet.

H. EXTERIOR MATERIALS

The exterior construction of the residence should generally consist of natural materials that blend and are compatible with earth tones. Colors that are permitted will be grays, browns, greens, tans and other earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.

The exterior construction materials that will be required will be in accordance with the South Jordan City ordinance of two times the perimeter of the foundation equals the area in square feet requiring either stone or brick. All windows surrounded by stucco shall have a six inch stucco trim mold around them. Additional elements of solid board siding are encouraged or may be required at the future discretion of the design review committee. No aluminum or vinyl siding will be allowed.

I. WINDOWS AND SKYLIGHTS

Windows and skylights must not be highly reflective, nor may their frames consist of highly reflective material.

J. BUILDING PROJECTIONS

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspout, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the Building Envelope.

K. SOLAR APPLICATIONS

Passive solar designs are encouraged. Active solar applications can result in excessive glare and reflection, and will only be approved by the Design Review Committee if the hardware is integrated into the structure or landscaping of a lot and screened from public view.

L. PREFABRICATED BUILDINGS

No building that is constructed off-site and requires transportation to any lot, whole or in partial assembly will be permitted without the written permission from the DRC. This includes stock modular buildings or any other structures requiring transportation and set up in a partially completed state. No mobile homes will be permitted to be placed or stored on any building Lot.

M. CHANGES OR ADDITIONAL CONSTRUCTION

The Design Review Committee must first approve all changes or additions to the approved plans before, during, or after construction.

4. LANDSCAPING

A. REQUIREMENTS

Landscaping requirements as per South Jordan City Ordinances

B. COMPLETION OF LANDSCAPING

Installation of all required landscaping shall begin no later than one month after the date that the main structure on property is ready for occupancy or alternatively the final inspection by South Jordan City, except that if the occupancy date is between October 15th and the following April 1st, installation of the landscaping shall begin no later than April 30th. Landscaping shall be substantially completed within nine months after the date the primary structure is ready for occupancy.

5. CONSTRUCTION REGULATIONS

In order to insure that the natural landscape of each lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following will be enforced during the construction period of all Owners improvements at South Jordan High Pointe.

A. BUILDING LOT

All building materials, construction debris, and excess dirt shall be placed on that building Lot. All debris and trash shall be placed in a receptacle and removed at least weekly. Any excess soils from the excavation of the homes basement shall be prohibited to be placed in the front setback areas as it may interfere with the construction of the subdivision or the installation of its public utilities.

B. DUST AND NOISE CONTROL

The builder or Owner shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is result of their construction activity on or adjacent to their lot.

C. CONSTRUCTION AND INSURANCE REQUIREMENTS

All contractors, and Owners shall hold South Jordan High Pointe, L.L.C., J and K Investments L.L.C., Wasatch homes L.L.C., with any of it's associate companies and the Association harmless from any general liability, automobile liability, and workman's compensation from any activity occurring at South Jordan High Pointe P.U.D.. Such insurance and a certificate shall be presented upon demand by any of the above mentioned entities or the Association.

D. CONSTRUCTION AND OTHER RELATED DEBRIS

All Lot owners, including after the home is occupied, shall never dispose of construction debris, grass clippings, garbage or any other discarded item into the Open Space areas, construction dumpsters servicing other construction sites or vacant lots. In the event that the Owner does discard such items, the Homeowners Association shall have the right to dispose of the discarded items and then assess the Owner for the expenses incurred according to the methods available as stated in the terms and conditions as stated in the Declaration.

E. SURFACE WATER RETENTION ON LOTS

All Owners and Contractors acknowledge that all water generated from within the Lot shall be responsible to provide a final grade for the Lot so as to contain its storm water together with all other water sources on their Lot or towards the drainage easements.

6. DESIGN REVIEW PROCEDURES

In order to establish a framework for periodic review and comment on each residence as it proceeds through the design development and review process, the following procedures have been established for the Design Review Committee. Plans and specifications shall be submitted to the Design Review Committee in accordance with the following conditions.

A. PRE-DESIGN CONFERENCE

Prior to preparing plans for a proposed home, the Owner or the Owner's builder or architect should meet with a representative of the Design Review Committee to discuss proposed plans and to answer any questions regarding building requirements at South Jordan High Pointe. The purpose of this informal review is to obtain guidance from a Committee member concerning the sensitivities of the lot.

