00667166 B: 1308 P: 1310

B: 1308 P: 1310 Fee \$25.00 Debbie B. Johnson, Iron County Recorder - Page 1 of 4 03/06/2015 04:17:49 PM By: MOUNTAIN VIEW TITLE - CEDAR CITY

Record against the Property Described in Exhibit A

After Recording mail to: The Ridge at Enoch, Inc. P.O. Box 1977 Cedar City, Utah 84720

## FIRST AMENDMENT TO THE SUPPLEMENTAL DECLARATION FOR

# THE RIDGE SUBDIVISION <u>ASUBDIVISION LOCATED IN THE CITY OF ENOCH</u> IRON COUNTY, UTAH

(Phase 9 Supplemental Covenants)

This First Amendment to the Supplemental Declaration for The Ridge Subdivision ("First Amendment"), is dated this \_\_\_\_\_\_ day of March, 2015, and shall amend the Supplemental Declaration for The Ridge Subdivision, (Phase 9), recorded December 20, 2013, as Entry No. 00651961, Book No. 1281, Page No. 1080, in the official records of the Iron County Recorder, State of Utah (the "Supplemental Declaration"). This First Amendment shall be subject to the Declaration of Covenants, Conditions and Restrictions for The Ridge Subdivision, (Phase IV), recorded May 27, 2005, as Entry No. 504345, Book No. 975, Page No. 1374-1383, in the official records of the Iron County Recorder, State of Utah (the "Original Declaration"). In the event of a conflict between the Supplemental Declaration, the Original Declaration, or the Rules and Regulations for the subdivision, this First Amendment shall control.

#### **RECITALS**

WHEREAS, Section 5, Paragraph 44 of the Original Declaration provided that additional property could be annexed into the subdivision, and

WHEREAS, Phase 9 was annexed into the subdivision as additional property, with its accompanying Supplemental Declaration, and

WHEREAS, it is desired to amend the Supplemental Declaration and Original Declaration as it relates to Phase 9, and

WHEREAS, Section 5, Paragraph 43, of the Original Declaration, provides that amendments may be made by the affirmative written consent of 75% of the owners of the lots, and filing the same in the Office of the Iron County Recorder, and

WHEREAS, a Consent to Amendment to the Supplemental Declaration, for Phase 9, was signed by at least seventy-five percent (75%) of the owners of the lots approving of this First Amendment to the Supplemental Declaration, and

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WHEREAS, this First Amendment shall take effect upon the date it is recorded in the records of the Iron County Recorder (the "Amendment Date"), and

WHEREAS, the real property which is subject to this First Amendment is located in Iron County, State of Utah, and more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference.

NOW THEREFORE, the Supplemental Declaration is hereby amended as follows:

### ITEM ONE AMENDMENT TO SECTION

Amendment to Section. Section 3 of the Supplemental Declaration is hereby amended in its entirety, so that after amendment, Section 3 will read as follows:

3. <u>Front Exterior Materials</u>. The front exterior elevation may be any one or a combination of stucco, stone, masonry, brick, vinyl siding, or cementations siding. All other exterior elevations may consist of the acceptable "Building Materials."

#### ITEM TWO ADDITIONAL SECTION

Additional Section. An additional Section shall be added to the Supplemental Declaration to include a Section 9. The additional Section 9 will read as follows:

Landscape Deposit. A landscape deposit to ensure the completion of landscaping shall not be required. However, all landscaping shall be completed within one (1) year from the issuance of the Certificate of Occupancy. In the event Owner fails to complete the landscaping within one (1) year from the Certificate of Occupancy, then Developer may enter upon Owner's lot to make the necessary improvements to complete the landscaping at Owners sole cost and expense. Entry by the Developer onto the noncompliant lot shall not be deemed a trespass and the Developer shall not be subject to any liability therefore. The cost of the installation and completion of the landscape shall be billed to and paid for by the Owner of the noncompliant lot and such cost shall constitute a lien and a right of Developer to file a formal lien against the lot, which may be filed by the Developer after notice is made to the Owner of the lot that payment is due and owing, and Owner fails to pay within ten (10) days of said notice. The lien may be enforced by the Developer in a manner provided by law with respect to a mortgage with power to sale, or a deed of trust with power of sale, or with respect to a mechanics and material lien, or with respect to any other lien on real property. In order for the lien to be discharged, the Owner of the noncompliant lot shall pay, in addition to the amount of the lien, all costs associated with foreclosure and/or any other enforcement efforts to collect on the lien, including reasonable attorney fees.

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IN WITNESS WHEREOF, on the \_\_\_\_\_\_ day of March, 2015, by the affirmative written consent of the Owners holding at least seventy-five percent (75%) of the voting power of the lot owners within Phase 9, this First Amendment was agreed upon and it is directed that this First Amendment be recorded in the records of the Iron County Recorder, State of Utah.

The Ridge at Enoch, Inc.

Robert Randall, Authorized Agent

STATE OF UTAH,

: ss.

County of Iron )

On the \_\_\_\_\_ day of March, 2015, personally appeared before me Robert Randall, who being by me duly sworn, did say that he is authorized and empowered to sign this Amendment on behalf of The Ridge at Enoch, Inc., and said person acknowledged to me that at least seventy-five percent (75%) of the lot owners within Phase 9 authorized the execution of same.

Votary Public

W9. 31, 8

Notary Public LISA M. JONES Commission #669465 by Commission Expires August 31, 2017 State of Litah

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#### EXHIBIT A

This Amendment to the Supplemental Declaration of The Ridge Subdivision effects the following real property, all located in Iron County, State of Utah:

### THE RIDGE SUBDIVISION, ENOCH UTAH (PHASE 9)

BEGINNING AT A POINT N89°58'16"W ALONG THE EAST-WEST ¼ SECTION LINE 1008.58 FEET AND NO5°44'39"E 84.47 FEET FROM THE EAST ¼ CORNER OF SECTION 7, T35S-R10W, S.L.B.&M. RUNNING THENCE NO5°44'39" E 84.43 FEET; THENCE N20°56'40"E 183.76 FEET; THENCE S89°56'35"E 439.76 FEET TO THE NW CORNER OF "THE RIDGE SUBDIVISION, PHASE 8; THENCE ALONG THE WESTERLY LINE OF SAID SUBDIVISION THE FOLLOWING 3 COURSES; (1)S10°17'11"W 225.48 FEET; THENCE (2) SO4°34'34"W 63.07 FEET; THENCE (3)S11°07'33"W 125.55 FEET TO THE SW CORNER OF SAID SUBDIVISION; THENCE N78°37'45"W 39.45 FEET; THENCE N69°03'20"W 433.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.57 ACRES.

Also described as: All of the Lots 94 thru 102 located in the Ridge Subdivision, Phase 9 as identified on the Phase 9 plat recorded on the 20<sup>th</sup> day of December, 2013 in the office of the Iron County Recorder as Entry No. 651959, Book 1281, Page 1078.

Parcel No. A-930-2

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