

After Recording Please Return To:

SCP Eaglewood Village, LLC  
1148 W. Legacy Crossing Blvd.  
Suite 400  
Centerville, Utah 84014

**RESCISSION OF  
AMENDED AND RESTATED DECLARATION OF  
HILLSIDE RESTRICTIVE COVENANT  
AND REINSTATEMENT OF ORIGINAL DECLARATION**

THIS RESCISSION OF AMENDED AND RESTATED DECLARATION OF HILLSIDE RESTRICTIVE COVENANT AND REINSTATEMENT OF ORIGINAL DECLARATION ("Rescission and Reinstatement") is entered into this ~~21<sup>st</sup>~~ day of June, 2018, but effective as of July 28, 2017 ("Effective Date"), by SCP Eaglewood Village, LLC, a Utah limited liability company ("SCP"), EV Commercial, LLC, a Utah limited liability company, Eaglewood Lofts, a Utah limited liability company, and Eaglewood Lofts II, a Utah limited liability company.

**R E C I T A L S**

WHEREAS, SCP and certain other parties executed that certain Amended and Restated Declaration of Hillside Restrictive Covenant (the "Amended Declaration") as of July 6, 2017, and SCP recorded the Amended Declaration on July 28, 2017 in the office of the Davis County, Utah Recorder as Entry No. 3035038;

WHEREAS, the Amended Declaration purported to amend and restate that certain Declaration of Hillside Restrictive Covenant, dated as of July 19, 2011, and recorded on October 19, 2011 in the office of the Davis County, Utah Recorder ("Filing Office") as Entry No. 2622175, as amended by that First Amendment to Declaration of Hillside Restrictive Covenant, dated as of August 4, 2014, and recorded on August 5, 2014 in the Filing Office as Entry No. 2816566 (collectively, "Original Declaration"), which preceded the Amended Declaration; and

WHEREAS, the Amended Declaration and Original Declaration relate to property more particularly described in Exhibits A, B and C attached hereto and incorporated herein; and

WHEREAS, the party or parties that executed the Amended Declaration inadvertently executed the Amended Declaration on behalf of an entity or entities for whom that party or those parties did not have authority to sign; and

WHEREAS, the undersigned parties acknowledge and agree that it is in the best interests of the Hillside Owners to rescind, nullify and terminate, as of the Effective Date, the Amended Declaration, and to reinstate in its entirety the Original Declaration.

NOW, THEREFORE, for good and valuable consideration, the undersigned parties hereby agree that the Amended Declaration is hereby rescinded, nullified, terminated, and cancelled in its entirety as of the Effective Date, and the undersigned parties do hereby further agree and acknowledge that the Original Declaration is, accordingly, reinstated and stands in full force and effect, effective as of the Effective Date.

*[Signature Page Follows]*

SCP EAGLEWOOD VILLAGE, LLC, a Utah limited liability company

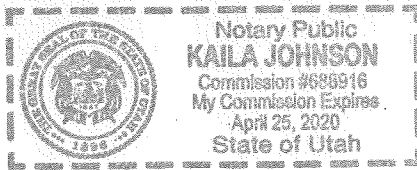
By: JF Capital, LLC, a Utah limited liability company, its Manager

By: J. Fisher Companies, LLC, a Utah limited liability company, its Manager

By: [Signature]  
Owen Fisher, Manager

STATE OF UTAH )  
 ) :ss.  
COUNTY OF DAVIS )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2018 by Owen Fisher, as Manager of Manager of Manager of SCP EAGLEWOOD VILLAGE, LLC, a Utah limited liability company.



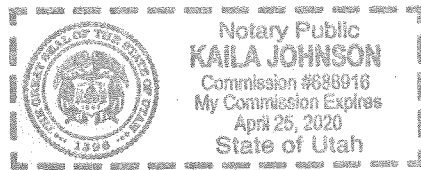
[Signature]  
Notary Public

EV COMMERCIAL, LLC, a Utah limited liability company

By: [Signature]  
Name: Owen Fisher  
Its: manager of Manager

STATE OF UTAH )  
 ) :ss.  
COUNTY OF DAVIS )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2018 by Owen Fisher, as Manager of Manager of EV Commercial, LLC, a Utah limited liability company.



[Signature]  
Notary Public

EAGLEWOOD LOFTS, LLC, a Utah limited liability company

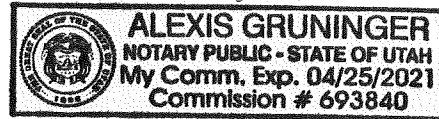
By: BS Lowe, LLC, a Utah limited liability company, its Manager

By: [Signature]  
Benjamin Lowe, Manager

STATE OF UTAH )  
 )  
 ) :ss.  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2018 by Benjamin Lowe, as Manager of Manager of EAGLEWOOD LOFTS, LLC, a Utah limited liability company.