B. DESIGN SUBMITTAL

When the preliminary lot/home design is complete, plan submittal must include all of the following and must be presented in the following formats. Two sets of blueprint size plans in 11" x 17" format or larger and at a scale appropriate to such size presentation. One set will be returned to the applicant once the plans have received final design approval. One set will be retained by the Design Review Committee. No review will commence until the submittal items listed below is complete:

- (1) An overall view of the proposed improvements.
- (2) The location of said improvements and exterior lighting upon the lot which it or they will be placed or constructed and the location of the proposed improvements relative to other improvements on said lot.
- (3) Floor plans of each floor level.

- (4) The basic structural system of the improvements and the materials to be used in the construction thereof
- (5) Exterior elevations.
- (6) Provisions for fencing, driveways, and temporary and permanent parking of vehicles and outside storage.
- (7) Landscaping plan for the lot.
- (8) Exterior materials and colors.
- (9) Existing topography, proposed grading, retaining walls and site drainage.
- (10) Roof mounted and ground mounted mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, equipment, vents blowers, etc.
- (11) Satellite or other antennas.
- (12) Any other pertinent or related improvement to the property that is being proposed.

C. DESIGN REVIEW

The Design Review Committee will review the plans described in Section B above and will respond within 20 days after the review, but no later than 30 days after a submittal is complete. The Committee has the right to charge a fee for this review and if one is required it must be submitted with the plans.

D. DEFERRAL OF MATERIAL OR COLOR SELECTION

An applicant may wish to delay the confirmation of landscaping plans and final color selections until some point in time after the start of construction in order to better visualize landscape considerations or to test an assortment of potential colors with actual materials intended for use. The Design Review Committee will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color material applied, until such time as the Committee has had the opportunity to review and consent to the final selections. The re-submittal must occur before the placement of any orders for materials in order to avoid potential restocking costs in the event of denial of the submitted item(s). Any Final Design Approval shall be conditional on the Owner obtaining Design Review Committee approval of any materials or colors on which approval was deferred at the time of the Final Design Submittal. Application of any material, coating or finish without the requisite re-submittal to the Design Review Committee shall have the effect of voiding the Final Design Approval in its entirety.

E. SITE INSPECTION

As soon as the submission is complete, a representative of the Design Review Committee will inspect the site to determine that the conditions as depicted in the Final Design Submittal are accurate and complete.

F. RE-SUBMITTAL OF PLANS

In the event of any disapproval by the Design Review Committee of either a preliminary or a final submittal, a resubmission of plans should follow the same procedures as the original

submittal.

G. COMMENCEMENT OF CONSTRUCTION

Upon receipt of final approval from the Design Review Committee, and satisfaction of all governmental review processes, the Owner shall satisfy all conditions and commence the construction of any work pursuant to the approval plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked. The Owner shall, in any event, complete the construction of any improvement on his lot within 20 months after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, floods, national emergencies or natural calamities.

If the Owner fails to comply with the schedule, the Design Review Committee shall authorize the Association to either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be reimbursed to the Association by the Owner or face the Associations allowable alternatives.

H. INSPECTIONS OF WORK IN PROGRESS

The Design Review Committee may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the Design Review Committee of work in progress or compliance with these Design Guidelines.

I. SUBSEQUENT CHANGES

Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Design Review Committee for approval prior to making changes or addition.

J. NON WAIVER

The approval by Design Review Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of the development standards shall not constitute a waiver of same.

K. RIGHT OF WAIVER

The Design Review Committee reserves the right to waive or vary the procedures as set forth herein at its discretion.

L. EXEMPTIONS

Utility and maintenance buildings and other structures located on non-residential tract are exempted from the “Architectural Design Standards” portion of this document. However, the Design Review Committee will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

M. RELATIONSHIP WITH ASSOCIATION

The Design Review Committee shall serve as an agent of the Association concerning the review, enforcement, and other matters described in these Guidelines. All funds held or disbursed from payments of fines, and/or payment or reimbursements of expenses through enforcing the compliance with these Guidelines will be held and/or paid from the account of the Association and will, in all instances be the property of the Association.

