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11/01/2018 12:08 PM \$161.00  
Book - 10727 Pg - 845-849  
ADAM GARDINER  
RECORDER, SALT LAKE COUNTY, UTAH  
DR HORTON  
12351 S GATEWAY PARK PLACE  
STE D-100  
DRAPER UT 84020  
BY: NPA, DEPUTY - WI 5 P.

When Recorded Return To:

D.R. Horton, Inc.  
12351 South Gateway Park Place, Suite D-100  
Draper, Utah 84020  
Attention: Boyd A. Martin

**FIRST AMENDMENT AND SUPPLEMENTAL DECLARATION TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
ENCORE AT MILLER CROSSING**

THIS FIRST AMENDMENT AND SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ENCORE AT MILLER CROSSING (this "**First Supplemental Declaration**") is made as of October 31, 2018, by D.R. HORTON, INC., a Delaware corporation ("**Declarant**"), with reference to the following:

A. On August 23, 2017, Declarant caused to be recorded as Entry No. 12601719 in Book 10591, beginning at Page 28 in the official records of the Office of the Recorder of Salt Lake County, Utah (the "**Official Records**"), that certain Declaration of Covenants, Conditions and Restrictions for Encore at Miller Crossing (the "**Original Declaration**") pertaining to a residential unit development known as Encore at Miller Crossing.

B. The Original Declaration provides that Declarant shall have the absolute right and option, at any time and from time to time, to subject some or all of the Additional Land described in the Original Declaration to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, which shall be effective upon recording an amendment and supplemental declaration in the Official Records.

C. Pursuant to Article 4 of the Original Declaration, Declarant desires to subject that portion of the Additional Land described on Exhibit "A", which is attached hereto and incorporated herein by this reference (the "**Subject Property**"), to the Original Declaration.

D. Declarant is executing and recording this First Supplemental Declaration for the purpose of subjecting the Subject Property to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration.

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplemental Declaration shall have the same meanings as those set forth in the Original Declaration, unless otherwise defined in this First Supplemental Declaration.

2. The Subject Property is hereby subjected to the Original Declaration, as amended and supplemented by this First Supplemental Declaration, and the Subject Property shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants,

restrictions, easements, charges and liens set forth in the Original Declaration, as amended and supplemented by this First Supplemental Declaration, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof. The Subject Land shall hereafter be deemed to be a part of the Property, as such term is defined in Section 1.48 of the Original Declaration.

3. The Subject Land shall hereafter be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as amended and supplemented by this First Supplemental Declaration. The provisions of the Original Declaration, as amended and supplemented by this First Supplemental Declaration, shall run with the Subject Property and shall be binding upon all Persons having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

4. Section 3.1 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

3.1 Description of Improvements. The significant Improvements in the Project include, or shall include, One Hundred Forty-Four (144) Units and the Common Areas as identified on the Plat, landscaping, roadways, a common utility system, an entrance to and exit from the Project, as well as Limited Common Areas.

5. The Original Declaration, as amended and supplemented by this First Supplemental Declaration, shall collectively be referred to as the "Declaration."

6. Except as amended and supplemented by the provisions of this First Supplemental Declaration, the Original Declaration shall remain unmodified and in full force and effect.

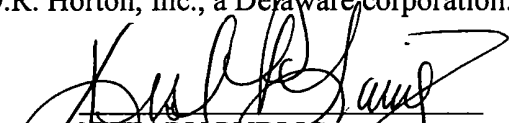
IN WITNESS WHEREOF, Declarant has caused this First Supplemental Declaration to be executed by a person duly authorized to execute the same on the date first above written.

D.R. HORTON, INC.,  
a Delaware corporation

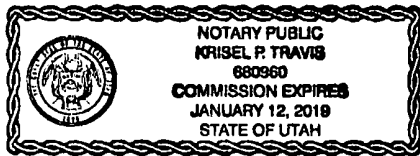
By: B.A. Martin  
Name: B.A. MARTIN  
Title: V.P.

