

Amended Restrictive Covenants Page 1 of 5
Gary Christensen Washington County Recorder
02/23/2021 09:10:21 AM Fee \$68.00 By MILLER
HARRISON LLC

When Recorded Return To:
Desert Color St. George, LLC
730 North 1500 West
Orem, Utah 84058

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS, EASEMENTS, TERMS AND
RESERVATIONS FOR DESERT COLOR COMMUNITY**

This First Amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community (the “**First Amendment**”) is executed and adopted by Desert Color St. George, LLC (the “**Declarant**”).

RECITALS

A. The Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community was recorded on July 29, 2020 as Entry No. 20200039512 in the office of the Washington County Recorder (hereinafter the “**Declaration**”).

B. This First Amendment affects the real property located in Washington County, State of Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated herein by reference.

C. The Declarant desires to amend the Declaration as set forth in this First Amendment to clarify Impact Fee definitions and the terms and circumstances where the Master Association may assess Impact Fees.

D. Unless otherwise set forth herein, the capitalized terms shall have their same meanings and definitions as stated in the Declaration.

E. Pursuant to Article XX, Section 20.1 of the Declaration, the Declarant has elected to amend the Declaration pursuant to its unilateral amendment right.

F. As of the date of the recording of this First Amendment, Declarant owns one or more Parcels in the Community and the Declarant Control Period remains in effect.

AMENDMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, the Declarant hereby executes this First Amendment, which shall be effective as of its recording date with the Washington County Recorder’s office.

(1) Amendment No. 1. Article VI, Section 6.16 of the Declaration shall be deleted in its entirety and shall be replaced by the following:

6.16 Impact Fees

The Board shall have the right, but not the obligation, within its sole discretion, to impose a schedule of Impact Fees for the costs of infrastructure and improvements provided to a Lot, Parcel or Unit. The Master Association may set Impact Fees by Board Resolution, Rule, or other similar Master

Association document. To the extent reasonably practical, Impact Fees shall be uniform for similarly situated Lots, Parcels, or Units and the benefits they receive; however, there shall be no requirement for uniform Impact Fees across the Community. The authority to assess Impact Fees shall be construed broadly to permit the Master Association to recover and pay for any and all costs incurred in the development and construction of improvements in the Desert Color Community. Impact Fees may be assessed at any time the Master Association determines, including, but not limited to: a transfer of title, an application for a building permit, or an application for connection to a utility facility. Impact Fees are intended to offset the effect that the development and occupancy of each Lot, Parcel or Unit will have on the infrastructure and environment within Desert Color Community. If the Association collects monies in excess of the amounts required to cover the costs of the infrastructure or facilities that are the purpose of the Impact Fees, then the Association may reimburse Owners the excess funds, or may hold such funds for the future benefit of the Lots served by the Impact Fee in the same proportional allocation in which the Impact Fees were assessed. Impact Fees shall be subject to all lien rights of the Master Association and shall be treated as Specific Assessments for collection purposes.

(2) **Conflicts.** All remaining provisions of the Declaration and any prior amendments not specifically amended in this First Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall in all respects govern and control.

(3) **Incorporation & Supplementation of Declaration.** This document is supplemental to the Declaration, which by reference is made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS WHEREOF, Declarant has executed this First Amendment this 22 day of FEBRUARY, 2021.

DECLARANT
DESERT COLOR ST. GEORGE, LLC
a Utah limited liability company

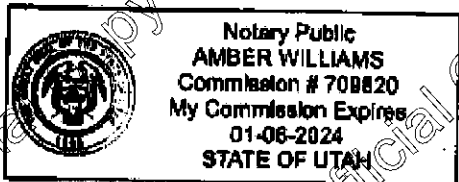
By: [Signature]

Name: MITCHELL DANSIE

Its: MANAGER

STATE OF UTAH)
) ss.
COUNTY OF Washington

On the 22nd day of February, 2021, personally appeared before me Mitchell Dansie who by me being duly sworn, did say that she/he is an authorized representative of Desert Color St. George, LLC, and that the foregoing instrument is signed on behalf of said corporation and executed with all necessary authority.



Notary Public: [Signature]

EXHIBIT A
Legal Description

All of the **DESERT COLOR RESORT PHASE 1A SUBDIVISION**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20210002172.