[Signature]  
Notary Public



EAGLEWOOD LOFTS II, LLC, a Utah limited liability company

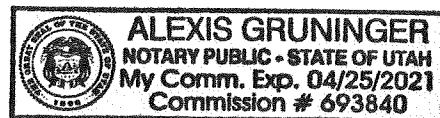
By: BSA Lowe, LLC, a Utah limited liability company, its Manager

By: [Signature]  
Benjamin Lowe, Manager

STATE OF UTAH )  
 )  
 ) :ss.  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2018 by Benjamin Lowe, as Manager of Manager of EAGLEWOOD LOFTS II, LLC, a Utah limited liability company.

[Signature]  
Notary Public



**EXHIBIT A**

(Legal Description of the Upper Property)

LOT 6, EAGLEWOOD VILLAGE SUBDIVISION, ACCORDING TO THE  
OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE DAVIS COUNTY  
RECORDER'S OFFICE.

**EXHIBIT B**

(Legal Description of the Lower Property)

LOTS 1 THROUGH 5, AND PARCEL "A" AND PARCEL "B", EAGLEWOOD  
VILLAGE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE  
AND OF RECORD IN THE DAVIS COUNTY RECORDER'S OFFICE.

EXHIBIT C

(Legal Description of the Hillside)

DESCRIPTION OF AN EXISTING HILLSIDE, BEING LOCATED IN THE WEST HALF OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 1 WEST, AND THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, ALSO BEING A PORTION OF LOT 5, EAGLEWOOD VILLAGE SUBDIVISION (AMENDED), ON FILE WITH THE OFFICE OF THE DAVIS COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER OF SAID SECTION 12, AND RUNNING THENCE NORTH 54°22'45" WEST 24.59 FEET; THENCE NORTH 54°22'55" EAST 198.12 FEET; THENCE NORTH 57°41'10" EAST 388.88 FEET TO THE POINT OF A 400.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE A DISTANCE OF 246.30 FEET THROUGH A CENTRAL ANGLE OF 35°16'50" (CHORD BEARS NORTH 40°02'45" EAST 242.43 FEET); THENCE NORTH 22°24'20" EAST 402.77 FEET TO THE NORTHEASTERLY CORNER OF PARCEL 'A' OF SAID SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 'A' THE FOLLOWING TWO (2) COURSES, 1) NORTH 60°39'01" WEST 267.43 FEET; THENCE NORTH 83°57'36" WEST 97.25 FEET; THENCE NORTH 68°15'54" WEST 291.09 FEET TO THE POINT OF A 160.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE A DISTANCE OF 162.62 FEET THROUGH A CENTRAL ANGLE OF 58°14'07" (CHORD BEARS SOUTH 82°37'03" WEST 155.71 FEET); THENCE SOUTH 53°30'00" WEST 134.47 FEET TO THE POINT OF A 174.43 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE A DISTANCE OF 121.11 FEET THROUGH A CENTRAL ANGLE OF 39°46'54" (CHORD BEARS SOUTH 33°36'33" WEST 118.69 FEET; THENCE NORTH 89°16'09" WEST 48.38 FEET TO THE POINT OF A 121.00 FOOT RADIUS CURVE TO THE RIGHT AND SOUTHERLY RIGHT-OF-WAY LINE OF EAST EAGLE RIDGE DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES, 1) ALONG SAID CURVE A DISTANCE OF 110.36 FEET THROUGH A CENTRAL ANGLE OF 52°15'19" (CHORD BEARS NORTH 28°30'12" EAST), 2) NORTH 54°37'50" EAST 61.18 FEET TO THE POINT OF A 333.00 FOOT RADIUS CURVE TO THE LEFT, 3) ALONG SAID CURVE A DISTANCE OF 68.11 FEET THROUGH A CENTRAL ANGLE OF 11°43'07" (CHORD BEARS NORTH 48°37'05" EAST 67.99 FEET) TO THE POINT OF A 267.00 FOOT RADIUS CURVE TO THE RIGHT, 4) ALONG SAID CURVE A DISTANCE OF 266.77 FEET THROUGH A CENTRAL ANGLE OF 57°14'46" (CHORD BEARS NORTH 71°22'56" EAST 255.81 FEET), 5) SOUTH 79°59'41" EAST 517.66 FEET TO THE POINT OF A 467.00 FOOT RADIUS CURVE TO THE RIGHT, 6) ALONG SAID CURVE A DISTANCE OF 169.12 FEET THROUGH A CENTRAL ANGLE OF 20°44'58" (CHORD BEARS SOUTH 69°37'11" EAST 168.20 FEET), 7) SOUTH 59°14'41" EAST 335.59 FEET TO THE NORTHWEST CORNER OF THE VIEWS AT EAGLEWOOD VILLAGE P.U.D. PHASE 1, ON FILE WITH THE OFFICE OF THE DAVIS, COUNTY RECORDER; THENCE ALONG THE WESTERLY LINE OF SAID P.U.D. THE FOLLOWING TWO (2) COURSES, 1) SOUTH 22°47'11" WEST 462.90 FEET TO THE POINT OF AN 1100.00 FOOT RADIUS CURVE TO THE RIGHT, 2) ALONG SAID CURVE A DISTANCE OF 707.57 FEET THROUGH A CENTRAL ANGLE OF 36°51'18" (CHORD BEARS SOUTH 41°12'50" WEST 695.43 FEET) TO THE NORTHWEST CORNER OF THE VIEWS AT EAGLEWOOD

