


When Recorded Return To:

D.R. Horton, Inc.
12351 South Gateway Park Place, Suite D-100
Draper, Utah 84020
Attention: Adam Loser


ENT 135938:2021 PG 1 of 7
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Aug 03 4:37 pm FEE 40.00 BY SM
RECORDED FOR D R HORTON

**FIRST SUPPLEMENTAL DECLARATION AND FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
SUMMIT RIDGE TOWNHOMES**

THIS FIRST SUPPLEMENTAL DECLARATION AND FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUMMIT RIDGE TOWNHOMES (this “**First Supplemental Declaration and First Amendment**”) is made as of July 27, 2021, by D.R. HORTON, INC., a Delaware corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On December 3, 2020, Declarant caused to be recorded as Entry No. 192503:2020 in the official records of the Office of the Recorder of Utah County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for Summit Ridge Townhomes (the “**Original Declaration**”) pertaining to a residential unit development known as Summit Ridge Townhomes located in Santaquin City, Utah County, Utah.

B. The Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of an amendment, which shall be effective upon recording the amendment in the Official Records.

C. Pursuant to Section 4.1 of the Original Declaration, Declarant desires to subject to the Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, that portion of the Additional Land described on Exhibit “A,” which is attached hereto and incorporated herein by this reference (the “**Subject Property**”).

D. Section 3.32(b) of the Original Declaration provides that Declarant shall have the right to unilaterally amend the Original Declaration during the Class B Control Period.

E. Declarant is executing and delivering this First Supplemental Declaration and First Amendment for the purpose of subjecting the Subject Property to the provisions of the Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, and for the purpose of amending Section 1.17, Section 1.34 and Section 3.1 of the Original Declaration.

FIRST SUPPLEMENTAL DECLARATION AND FIRST AMENDMENT

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplemental Declaration and First Amendment shall have the same meanings as those set forth in the Original Declaration, unless otherwise defined in this First Supplemental Declaration and First Amendment.

2. The Subject Property is hereby subjected to the Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, and shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof. The Subject Land shall hereafter be deemed to be a part of the Property, as such term is defined in Section 1.52 of the Original Declaration.

3. The provisions of the Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, shall run with the Subject Property and shall be binding upon all Persons having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

4. Section 1.17 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

1.17 “Common Area” and “Common Areas” shall mean and refer to all real property described and identified on a specific Plat as Common Area or Common Areas in which the Association owns an interest for the common use and benefit of some or all of the Owners of the Lots or Units identified on such Plat, their successors, assigns, tenants, families, guests and invitees, including, but not limited to, the following items:

1.17.1 The real property and interests in real property subjected to the terms of this Declaration, including the entirety of the land and all Improvements constructed thereon, except for and specifically excluding therefrom the individual Lots and Units;

1.17.2 All Common Areas designated as such on the Plat;

1.17.3 All utility installations and all equipment connected with or in any way related to the furnishing of utilities to the Units identified on a specific Plat and intended for the common use of all Owners of the Units identified on such Plat, including without limitation utility services such as telephone, electricity, natural gas, water and sewer;

1.17.4 The outdoor grounds, detention basins, landscaping, street lighting, perimeter and preservation fences, sidewalks, trails, walking paths, parking spaces, private streets and allies identified on such Plat;

1.17.5 All portions of the Project identified on a specific Plat that is not specifically included within the individual Lots or Units identified on such Plat; and

1.17.6 All other parts of the Project identified on a specific Plat that is normally in common use or necessary or convenient to the use, existence, maintenance, safety, operation or management of the land owned by the Association for the common benefit of the Owner of the Lots or Units identified on such Plat.

1.17.7 Pursuant to Section 57-8a-102(15)(a)(ii)(B) of the Utah Code, the exterior boundaries of a Unit owned by an Owner within the Project shall be the exterior footprint or exterior boundary of the Unit on the ground level of such Unit, even if the exterior footprint or exterior boundary of a second or third level of such Unit may be shown on the Plat to extend outward beyond the exterior footprint or exterior boundary of the ground level of such Unit. To the extent that the exterior footprint or exterior boundary of a second or third level of a Unit extends outward beyond the exterior footprint or exterior boundary of the ground level of such Unit, such portions of land beneath such upper levels of such Unit shall be deemed to be Common Areas within the exterior air space appurtenant to such Unit, which Common Areas are perpetually designated as Limited Common Areas for the exclusive use of the Owner of such Unit. The Limited Common Areas appurtenant to a Unit and designated for the exclusive use of the Owner of a Unit shall also include the exterior walkways, driveways, stairs, porches, patios, balconies, decks and landscaped areas adjacent to the ground level or upper levels of such Unit and which may be designated on the Plat or otherwise designated in writing from time to time by the Association as Limited Common Areas for the exclusive use of the Owner of such Unit.

