

When Recorded Return To:

Desert Color St. George, LLC
730 North 1500 West
Orem, Utah 84057

**SUPPLEMENTAL DECLARATION
IDENTIFYING DECLARANT LIMITED COMMON AREA**

This SUPPLEMENTAL DECLARATION IDENTIFYING DECLARANT LIMITED COMMON AREA ("**Supplemental Declaration**") is executed and adopted by Desert Color St. George, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

- A. This Supplemental Declaration shall supplement the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community recorded with the Washington County Recorder's Office on July 29, 2020 as Entry No. 20200039512 ("**Declaration**").
- B. The real property subject to this Supplemental Declaration is identified on Exhibit B attached hereto ("**Subject Property**").
- C. Under the terms of the Declaration, Declarant reserved the unilateral right to designate portions of the Common Area for the exclusive use of the Declarant.
- D. Declarant desires to designate Areas within the DESERT COLOR PHASE 1A SUBDIVISION plat as Declarant Limited Common Area.
- E. Capitalized terms shall have the same meaning as set forth in the Declaration.

TERMS AND RESTRICTIONS

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. **Identification.** The following portions of the Common Parcels within the DESERT COLOR PHASE 1A SUBDIVISION plat shall be designated as "Declarant Limited Common Area" pursuant to the Declaration: (i) all of Civic Space #2, (ii) all of Civic Space #3 to accommodate parking requirements and associated with Declarant Limited Common Area uses in Civic Space #1, and (iii) the portions of Civic Space #1 identified as Declarant Limited Common Areas on Exhibit A attached hereto which shall include the lounge café, welcome center, sugar shack, and loggia café bar areas of the amenity center. Pursuant to the authority provided in the Declaration, the Declarant shall have the sole authority and discretion to determine Limited Common Area boundaries if this Section, Exhibit A, or the Plat governing the Subject Property are found ambiguous.

2. **Rights and Authority.** The portions of the Common Parcels identified herein as Declarant Limited Common Area shall be reserved for the exclusive use of Declarant during the

Declarant Control Period. Accordingly, the Declarant shall have the right to use and occupy the Declarant Limited Common Areas for any purpose it so chooses. Declarant may enter into lease agreements with third parties for the use of the Declarant Limited Common Areas, or may otherwise assign its rights of use and occupancy. Declarant shall also have the sole authority to create rules for the use and access of such areas and shall have the authority to exclude Members from such areas or charge Members fees for the use of such areas as the Declarant deems necessary.

3. Easements. The Declarant shall have the authority to grant easements through the Declarant Limited Common Area for utilities, access, maintenance, or any other purpose, in the Declarant's sole discretion.

4. Common Area Ownership. The Master Association shall remain the owner of all Common Areas, including the Limited Common Areas designated herein for the exclusive use of the Declarant during the Period of Declarant Control.

5. Insurance & Maintenance. The Master Association shall remain responsible for procuring and paying for the costs of all property and liability insurance, utilities, and for all of the maintenance, repair, and replacement of the Declarant Limited Common Area identified in this Supplemental Declaration.

6. Declarant's Rights. All Declarant rights set forth in the Declaration concerning the Project are hereby incorporated and reserved to Declarant with respect to the Subject Property.

7. Binding Effect. This Supplemental Declaration shall be binding on all other Lots or Parcels created within the Desert Color Community, whether or not designated on Exhibit B, and all Lots or Parcels that may be annexed into the Community in the future.

8. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Washington County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this

26 day of JANUARY, 2021.

DECLARANT
DESERT COLOR ST. GEORGE, LLC
A Utah Limited Liability Company

By: [Signature]

