

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
ESCALA**

This FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR ESCALA (the "First Amendment") has been approved and adopted by Lennar Homes of Utah, LLC, a Delaware limited liability company (the "Declarant") and becomes effective when recorded with the Utah County Recorder's Office.

RECITALS

A. The Declaration of Covenants, Conditions, and Restrictions for Escala was recorded on April 21, 2022 as Entry No. 49798:2022 in the office of the Utah County Recorder (hereinafter the "Declaration").

B. The Declaration was supplemented by the Supplement to the Declaration of Covenants, Conditions, and Restrictions for Escala (Plat B) as recorded on August 4, 2022 as Entry No. 87283:2022 in the office of the Utah County Recorder.

C. The Declarant desires to amend the Declaration as set forth in this First Amendment.

D. This First Amendment affects the real property located in Utah County, State of Utah, described with particularity on Exhibit "A", which exhibit is attached hereto and incorporated in reference.

E. Pursuant to Article XV, Section 15.1 of the Declaration, the Declarant has the sole authority to amend the Declaration during the Period of Declarant Control or while it owns any Lots within the Project.

F. As of the date of the recording of this First Amendment, the Period of Declarant Control remains in effect and/or Declarant owns Lots within the Project.

G. Unless otherwise set forth herein, the capitalized terms shall have their same meanings and definitions as stated in the Declaration.

H. Unless specifically modified herein, all remaining provisions of the Declaration shall remain in full force and effect.

I. In case of any conflict between the terms of this Amendment and the terms of the Declaration, the provisions of this Amendment shall control.

AMENDMENTS

NOW THEREFORE, in consideration of the foregoing Recitals, the Declarant hereby executes this First Amendment, which shall be effective as of its recording date with the Utah County Recorder's office.

Amendment No. 1. *The final sentence of Article I, Section 1.18 of the Declaration is hereby amended and replaced in its entirety with the following:*

Lots 101 through 110 on the Plat will contain detached single-family residences, have no membership interests in the Association, and are not subject to the Declaration.

Amendment No. 2. *The final sentence of Article II, Section 2.1 of the Declaration is hereby amended and replaced in its entirety with the following:*

Lots 101 through 110 on the Plat will contain detached single-family residences and are not subject to the Declaration.

Amendment No. 3. *The final sentence of Article III, Section 3.1 of the Declaration is hereby amended and replaced in its entirety with the following:*

Lots 101 through 110 on the Plat are not subject to the Declaration and thus have no membership interests in the Association

Amendment No. 4. *Article IV, Section 4.9 of the Declaration is hereby amended and replaced in its entirety with the following:*

4.9 Lots 101-110 Easement. Lots 101 through 110 on the Plat (each containing a single-family residence) are not subject to the Declaration and have no membership interests in the Association. Notwithstanding the foregoing, Lots 101 through 110 are hereby granted an easement to access and use the pavilion and playground area within the Common Areas of the Project subject to the reasonable Rules of the Association.

This easement may not be revoked without the approval of the Declarant during the Period of Declarant Control, and thereafter, without the approval of all the owners of Lots 101 through 110.

Amendment No. 5. *Article IX, Section 9.13(c)(1) of the Declaration is hereby stricken in its entirety and has no further application. The remaining subsections of Section 9.13(c) (subsections (c)(2) through (c)(7)) remain in effect, except as modified below.*

Amendment No. 6. *Article IX, Section 9.13(c)(2) of the Declaration is hereby amended and replaced in its entirety with the following:*

(2) Owners are required to apply to the Board for approval of any desired Non-Owner Occupancy to ensure that the cap in subsection (b) above has not been exceeded.

Amendment No. 7. *Article IX, Section 9.13 of the Declaration is hereby amended and supplemented with the addition of the following subsection (g):*

(g) Lending Exception. Notwithstanding any inconsistent provision in this Declaration, if there are any FHA, VA, or USDA insured loans affecting a Lot, and only for so long as any such loans affect the Lot, any restrictions in this Declaration on leasing, subleasing, or reconveyance that violate any FHA, FA, or USDA requirements will not apply to such Lot or its Owner.

CERTIFICATION

It is hereby certified that the foregoing amendments were duly approved by Declarant as required by Section 15.1 of the Declaration.

[SIGNATURE LINE ON THE FOLLOWING PAGE

EXHIBIT "A"
LEGAL DESCRIPTION

All Lots and Common Areas as shown on "Escala - Plat A" in the official records of Utah County.