5. Section 1.34 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

1.34 “Limited Common Areas” shall mean and refer to those portions of the Common Areas which are specifically designated on a specific Plat as “Limited Common Area” and which are thereby allocated for the exclusive use of one or more Units but fewer than all of the Units identified on such Plat. Pursuant to Section 57-8a-102(15)(a)(ii)(B) of the Utah Code, the exterior boundaries of a Unit owned by an Owner within the Project shall be the exterior footprint or exterior

boundary of the Unit on the ground level of such Unit, even if the exterior footprint or exterior boundary of a second or third level of such Unit may be shown on the Plat to extend outward beyond the exterior footprint or exterior boundary of the ground level of such Unit. To the extent that the exterior footprint or exterior boundary of a second or third level of a Unit extends outward beyond the exterior footprint or exterior boundary of the ground level of such Unit, such portions of and beneath such upper levels of such Unit shall be deemed to be Common Areas within the exterior air space appurtenant to such Unit, which Common Areas are perpetually designated as Limited Common Areas for the exclusive use of the Owner of such Unit. The Limited Common Areas appurtenant to a Unit and designated for the exclusive use of the Owner of a Unit shall also include the exterior walkways, driveways, stairs, porches, patios, balconies, decks and landscaped areas adjacent to the ground level or upper levels of such Unit and which may be designated on the Plat or otherwise designated in writing from time to time by the Association as Limited Common Areas for the exclusive use of the Owner of such Unit. Limited Common Areas shall include any window well for a Dwelling Unit that is located outside the boundary of a Lot and within a Common Area

6. Section 3.1 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

3.1 Description of Improvements. The significant Improvements in the Project include, or shall include, all of the Units and the Common Areas as identified on the Plat, landscaping, roadways, a common utility system, an entrance to and exit from the Project, as well as all of the Limited Common Areas.

7. Except as supplemented and amended by the provisions of this First Supplemental Declaration and First Amendment, the Original Declaration shall remain unmodified and in full force and effect.

8. The Original Declaration, as supplemented and amended by this First Supplemental Declaration and First Amendment, shall collectively be referred to as the "Declaration."

EXHIBIT "A"
TO
FIRST SUPPLEMENTAL DECLARATION AND FIRST AMENDMENT
TO THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR SUMMIT RIDGE TOWNHOMES

Legal Description of the Subject Property

The Subject Property consists of that certain real property located in Utah County, Utah more particularly described as follows:

SUMMIT RIDGE TOWNS, PLAT B

PARCEL A

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FOX RUN AVENUE, SAID POINT BEING LOCATED N0°05'18"W ALONG THE SECTION LINE 82.24 FEET AND WEST 1586.89 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID LINE THE FOLLOWING 10 COURSES: SOUTHEASTERLY ALONG THE ARC OF A 731.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: N86°41'53"E) 61.26 FEET THROUGH A CENTRAL ANGLE OF 4°48'06" (CHORD: S5°42'10"E 61.24 FEET); THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 20.84 FEET THROUGH A CENTRAL ANGLE OF 79°35'20" (CHORD: S31°41'27"W 19.20 FEET); THENCE S7°35'20"E 56.02 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS BEARS: S18°30'53"E) 24.56 FEET THROUGH A CENTRAL ANGLE OF 93°49'42" (CHORD: S61°36'02"E 21.91 FEET); THENCE ALONG THE ARC OF A 731.00 FOOT RADIUS CURVE TO THE LEFT 33.06 FEET THROUGH A CENTRAL ANGLE OF 2°35'29" (CHORD: S15°58'55"E 33.06 FEET); THENCE S17°16'40"E 89.18 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.24 FEET THROUGH A CENTRAL ANGLE OF 88°45'47" (CHORD: S27°06'14"W 20.98 FEET); THENCE S16°36'12"E 55.03 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS BEARS: S18°30'53"E) 23.89 FEET THROUGH A CENTRAL ANGLE OF 91°14'13" (CHORD: S62°53'46"E 21.44 FEET); THENCE S17°16'40"E 193.25 FEET TO THE NORTH LINE OF SUMMIT RIDGE PARKWAY; THENCE SOUTHWESTERLY ALONG SAID LINE AND THE ARC OF A 2060.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: S17°57'18"E) 659.27 FEET THROUGH A CENTRAL ANGLE OF 18°20'12" (CHORD: S62°52'36"W 656.46 FEET); THENCE NORTH 675.43 FEET; THENCE EAST 120.00 FEET; THENCE NORTH 45.26 FEET; THENCE N89°59'18"E 28.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 26.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: EAST) 40.84 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD: S45°00'00"E 36.77 FEET); THENCE EAST 33.70 FEET; THENCE ALONG THE ARC OF A 89.00 FOOT RADIUS CURVE TO THE RIGHT 35.37 FEET THROUGH A CENTRAL ANGLE OF 22°46'08" (CHORD: S78°36'56"E 35.14 FEET); THENCE N0°40'38"E 74.54 FEET; THENCE N71°29'07"E 182.15 FEET; THENCE N73°18'31"E 15.27 FEET; THENCE N87°07'45"E 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±6.90 ACRES