Name: MITCHELL DANCIE

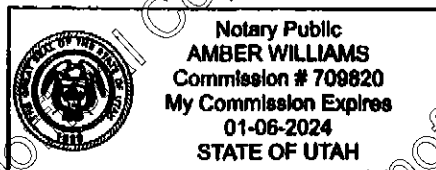
Title: MANAGER

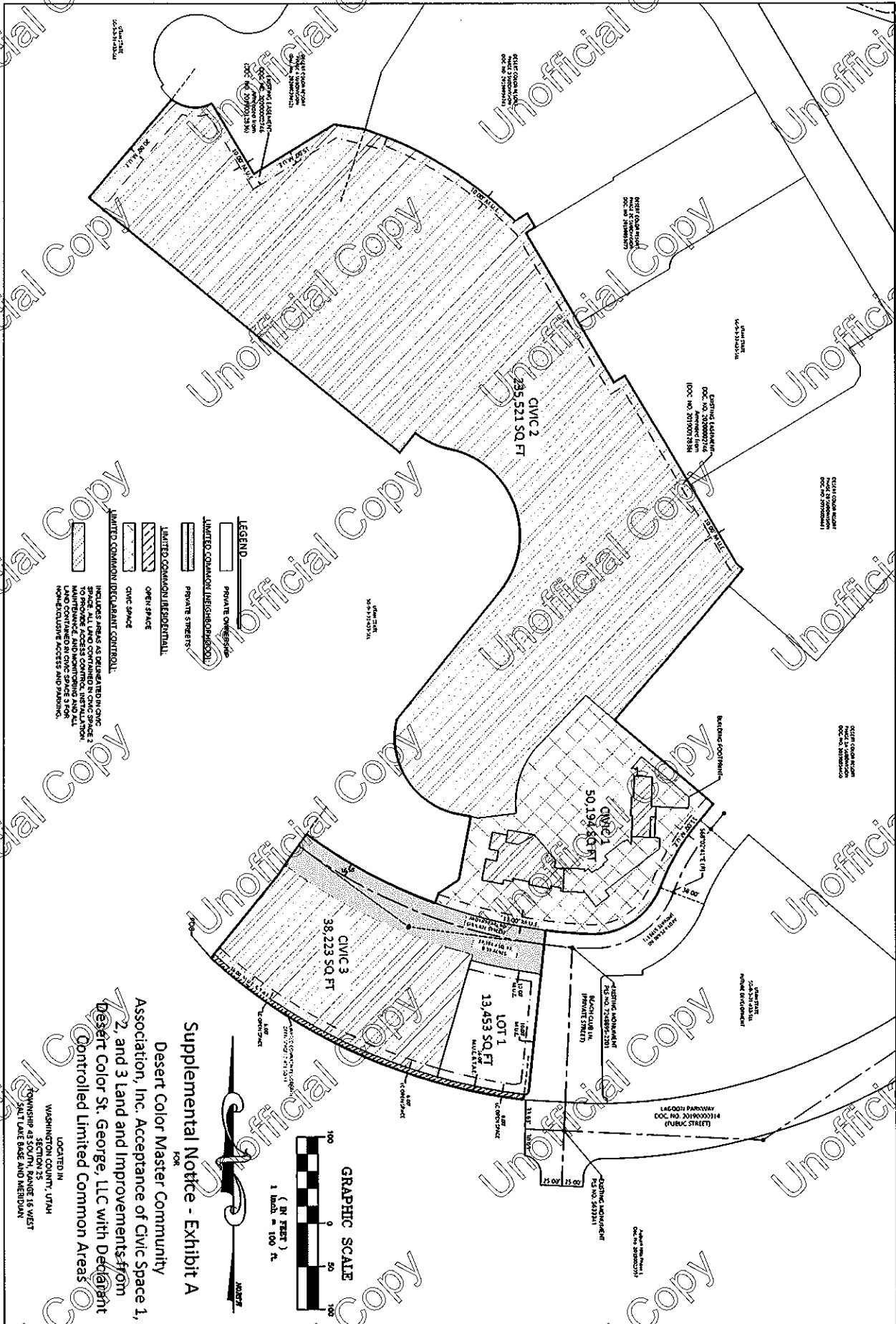
STATE OF UTAH)

COUNTY OF Washington) ss:

On the 26th day of January, 2021, personally appeared before me Mitchell Dancie 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 company and executed with all necessary authority.

Notary Public: [Signature]





Supplemental Notice - Exhibit A
 FOR
 Desert Color Master Community
 Association, Inc. Acceptance of Civic Space 1,
 2, and 3 Land and Improvements from
 Desert Color St. George, LLC with Defendant
 Controlled Limited Common Areas

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|---|--|--|
| SUPPLEMENTAL NOTICE - EXHIBIT A FOR DESERT COLOR RESORT DEVELOPMENT LOCATED IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN CITY OF ST. GEORGE, WASH. CO., UTAH | ALLIANCE CONSULTING A Planning and Engineering Firm Suite 201 2303111 Compton Blvd Washington, UT 84093-0577 Tel: (435) 673-8060 Fax: (435) 673-8066 | DATE: 1-21-21 |
| | | SCALE: 1/4" = 100' DRAWN BY: JAC CHECKED BY: CAC |

EXHIBIT A

EXHIBIT B**SUBJECT PROPERTY LEGAL DESCRIPTIONS**

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 2**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20190053796.