- Serial Numbers 38:690:0101 through 38:690:0168

BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, SPANISH FORK, UTAH COUNTY, UTAH, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 1, ACADEMY PARK SUBDIVISION PHASE 2 ACCORDING TO THE OFFICIAL PLATS THEREOF, SAID POINT BEING LOCATED N89°35'19"E ALONG THE QUARTER SECTION LINE 1648.58 FEET AND SOUTH 24.97 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; THENCE ALONG SAID SUBDIVISION AND THE SOUTHERLY LINE OF ACADEMY PARK SUBDIVISION PLAT "B" ACCORDING TO THE OFFICIAL PLATS THEREOF, THE FOLLOWING THREE (3) COURSES: S18°32'15"E 0.83 FEET; THENCE N89°07'22"E 601.71 FEET; THENCE N70°43'55"E 260.82 FEET TO THE WESTERLY LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 84862:2002; THENCE S37°35'05"E ALONG SAID REAL PROPERTY 361.32 FEET; THENCE S52°22'53"W 266.62 FEET; THENCE N33°04'39"W 88.47 FEET; THENCE S56°55'21"W 137.44 FEET; THENCE S25°50'32"E 103.77 FEET; THENCE S36°57'47"W 102.73 FEET; THENCE N53°02'13"W 114.68 FEET; THENCE ALONG THE ARC OF A 12.00 FOOT RADIUS CURVE TO THE LEFT 19.43 FEET THROUGH A CENTRAL ANGLE OF 92°45'09" (CHORD: S80°35'12"W 17.37 FEET); THENCE S34°12'38"W 5.38 FEET; THENCE ALONG THE ARC OF A 164.00 FOOT RADIUS CURVE TO THE RIGHT 51.22 FEET THROUGH A CENTRAL ANGLE OF 17°53'43" (CHORD: S43°09'29"W 51.01 FEET); THENCE S52°06'20"W 11.74 FEET; THENCE S53°02'13"E 218.29 FEET TO THE NORTHERLY LINE OF OLD MILL ESTATES AT SPANISH FORK PLAT "G" SUBDIVISION ACCORDING TO THE OFFICIAL PLATS THEREOF; THENCE ALONG SAID NORTHERLY LINE S82°17'22"W 133.32 FEET TO THE SOUTHEAST CORNER OF PARCEL "C" OLD MILL ESTATES AT SPANISH FORK PLAT "F" SUBDIVISION ACCORDING TO THE OFFICIAL PLATS THEREOF; THENCE ALONG THE BOUNDARY OF SAID PARCEL "C" THE FOLLOWING THREE (3) COURSES: N57°06'44"W 130.28 FEET; THENCE ALONG THE ARC OF A 2.50 FOOT RADIUS CURVE TO THE RIGHT 3.93 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD: N12°06'44"W 3.54 FEET); THENCE N32°53'16"E 23.80 FEET TO THE NORTHEASTERLY BOUNDARY OF SAID PLAT "F"; THENCE ALONG SAID NORTHEASTERLY BOUNDARY OF OLD MILL ESTATES AT SPANISH FORK PLATS "F, E & D" SUBDIVISIONS ACCORDING TO THE OFFICIAL PLATS THEREOF, THE FOLLOWING SIX (6) COURSES: N45°26'25"W 416.54 FEET; THENCE N41°08'35"W 21.14 FEET; THENCE N35°18'34"W 26.03 FEET; THENCE N32°40'14"W 60.48 FEET; THENCE N30°33'31"W 218.70 FEET; THENCE N89°59'54"E 3.15 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±9.18 ACRES
399,882 SQ FT

All Lots and Common Areas as shown on "Escala - Plat B" in the official records of Utah County.

- Serial Numbers 38:701:0201 through 38:701:0246

BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 84862:2002 IN THE OFFICIAL RECORDS OF UTAH COUNTY RECORDER, SAID POINT BEING LOCATED N89°35'19"E ALONG THE QUARTER SECTION LINE 2717.10 FEET AND SOUTH 224.49 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; THENCE ALONG SAID WESTERLY LINE OF THAT REAL PROPERTY S37°35'05"E 440.49 FEET; THENCE S61°07'56"W 402.21 FEET TO THE EASTERLY AND NORTHERLY LINE OF OLD MILL ESTATES AT SPANISH FORK PLATS "H" AND "G" SUBDIVISION ACCORDING TO THE OFFICIAL PLATS THEREOF; THENCE ALONG SAID EASTERLY AND NORTHERLY LINES THE FOLLOWING FIVE (5) COURSES: N20°23'35"W 0.24 FEET; THENCE N14°47'25"W 75.06 FEET; THENCE N00°00'06"E 53.88 FEET; THENCE S82°17'26"W 107.70 FEET; THENCE S82°17'22"W 164.67 FEET; THENCE N53°02'13"W 218.29 FEET; THENCE N52°06'20"E 11.74 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 51.22 FEET WITH A RADIUS OF 164.00 FEET THROUGH A CENTRAL ANGLE OF 17°53'43", CHORD: N43°09'29"E 51.01 FEET; THENCE N34°12'38"E 5.38 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 19.43 FEET WITH A RADIUS OF 12.00 FEET THROUGH A CENTRAL ANGLE OF 92°45'09", CHORD: N80°35'12"E 17.37 FEET; THENCE S53°02'13"E 114.68 FEET; THENCE N36°57'47"E 102.73 FEET; THENCE N25°50'32"W 103.77 FEET; THENCE N56°55'21"E 137.44 FEET; THENCE S33°04'39"E 88.47 FEET; THENCE N52°22'53"E 266.62 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±4.86 ACRES
211,592 SQ. FT.