



WHEN RECORDED, MAIL TO:

Merrill Properties, LLC  
c/o Brad & Sara Merrill  
470 Country Lane Unit 11  
Santa Clara, UT 84765

AMENDMENT NO. 2 TO  
DECLARATION OF COVENANTS, CONDITIONS,  
EASEMENTS AND PROTECTIVE COVENANTS  
FOR  
PARADISE VILLAGE AT ZION

THIS AMENDMENT NO. 2 TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND PROTECTIVE COVENANTS FOR PARADISE VILLAGE AT ZION (the "Amendment") is executed this 20 day of June, 2016, by Merrill Properties, LLC, a Utah limited liability company (the "Declarant").

RECITALS

A. Declarant caused to be recorded a Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of June 27, 2014, and recorded on July 2, 2014, in the official records of Washington County, Utah as document number 20140020242, as modified and/or supplemented by that certain Amendment No. 1 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of March 23, 2016, and recorded on April 25, 2016, in the official records of Washington County, Utah as document number 20160014432 (collectively, the "Declaration") concerning the real property located in Washington County, State of Utah, more particularly described in Exhibit "A," attached hereto and incorporated herein (the "Property").

B. Pursuant to Section 15.2 of the Declaration, during the Period of Administrative Control, Declarant, acting without the consent or approval of the Association or any other Owner, shall have the right to amend the Declaration.

C. The Period of Administrative Control is still in effect as of the date hereof and Declarant desires to amend the Declaration by modifying provisions within the Declaration, subjecting additional land to the Declaration, and identifying property that may be annexed in the future as part of the property subject to the terms and conditions of the Declaration.

NOW, THEREFORE, Declarant amends the Declaration as follows:

1. Addition of Definition of Resort Fee. The following definition of "Resort Fee" is hereby added as Subsection 1.44 of Article I, Definitions of the Declaration.

**1.44 "Resort Fee"** means a fee charged by the Property Manager to Lessees that rent or lease Units within the Community. It is anticipated that the Resort Fee will be approximately two percent to four percent (2% to 4%) of the total rent/fee paid by Lessees.

2. Addition of Definition of Resort Services Company. The following definition of "Resort Services Company" is hereby added as Subsection 1.45 of Article I, Definitions of the Declaration.

**1.45 "Resort Services Company"** means a company retained by the Association or the Property Manager that inspects and/or coordinates on-site concierge, cleaning, and maintenance services, and to provide data research to the Community.

3. Modification of Numbering of Definitions. The numbering of the definitions from and after Subsection 1.43 shall be increased to account for the addition of the definitions of "Resort Fee" and "Resort Services Company."

4. Addition of Section 12.17. The following shall be added as Section 12.17 of the Declaration:

**12.17 Resort Fee.** The Association or the Property Manager shall have the right to retain a Resort Services Company to inspect and coordinate on-site concierge, cleaning, and/or maintenance services, and to provide data research to the Community. The Association or the Property Manager shall pay the Resort Services Company a commercially reasonable fee. It is intended that the fee payable to the Resort Services Company will be wholly derived from Resort Fees paid by Lessees. It is anticipated that the Resort Fee will be approximately two percent to four percent (2% to 4%) of the total rent/fee paid by Lessees. In the event the Resort Fees collected during a year are inadequate to pay for the fees payable to the Resort Services Company in any given year, the Association will have the right to levy a Special Assessment against the Units or the Owners in an amount equal to the difference between the amount payable to the Resort Services Company and the total Resort Fees collected.

5. Miscellaneous. The recitals are hereby incorporated into this Amendment. Except as provided herein, the terms and conditions of the Declaration shall remain the same and in full force and effect and are incorporated herein as amended hereby.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date first above written.

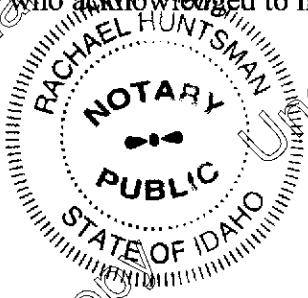
MERRILL PROPERTIES, LLC,  
a Utah limited liability company

By:   
Sara Merrill, Manager

By:   
Brad Merrill, Manager

STATE OF ~~UTAH~~ Idaho <sup>KA</sup>  
County of Bonneville ss.

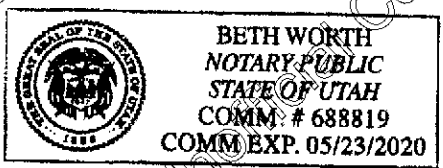
On the 20 day of June, 2016, personally appeared before me Sara Merrill, known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument on behalf of Merrill Properties, LLC, a Utah limited liability, and who acknowledged to me that said entity executed it.



Rachael Huntsman  
NOTARY PUBLIC

STATE OF UTAH )  
County of Washington ) ss.

On the 20 day of June, 2016, personally appeared before me Brad Merrill, known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument on behalf of Merrill Properties, LLC, a Utah limited liability, and who acknowledged to me that said entity executed it.



Beth Worth  
NOTARY PUBLIC

ORDER NUMBER: 228020

**EXHIBIT "A"**

(SC-SB-91-E) and ~~SC-SB-91-D~~

ALL OF LOT 6, BLOCK 30, OF THE ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY, BEING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN.

