

Recorded at the request of:

Stonecreek Meadows, LLC  
C/o Matthew J. Ence  
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PO Box 2747  
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FIRST AMENDMENT TO  
DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
STONECREEK MEADOWS  
A PLANNED UNIT DEVELOPMENT

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Stonecreek Meadows is made and executed in St. George, Washington County, State of Utah, this 26<sup>th</sup> day of July, 2004, by Declarant STONECREEK MEADOWS, LLC, and amends the Declaration of Covenants, Conditions and Restrictions for Stonecreek Meadows dated May 14, 2004, and recorded on May 14, 2004 as Entry No. 879606, in Book 1638, at pages 734-767, on the records of the Washington County Recorder's Office (the "Declaration"). This amendment is made pursuant to Article XV of the CC&Rs, by which the Declarant may unilaterally amend the Declaration prior to the end of the first two-year period following the date first written.

1. This Amendment pertains to certain real property located in the County of Washington, State of Utah, which is more particularly described as follows:

A PARCEL OF LAND LOCATED IN BLOCK 2, OF THE PETER NEILSON'S ENTRY OF THE NORTHWEST ¼, OF SECTION 26, TOWNSHIP 42 SOUTH, RANGE 15 WEST SALT LAKE BASE AND MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N 89°31'55" E, 386.46 FEET ALONG THE CENTER SECTION LINE FROM THE WEST ¼ CORNER OF SAID SECTION 26 (BRASS CAP) AND RUNNING THENCE N 00°52'34" E 884.30 FEET; THENCE S 88°57'26" E 125.00 FEET; THENCE N 00°52'34" E 12.86 FEET; THENCE S 88°57'26" E 575.39 FEET; THENCE N 00°52'00" E 8.58 FEET; THENCE N 89°24'00" E 123.97 FEET; THENCE S 00°48'38" W 127.35 FEET; THENCE N 89°24'00" E 5.94 FEET; THENCE S 00°52'00" W 780.89 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE N 89°02'31" W 830.54 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL CONTAINS 743,530 SQUARE FEET OR 17.069 ACRES MORE OR LESS.

2. Article V, Section 1 of the Declaration is hereby substituted and replaced by the following paragraph:

Section 1. Separation Walls. Declarant shall construct a block landscaping wall bordering the Project along 2000 South Street which shall separate the Project from other developments and public

rights-of-way; said wall shall be deemed a separation wall and shall be a part of the Common Area. It is the intent of Declarant that all such separation walls shall be deemed to be owned and maintained by the Association. Any walls constructed by Lot Owners for the purpose of separating the Common Area from Lots, or for separating one lot from another lot, shall be considered the responsibility of the Lot Owner(s) of the adjoining lot(s) to construct, repair and maintain, and shall not be considered separation walls under this Declaration. The Association shall have the right, at any time such walls are not being maintained in good condition, to make repairs to or reconstruct such walls and assess the costs of repairs or reconstruction to the responsible Lot Owner(s).

3. Article VII, Section 2, paragraph (f) of the Declaration is hereby substituted and replaced by the following paragraph:

(f) Yard Walls and Fences. Yard walls and/or fences shall be of brick, block or stone, shall conform to the standards defined by the Architectural Control Committee, and shall be approved by the Architectural Control Committee. No chain link, wire, or wood fences will be permitted. Walls or fences are intended to enhance the privacy of the residents of such Lot, and should not unreasonably interfere with the view from any neighboring Lot. No fence or wall shall be erected, placed or altered on any Lot nearer to any street than the minimum building setback lines unless approved by the ACC.

IN WITNESS WHEREOF, the undersigned, being Declarant herein, has hereunto set his hand and seal the day and year first written above.

**DECLARANT:**

STONECREEK MEADOWS, LLC



By: F. KENT PINTUS

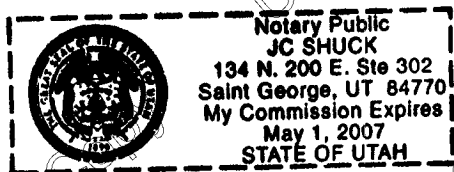
Its: Authorized Agent

STATE OF UTAH,

) : ss.

County of Washington, )

On this 26<sup>th</sup> day of July, 2004, personally appeared before me F. KENT PINTUS, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he is the Authorized Agent of Stonecreek Meadows, LLC, a Utah corporation, and that he executed the foregoing AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS on behalf of said corporation being authorized and empowered to do so by the Bylaws of the corporation, and he did duly acknowledge before me that the corporation executed this document for the uses and purposes stated therein.

  
Notary Public