Parcel Numbers: SG-DCR-1A-1-S11, SG-DCR-1A-C1 through SG-DCR-1A-C3

All of the **DESERT COLOR RESORT PHASE 2A SUBDIVISION**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190054450.

Parcel Numbers: SG-DCR-2A-3 through SG-DCR-2A-32

All of the **DESERT COLOR RESORT PHASE 2B**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190054681.

Parcel Numbers: SG-DCR-2B-33 through SG-DCR-2B-37
SG-DCR-2B-60 through SG-DCR-2B-87
SG-DCR-2B-104 through SG-DCR-2B-107

All of **DESERT COLOR RESORT PHASE 2C**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190053673.

Parcel Numbers: SG-DCR-2C-43 through SG-DCR-2C-49

All of **DESERT COLOR RESORT PHASE 2E**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200057858.

Parcel Numbers: SG-DCR-2E-41 through SG-DCR-2E-42
SG-DCR-2E-50 through SG-DCR-2E-53

All of **DESERT COLOR RESORT PHASE 2F**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200057860.

Parcel Numbers: SG-DCR-2F-38 through SG-DCR-2F-40
SG-DCR-2F-54 through SG-DCR-2F-59

All of **DESERT COLOR RESORT PHASE 2G**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200057862.

Parcel Numbers: SG-DCR-2G-88 through SG-DCR-2G-103
SG-DCR-2G-108 through SG-DCR-2G-110

All of **DESERT COLOR RESORT PHASE 3**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190054741.

Parcel Numbers: SG-DCR-3-124 through SG-DCR-3-135

All of **DESERT COLOR RESORT PHASE 4**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200039412.

Parcel Numbers: SG-DCR-4-136 through SG-DCR-4-143

All of **AUBURN HILLS PHASE 1**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190023357.

Parcel Numbers: SG-AUB-1-1 through SG-AUB-1-122

All of **AUBURN HILLS PHASE 1 LOTS 51, 52, 53 & 54 AMENDED**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200029609.

Parcel Numbers: SG-AUBU-1-51 through SG-AUBU-1-54

All of **AUBURN HILLS PHASE 1 LOTS 88, 89, 90 & 91 AMENDED**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20210007329.

Parcel Numbers: SG-AUBU-1-88 through SG-AUBU-1-91

All of **AUBURN HILLS PHASE 2**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190053706.

Parcel Numbers: SG-AUB-2-123 through SG-AUB-2-181

All of **AUBURN HILLS PHASE 3A**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200044649.

Parcel Numbers: SG-AUB-3A-1 through SG-AUB-3A-27

All of **AUBURN HILLS PHASE 4A**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200045799.

Parcel Numbers: SG-AUB-4A-1 through SG-AUB-4A-7
SG-AUB-4A-31 through SG-AUB-4A-53

All of **AUBURN HILLS PHASE 4B**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20210005647.

Parcel Numbers: SG-AUB-4B-8 through SG-AUB-4B-59

All of **AUBURN HILLS PHASE 5**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200065101.

Parcel Numbers: SG-AUB-5-1 through SG-AUB-5-12

All of **AUBURN HILLS PHASE 7A**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200062892.

Parcel Numbers: SG-AUB-7A-1 through SG-AUB-7A-16

All of **AUBURN HILLS PHASE 9**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200061148.

Parcel Numbers: SG-AUB-9-1 through SG-AUB-9-11

All of **AUBURN HILLS PHASE 10**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200064295.

Parcel Numbers: SG-AUB-10-12 through SG-AUB-10-20

All of **AUBURN HILLS PHASE 11**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200072080.

Parcel Numbers: SG-AUB-11-22 through SG-AUB-11-32

All of **AUBURN HILLS PHASE 12**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200062904.

Parcel Numbers: SG-AUB-12-1 through SG-AUB-12-12

All of **AUBURN HILLS PHASE 13**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200069795.

Parcel Numbers: SG-AUB-13-13 through SG-AUB-13-24

All of **AUBURN HILLS PHASE 14A**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200062894.

Parcel Numbers: SG-AUB-14A-1 through SG-AUB-14A-7

All of **AUBURN HILLS PHASE 20**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20200068944.

Parcel Numbers: SG-AUB-20-1 and SG-AUB-20-2