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged to me this 31 day of October, 2018, by Boyd A. Martin, in such person's capacity as the Vice President of D.R. Horton, Inc., a Delaware corporation.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: Utah County UT

My commission expires:  
Jan. 12, 2019



**EXHIBIT "A"**  
**TO**  
**FIRST AMENDMENT AND SUPPLEMENTAL DECLARATION TO THE**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR**  
**ENCORE AT MILLER CROSSING**

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**Legal Description of the Subject Property**

The Subject Property consists of that certain real property located in Salt Lake County, Utah more particularly described as follows:

ENCORE AT MILLER CROSSING PHASE 2A, being more particularly described as follows:

Beginning at a point being South 89°52'58" East 56.34 feet along the section line and North 740.43 feet from the South quarter corner of Section 25, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 04°53'04" West 581.77 feet; thence North 64°46'33" East 42.19 feet; thence North 85°00'27" East 122.34 feet; thence North 75°23'27" East 151.81 feet; thence South 37°35'30" East 121.58 feet; thence Northeasterly 78.72 feet along the arc of a 182.20 foot radius curve to the left (center bears North 13°44'10" West and the chord bears North 63°53'11" East 78.11 feet with a central angle of 24°45'17"); thence South 39°51'08" East 80.38 feet; thence Southeasterly 22.95 feet along the arc of a 773.50 foot radius curve to the right (center bears South 50°08'52" West and the chord bears South 39°00'08" East 22.95 feet with a central angle of

01°42'00"); thence North 53°04'25" East 205.33 feet; thence Southeasterly 53.78 feet along the arc of a 1,447.00 foot radius curve to the right (center bears South 52°01'27" West and the chord bears South 36°54'40" East 53.78 feet with a central angle of 02°07'46"); thence Southwesterly 6.95 feet along the arc of a 31.00 foot radius curve to the left (center bears South 24°05'01" East and the chord bears South 59°29'42" West 6.93 feet with a central angle of 12°50'34"); thence South 53°04'25" West 194.60 feet; thence Northwesterly 24.28 feet along the arc of a 356.33 foot radius curve to the left (center bears South 56°49'02" West and the chord bears North 35°08'05" West 24.28 feet with a central angle of 03°54'15"); thence South 65°05'57" West 120.69 feet; thence South 84°52'16" West 299.69 feet; thence South 04°53'04" East 53.88 feet; thence Southeasterly 21.41 feet along the arc of a 24.00 foot radius curve to the left (center bears North 85°06'56" East and the chord bears South 30°26'06" East 20.70 feet with a central angle of 51°06'03"); thence South 34°00'53" West 4.00 feet; thence Southeasterly 19.13 feet along the arc of a 28.00 foot radius curve to the left (center bears North 34°00'53" East and the

chord bears South 75°33'24" East 18.76 feet with a central angle of 39°08'33"); thence South 04°30'44" East 34.00 feet; thence Southwesterly 37.60 feet along the arc of a 24.00 foot radius curve to the left (center bears South 05°07'41" East and the chord bears South 39°59'38" West 33.87 feet with a central angle of 89°45'24"); thence South 04°53'04" East 119.43 feet; thence Southeasterly 37.80 feet along the arc of a 24.00 foot radius curve to the left (center bears North 85°06'56" East and the chord bears South 50°00'22" East 34.01 feet with a central angle of

90°14'36"); thence South 05°07'41" East 34.00 feet; thence South 84°52'19" West 18.31 feet; thence Southwesterly 23.50 feet along the arc of a 15.00 foot radius curve to the left (center bears South 05°07'41" East and the chord bears South 39°59'38" West 21.17 feet with a central angle of 89°45'24"); thence South 04°53'04" East 66.06 feet; thence South 84°52'19" West 106.00 feet to the point of beginning.

Tax Serial Number(s): \_\_\_\_\_