VILLAGE P.U.D. PHASE 2, ON FILE WITH THE OFFICE OF THE DAVIS COUNTY RECORDER; THENCE ALONG THE WESTERLY LINE OF SAID P.U.D. THE FOLLOWING TWO (2) COURSES, 1) ALONG THE ARC OF AN 1100.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 43.71 FEET THROUGH A CENTRAL ANGLE OF 2°16'37" (CHORD BEARS SOUTH 60°46'46" WEST 43.71 FEET), 2) SOUTH 61°55'04" WEST 456.82 FEET TO THE SOUTHWEST CORNER OF SAID P.U.D.; THENCE NORTH 13°37'45" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 5 A DISTANCE OF 313.14 FEET TO THE POINT OF BEGINNING.  
CONTAINS

14.578 ACRES, MORE OR LESS

Tax Parcel Numbers:

|             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|
| 01-443-0007 | 01-458-0015 | 01-464-0203 | 01-464-0227 | 01-473-0317 |
| 01-443-0008 | 01-458-0016 | 01-464-0204 | 01-464-0228 | 01-473-0318 |
| 01-472-0010 | 01-458-0017 | 01-464-0205 | 01-464-0229 | 01-473-0319 |
| 01-484-0006 | 01-458-0018 | 01-464-0206 | 01-464-0230 | 01-473-0320 |
| 01-472-0002 | 01-458-0019 | 01-464-0207 | 01-464-0231 | 01-473-0321 |
| 01-472-0006 | 01-458-0020 | 01-464-0208 | 01-464-0232 | 01-473-0322 |
| 01-472-0007 | 01-458-0021 | 01-464-0209 | 01-464-0233 | 01-473-0323 |
| 01-472-0004 | 01-458-0022 | 01-464-0210 | 01-464-0234 | 01-473-0324 |
| 01-472-0008 | 01-458-0023 | 01-464-0211 | 01-473-0301 | 01-473-0325 |
| 01-472-0009 | 01-458-0024 | 01-464-0212 | 01-473-0302 | 01-473-0326 |
| 01-458-0001 | 01-458-0025 | 01-464-0213 | 01-473-0303 | 01-473-0327 |
| 01-458-0002 | 01-458-0026 | 01-464-0214 | 01-473-0304 | 01-473-0328 |
| 01-458-0003 | 01-458-0027 | 01-464-0215 | 01-473-0305 | 01-473-0329 |
| 01-458-0004 | 01-458-0028 | 01-464-0216 | 01-473-0306 | 01-473-0330 |
| 01-458-0005 | 01-458-0029 | 01-464-0217 | 01-473-0307 | 01-473-0331 |
| 01-458-0006 | 01-458-0030 | 01-464-0218 | 01-473-0308 | 01-473-0332 |
| 01-458-0007 | 01-458-0031 | 01-464-0219 | 01-473-0309 | 01-473-0333 |
| 01-458-0008 | 01-458-0032 | 01-464-0220 | 01-473-0310 | 01-473-0334 |
| 01-458-0009 | 01-458-0033 | 01-464-0221 | 01-473-0311 |             |
| 01-458-0010 | 01-458-0034 | 01-464-0222 | 01-473-0312 |             |
| 01-458-0011 | 01-458-0035 | 01-464-0223 | 01-473-0313 |             |
| 01-458-0012 | 01-458-0036 | 01-464-0224 | 01-473-0314 |             |
| 01-458-0013 | 01-464-0201 | 01-464-0225 | 01-473-0315 |             |
| 01-458-0014 | 01-464-0202 | 01-464-0226 | 01-473-0316 |             |