

When Recorded Return To:

D.R. Horton, Inc.  
12351 South Gateway Park Place, Suite D-100  
Draper, Utah 84020  
Attention: Adam Loser



ENT 135937:2021 PG 1 of 5  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2021 Aug 03 4:36 pm FEE 40.00 BY SM  
RECORDED FOR D R HORTON

**SECOND SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
FOOTHILL VILLAGE ALTA**

THIS SECOND SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FOOTHILL VILLAGE ALTA (this **“Second Supplemental Declaration and Second Amendment”**) is made as of the 27<sup>th</sup> day of July, 2021, by FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation (**“Declarant”**), with reference to the following:

RECITALS

A. On May 28, 2020, Declarant caused to be recorded as Entry No. 72730:2020 in the official records of the Office of the Recorder of Utah County, Utah (the **“Official Records”**), that certain Declaration of Covenants, Conditions and Restrictions for Foothill Village Alta (the **“Original Declaration”**) pertaining to a residential subdivision known as Foothill Village Alta located in Santaquin City, Utah County, Utah.

B. On March 19, 2021, Declarant caused to be recorded as Entry No. 52584:2021 in Official Records that certain First Supplemental Declaration and First Amendment to the Declaration of Covenants, Conditions and Restrictions for Foothill Village Alta (the **“First Supplemental Declaration and First Amendment”**).

C. The Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of a Supplemental Declaration, which shall be effective upon recording the Supplemental Declaration in the Official Records.

D. Pursuant to Section 10.1 of the Original Declaration, Declarant desires to subject to the Original Declaration, as supplemented and amended by the First Supplemental Declaration and First Amendment, and as supplemented by this Second Supplemental Declaration and Second Amendment, that portion of the Additional Land described on Exhibit “A,” which is attached hereto and incorporated herein by this reference (the **“Subject Property”**).

E. Declarant is executing and recording this Second Supplemental Declaration and Second Amendment for the purpose of subjecting the Subject Property to the provisions of the Original Declaration, as supplemented and amended by the First Supplemental Declaration and First Amendment, and as supplemented by this Second Supplemental Declaration and Second Amendment.

SECOND SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT

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

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

2. The Subject Property is hereby subjected to the Original Declaration, as supplemented and amended by the First Supplemental Declaration and First Amendment, and as supplemented by this Second Supplemental Declaration and Second Amendment, and 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 supplemented and amended by the First Supplemental Declaration and First Amendment, and as supplemented by this Second Supplemental Declaration and Second Amendment, 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 2.46 of the Original Declaration.

3. The provisions of the Original Declaration, as supplemented and amended by the First Supplemental Declaration and First Amendment, and as supplemented and amended by the provisions of this Second Supplemental Declaration and Second Amendment, 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 2.43 of the Original Declaration is hereby amended and restated in its entirety to read as follows:

2.43 Plat shall mean and refer to the final plats of Foothill Village Subdivision Plat R, Plat V, Plat X and Plat Z on file and of Record in the Official Records, as they may be amended from time to time, and also to all final plats of subsequent phases of the Project that may be Recorded with respect to specifically described portions of the Additional Land that shall be deemed added to the Project and subjected to the terms of this Declaration as the result of the Recording by Declarant of one or more Supplemental Declarations pursuant to Article 10 of this Declaration. The Plat will show the location of the Lots, Common Areas and Limited Common Areas.

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

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

IN WITNESS WHEREOF, Declarant has caused this Second Supplemental Declaration and Second Amendment to be executed by an officer duly authorized to execute the same as of the date first above written.

FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation

By: *[Signature]*  
Name: \_\_\_\_\_  
Title: Brian Konderik  
Division President  
**Forestar (USA) Real Estate Group, Inc.**

STATE OF Arizona )  
: ss.  
COUNTY OF Maricopa )

The foregoing instrument was acknowledged to me this 27<sup>th</sup> day of July, 2021, by Brian Konderik, in such person's capacity as the Division President of Forestar (USA) Real Estate Group Inc., a Delaware corporation.