PARCEL B

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED N0°05'18"W ALONG THE SECTION LINE 253.76 FEET AND WEST 1364.05 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S30°08'48"E 23.50 FEET; THENCE SOUTH 91.52 FEET; THENCE ALONG THE ARC OF A 65.00 FOOT

RADIUS CURVE TO THE LEFT 32.57 FEET THROUGH A CENTRAL ANGLE OF 28°42'48" (CHORD: S14°21'24"E 32.23 FEET); THENCE S28°42'48"E 164.00 FEET; THENCE S61°17'12"W 20.00 FEET; THENCE S28°42'48"E 117.92 FEET; THENCE N61°17'12"E 20.00 FEET; THENCE S28°42'48"E 91.00 FEET; THENCE S61°17'12"W 20.00 FEET; THENCE S28°42'48"E 41.71 FEET; THENCE N61°17'12"E 20.00 FEET; THENCE S28°42'48"E 64.00 FEET; THENCE S61°17'12"W 20.00 FEET; THENCE S28°42'48"E 4.50 FEET; THENCE S8°43'00"E 45.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT RIDGE PARKWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTHWESTERLY ALONG THE ARC OF A 2060.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: S8°43'00"E) 270.16 FEET THROUGH A CENTRAL ANGLE OF 7°30'50" (CHORD: S77°31'35"W 269.96 FEET); THENCE N17°16'40"W 208.27 FEET; THENCE N72°43'20"E 13.00 FEET; THENCE N17°16'40"W 52.36 FEET; THENCE N72°43'20"E 63.59 FEET; THENCE N17°16'40"W 141.11 FEET; THENCE N6°47'36"W 135.42 FEET; THENCE NORTH 138.35 FEET; THENCE EAST 84.62 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±2.73 ACRES

PARCEL C

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED N0°05'18"W ALONG THE SECTION LINE 308.76 FEET AND WEST 1363.96 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 80.17 FEET; THENCE N34°15'23"E 162.41 FEET; THENCE N56°49'44"E 116.27 FEET; THENCE N77°44'48"E 57.43 FEET; THENCE S13°31'44"E 75.13 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A 217.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: S13°04'13"E) 145.65 FEET THROUGH A CENTRAL ANGLE OF 38°27'24" (CHORD: S57°42'04"W 142.93 FEET); THENCE S38°28'22"W 65.54 FEET; THENCE N51°31'38"W 20.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A 35.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: S51°31'38"E) 9.97 FEET THROUGH A CENTRAL ANGLE OF 16°19'24" (CHORD: S30°18'40"W 9.94 FEET); THENCE SOUTH 13.17 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±0.50 ACRES

TOTAL AREA: ± 10.13 ACRES

SUMMIT RIDGE TOWNS, PLAT C

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED N0°05'18"W ALONG THE SECTION LINE 81.59 FEET AND WEST 1599.88 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S73°18'31"W 15.27 FEET; THENCE S71°29'07"W 182.15 FEET; THENCE S0°40'38"W 74.54 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A 89.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: S22°46'08"W) 35.37 FEET THROUGH A CENTRAL ANGLE OF 22°46'08" (CHORD: N78°36'56"W 35.14 FEET); THENCE WEST 33.70 FEET; THENCE ALONG THE ARC OF A 26.00 FOOT RADIUS CURVE TO THE RIGHT 40.84 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD: N45°00'00"W 36.77 FEET); THENCE S89°59'18"W 28.00 FEET; THENCE SOUTH 45.26 FEET; THENCE WEST 120.00 FEET; THENCE NORTH 376.27 FEET; THENCE EAST 223.00 FEET; THENCE SOUTH 55.00 FEET; THENCE EAST 22.00 FEET; THENCE SOUTH 77.00 FEET; THENCE EAST 184.15 FEET; THENCE SOUTH 52.43 FEET; THENCE ALONG THE ARC OF A 744.00 FOOT RADIUS CURVE TO THE LEFT 42.78 FEET THROUGH A CENTRAL ANGLE OF 3°17'40" (CHORD: S1°38'50"E 42.77 FEET) TO THE POINT OF BEGINNING.

TOTAL AREA: ±2.54 ACRES