LESS AND EXCEPTING THE FOLLOWING TWO PARCELS:

- (1) ALL OF SNOW CANYON KH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.
- (2) THAT PORTION DEDICATED TO SANTA CLARA CITY FOR NORTH TOWN ROAD AND HAMELIN PARKWAY, BY DEED OF DEDICATION RECORDED FEBRUARY 9, 2012 AS ENTRY NO. 20120004301 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF SNOW CANYON KH SUBDIVISION, SAID POINT BEING NORTH 89°26'48" EAST 736.16 FEET ALONG THE SECTION LINE AND SOUTH 38.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING; THENCE SOUTHERLY 38.70 FEET ALONG AN ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 0°33'37" EAST, LONG CHORD BEARS SOUTH 45°05'34" WEST 34.95 FEET WITH A CENTRAL ANGLE OF 88°42'05") ALONG THE NORTHWESTERLY LINE OF SAID SNOW CANYON KH SUBDIVISION; THENCE SOUTH 00°44'45" WEST 171.70 FEET ALONG THE WESTERLY LINE OF SAID SNOW CANYON KH SUBDIVISION; THENCE SOUTHERLY 267.33 FEET ALONG AN ARC OF A 706.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 89°15'15" WEST, LONG CHORD BEARS SOUTH 11°35'37" WEST 265.74 FEET WITH A CENTRAL ANGLE OF 21°41'43") ALONG AND BEYOND SAID SUBDIVISION TO THE WESTERLY LINE OF LOT 6, BLOCK 30, ST. GEORGE SANTA CLARA IRRIGATION BENCH SURVEY SAID POINT ALSO BEING THE EASTERLY LINE OF TUSCANY AT CLIFFROSE PHASE 1; THENCE NORTH 00°44'49" EAST 455.99 FEET ALONG SAID EASTERLY LINE OF TUSCANY AT CLIFFROSE PHASE 1; THENCE NORTH 89°26'48" EAST 74.45 FEET TO THE POINT OF BEGINNING.

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH.

**EXHIBIT "A"**

PARCEL 1: SC-6-2-8-11031

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF NORTH TOWN ROAD, SAID POINT BEING NORTH 89°26'54" EAST 1,324.41 FEET ALONG THE SECTION LINE AND SOUTH 00°42'28" WEST 31.33 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING; THENCE NORTHEASTERLY THE FOLLOWING (3) COURSES ALONG SAID NORTH TOWN ROAD; THENCE NORTHEASTERLY 135.65 FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 12°39'31" WEST, LONG CHORD BEARS NORTH 67°22'38" EAST 134.97 FEET WITH A CENTRAL ANGLE OF 19°55'42"); THENCE NORTH 57°24'47" EAST 292.91 FEET; THENCE EASTERLY 39.27 FEET ALONG AN ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 32°35'13" EAST, LONG CHORD BEARS SOUTH 77°35'25" EAST 35.35 FEET WITH A CENTRAL ANGLE OF 89°59'36") TO THE WESTERLY LINE OF RACHEL DRIVE; THENCE SOUTHEASTERLY THE FOLLOWING (5) COURSES ALONG SAID EASTERLY LINE OF RACHEL DRIVE; THENCE SOUTH 32°35'37" EAST 205.00 FEET; THENCE SOUTHEASTERLY 337.53 FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 57°24'23" EAST, LONG CHORD BEARS SOUTH 57°23'14" EAST 327.09 FEET WITH A CENTRAL ANGLE OF 49°35'14"); THENCE SOUTH 82°10'51" EAST 268.54 FEET; THENCE SOUTHEASTERLY 376.07 FEET ALONG AN ARC OF A 260.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 07°49'09" WEST, LONG CHORD BEARS SOUTH 40°44'39" EAST 344.13 FEET WITH A CENTRAL ANGLE OF 82°52'25"); THENCE SOUTH 00°41'33" WEST 181.51 FEET TO THE SOUTH LINE OF LOT 6, BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE SOUTH 89°37'38" WEST 1,263.42 FEET ALONG THE SOUTHERLY LINE OF LOTS 6 AND 5 TO THE SOUTHWEST CORNER OF LOT 5 BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE NORTH 89°17'32" WEST 24.75 FEET; THENCE NORTH 00°42'28" EAST 633.65 FEET TO THE POINT OF BEGINNING.

LESS LAND IN PARADISE VILLAGE AT ZION PHASE 1 AMENDED  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 2  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 3 AMENDED  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 4  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 5

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 2: (SC-PVZ-1-1,2,3,4,5,6,7,37,38,39,40,41,42,43)

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 37, 38, 39, 40, 41, 42 AND 43, PARADISE VILLAGE AT ZION PHASE 1, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 3 (SC-PVZ-2-51,55,56,57,58,59,63,65,67,69,70)

ALL OF LOTS 51, 55, 56, 57, 58, 59, 63, 65, 67, 69, 70, PARADISE VILLAGE AT ZION PHASE PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDED OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 4: (SC-PVZ-3-22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,44,45,46,47,48,49,50)

ALL OF LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 44, 45, 46, 47, 48, 49 AND 50, PARADISE VILLAGE AT ZION PHASE 3, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 5: (SC-PVZ-4-8,9,10,11,12,13,14,15,16,17,18,19,20,21)

ALL OF LOTS 8,9,10,11,12,13,14,15,16,17,18,19,20,21, PARADISE VILLAGE AT ZION PHASE 4, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 6: (SC-PVX-5-71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,89)

ALL OF LOTS 71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,89 PARADISE VILLAGE AT ZION PHASE 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY STATE OF UTAH.