7. DESIGN REVIEW COMMITTEE

A. MEMBERS

The Design Review Committee shall initially consist of three members. Each member shall hold his or her office until such time as he or she has resigned, or been removed, or his or her successor has been appointed as set forth herein.

B. SELECTION OF MEMBERS

Members of the Design Review Committee shall be selected as provided in the Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe, which have been recorded prior to the sale of each lot in South Jordan High Pointe. Said Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe have been herein previously been made part of the Design Guidelines by reference.

C. RESIGNATION OF MEMBERS

Any member of the Design Review Committee may, at any time, resign from the Design Review Committee upon written notice delivered to the Association.

D. DUTIES

It shall be the duty of the Design Review Committee to consider and act upon such proposals or plans related to the development of homes that are submitted pursuant to the Design Guidelines, to enforce these Design Guidelines, and to amend these Design Guidelines when, and in a manner deemed appropriate by the Design Review Committee.

E. MEETINGS

The Design Review Committee shall meet from time to time as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act of the Design Review Committee and shall keep on file all submittals and copies for a period not to exceed 18 months from date of submission of all written responses to Owners to serve as a record of all actions taken.

F. COMPENSATION

All Design Review Committee Members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the Design Review Committee retained for assistance in the review process shall be paid such compensation as the Design Review Committee determines.

G. AMENDMENT OF DESIGN GUIDELINES

Until the designated “turnover” date, the Design Review Committee may, from time to time and at its sole discretion, amend or revise any portion of these Development Guidelines. All such amendments or revisions shall be appended to and made a part of the Design Guidelines. Subsequent to the “turnover” date administrative charges may be made in like manner by the Design Review Committee. Changes of a substantial nature may be recommended by the Committee for consideration by the Board of Directors of the Association.

Each Owner is responsible for obtaining from the Design Review Committee a copy of the most recently revised Design Guidelines and the Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe.

H. NON-LIABILITY

None of the members of the Design Review Committee, any member thereof, or the Declarant, shall be liable to the Association or to any Owner or other person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings and specifications, whether or not defective.
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
3. The development, or manner of development, of any property within South Jordan High Pointe.

Every Owner or other person by submission of plans and specifications to the Design Review Committee for approval, agrees that he will not bring any action or suit against the

Design Review Committee, any of its members, or the Declarant, regarding any action taken by the Design Review Committee.

Approval by the Design Review Committee of any improvement at South Jordan High Pointe only refer to South Jordan High Pointe Design Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government regulations. It shall be, but not limited to zoning ordinances and local building codes.

I. ENFORCEMENT

The Design Review Committee may, at any time, inspect a lot or improvement and upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the Design Review Committee or its authorized agents may enter the lot and correct the violation at the expense of the Owner of such lot. Said expense shall be the sole responsibility of the Owner and shall be secured by a lien upon such lot and enforceable in accordance with the Declaration of Covenants, Conditions, and Restrictions for South Jordan High Pointe. In addition, if the Design Review Committee is holding a Compliance Deposit from the Owner, funds from the Compliance Deposit may be used to satisfy, in whole or in part, the obligation of the Owner to pay such expense.

In the event of any violation of these Design Guidelines, the Design Review Committee may, at its sole discretion and in addition to restoration expenses, impose without limitation a punitive fine, commensurate with the severity of the violation. Such fine shall be paid and secured as provided above for other expenses for which the Owner is liable.

J. ASSOCIATION FEES

South Jordan High Pointe concept is that of a public and private community. The Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe details that certain responsibilities must be dealt with and provided for the benefit of the residents of South Jordan High Pointe. Some of these responsibilities include street maintenance, snow removal, and common area maintenance for the entire South Jordan High Pointe projects established entry ways, trailheads, parks and private trails that are owned by the Association.

The maintenance and improvement items will be contracted out to responsible private individuals or companies and then, the Association will subsequently assess the Owners for these services. The Owners of each lot will be billed for these services monthly or as the Association dictates and must be remitted within the time frame specified by the Board.

For a detailed description relating to the establishment and collection of Common Expenses and General Assessments through the Association, please refer to the Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe (Volume I).

K. SEVERABILITY

If any provision of these Design Guidelines, or any section, clause, sentence phrase or word, or the application thereof in any circumstance, is held invalid according to the laws of the State of Utah, the validity of the remainder of these Design Guidelines shall be constructed as if such invalid part were never included therein.