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 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 the **DESERT COLOR RESORT PHASE 1A SUBDIVISION**, according to the official plat on file in the office of the Washington County Recorder.

More particularly described as:

Beginning at a point which is North 01°14'25" East 1814.39 feet along the West section line and North 90°00'00" East 635.61 feet from the Southwest corner of Section 25, Township 43 South, Range 16 West of the Salt Lake Base and Meridian and running thence North 40°31'43" East 123.83 feet; thence North 34°50'12" East 25.53 feet; thence North 37°29'41" East 33.00 feet to a point on the arc of a non-tangent curve to the left having a radius of 598.50 feet; thence Southeasterly 169.39 feet along the arc of said curve through a central angle of 16°12'58", the radial direction bears North 37°29'41" East, to a point of non-tangency; thence North 21°16'43" East 12.00 feet; thence North 57°49'43" East 28.50 feet; thence North 11°54'59" East 74.47 feet; thence North 78°08'13" West 15.58 feet to the point of curvature of a curve to the right having a radius of 90.00 feet; thence Northwesterly 145.90 feet along the arc of said curve through a central angle of 92°52'48" to a point of non-tangency; thence North 40°10'30" East 191.04 feet to the point of curvature of a curve to the left having a radius of 102.00 feet; thence Northwesterly 209.99 feet along the arc of said curve through a central angle of 117°57'14" to the point of reverse curvature of a curve to the right having a radius of 90.00 feet; thence Northwesterly 43.91 feet along the arc of said curve through a central angle of 27°57'14" to a point of non-tangency; thence South 40°10'30" West 28.89 feet; thence North 49°49'30" West 467.59 feet; thence North 41°24'48" East 148.96 feet to a point on the arc of a non-tangent curve to the left having a radius of 45.00 feet; thence Southeasterly 50.00 feet along the arc of said curve through a central angle of 63°39'50", the radial direction bears North 38°35'20" East, to a point of non-tangency; thence South 30°10'28" East 95.18 feet; thence North 59°49'32" East 110.00 feet; thence South 79°48'59" East 36.43 feet to a point on the arc of a non-tangent curve to the right having a radius of 460.00 feet; thence Southeasterly 205.43 feet along the arc of said curve through a central angle of 25°35'15", the radial direction bears South 19°36'25" West, to a point of non-tangency; thence North 60°18'43" East 16.41 feet; thence South 29°41'17" East 18.60 feet; thence South 60°18'43" West 12.89 feet; thence South 29°41'17" East 201.17 feet; thence North 60°18'43" East 15.00 feet; thence South 29°41'17" East 252.77 feet; thence South 48°20'57" East 10.00 feet; thence South 41°34'08" West 229.47 feet; thence South 48°20'57" East 150.00 feet to a point on the Northwesterly Right of Way of Beach Club Lane; thence along said Right of Way through the following seven (7) courses: South 41°34'08" West 24.21 feet to the point of curvature of a curve to the left having a radius of 266.50 feet; thence Southwesterly 91.23 feet along the arc of said curve through a central angle of 19°36'49" to the point of reverse curvature of a curve to the right having a radius of 83.50 feet; thence Southwesterly 104.45 feet along the arc of said curve through a central angle of 71°40'09" to the point of compound curvature of a curve to the right having a radius of 598.50 feet; thence Northwesterly 51.67 feet along the arc of said curve through a central angle of 04°56'46" to a point of non-tangency; thence South 07°13'24" West 186.53 feet to the point of curvature of a curve to the right having a radius of 5.00 feet; thence Southwesterly 7.96 feet along the arc of said curve through a central angle of 91°13'36" to a point of non-tangency; thence South 08°01'42" West 6.02 feet to a point on the arc of a curve to the right having a radius of 668.00 feet; thence Northwesterly 404.97 feet along the arc of said curve through a central angle of 34°44'06", the radial direction bears North 08°01'42" East, to a point of non-tangency said point also being the point of beginning.

West 1/2 of Section 25, T43S R16W, SLB&M

Contains 354,221 sq.ft. 8.13 acres.