*Rolonda Ramirez*  
NOTARY PUBLIC

**EXHIBIT "A"**  
**TO**  
**SECOND SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT**  
**TO THE DECLARATION OF COVENANTS, CONDITIONS AND**  
**RESTRICTIONS FOR FOOTHILL VILLAGE ALTA**

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**Legal Description of the Subject Property**

That certain real property located in Utah County, Utah more particularly described as follows:

**PLAT X**

BEGINNING AT A POINT LOCATED N00°04'12"W ALONG THE SECTION LINE 1122.27 FEET AND WEST 362.05 FEET FROM THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE, S 36° 00' 10" E FOR A DISTANCE OF 225.39 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 88° 15' 05", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS S 08° 07' 23" W FOR A DISTANCE OF 20.89 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE.

THENCE, S 33° 01' 34" E FOR A DISTANCE OF 45.15 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,

SAID CURVE TURNING TO THE RIGHT THROUGH 98° 28' 39", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS S 78° 30' 45" E FOR A DISTANCE OF 22.72 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE.

SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 29° 04' 27", HAVING A RADIUS OF 222.50 FEET, AND WHOSE LONG CHORD BEARS S 14° 44' 12" E FOR A DISTANCE OF 111.70 FEET.

THENCE, S 00° 11' 58" E FOR A DISTANCE OF 76.65 FEET TO A POINT ON A LINE.

THENCE, S 89° 48' 02" W FOR A DISTANCE OF 138.68 FEET TO A POINT ON A LINE.

THENCE, S 51° 10' 16" W FOR A DISTANCE OF 447.26 FEET TO A POINT ON A LINE.

THENCE, S 00° 40' 20" E FOR A DISTANCE OF 111.00 FEET TO A POINT ON A LINE.

THENCE, S 89° 19' 40" W FOR A DISTANCE OF 91.96 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH 63° 24' 41", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS N 58° 58' 00" W FOR A DISTANCE OF 15.77 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE.

SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 15° 01' 48", HAVING A RADIUS OF 277.50 FEET, AND WHOSE LONG CHORD BEARS N 34° 46' 33" W FOR A DISTANCE OF 72.59 FEET.

THENCE, N 42° 17' 27" W FOR A DISTANCE OF 10.59 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 90° 00' 00", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS N 02° 42' 33" E FOR A DISTANCE OF 21.21 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE, N 42° 17' 27" W FOR A DISTANCE OF 45.00 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 90° 00' 00", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS N 87° 17' 27" W FOR A DISTANCE OF 21.21 FEET.

THENCE, N 42° 17' 27" W FOR A DISTANCE OF 52.43 FEET TO THE BEGINNING OF A CURVE,

SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 89° 38' 27", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS N 02° 31' 46" E FOR A DISTANCE OF 21.15 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE, N 42° 50' 18" W FOR A DISTANCE OF 110.25 FEET TO A POINT ON A LINE.

THENCE N 47° 09' 42" E A DISTANCE OF 810.72 FEET TO THE POINT OF BEGINNING

CONTAINS: ±6.68 ACRES AND 41 TOTAL LOTS

PHASE Z

BEGINNING AT A POINT LOCATED N00°04'12"W ALONG THE SECTION LINE 692.20 FEET AND WEST 157.47 FROM THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE, S 00° 11' 58" E FOR A DISTANCE OF 110.17 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 90° 11' 58", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS S 44° 54' 01" W FOR A DISTANCE OF 21.25 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE.

THENCE, S 00° 19' 57" E FOR A DISTANCE OF 45.00 FEET TO A POINT ON A LINE.

THENCE, N 90° 00' 00" W FOR A DISTANCE OF 109.56 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 37° 45' 05", HAVING A RADIUS OF 55.00 FEET, AND WHOSE LONG CHORD BEARS S 71° 07' 28" W FOR A DISTANCE OF 35.59 FEET.

THENCE, S 52° 14' 55" W FOR A DISTANCE OF 51.67 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH 03° 53' 31", HAVING A RADIUS OF 2241.50 FEET, AND WHOSE LONG CHORD BEARS S 50° 18' 10" W FOR A DISTANCE OF 152.23 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE.

SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 48° 21' 24", HAVING A RADIUS OF 55.00 FEET, AND WHOSE LONG CHORD BEARS S 24° 10' 42" W FOR A DISTANCE OF 45.05 FEET.

THENCE, S 00° 00' 00" E FOR A DISTANCE OF 23.24 FEET TO A POINT ON A LINE.

THENCE, S 88° 52' 46" W FOR A DISTANCE OF 45.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,

SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 89° 19' 40", HAVING A RADIUS OF 15.00 FEET, AND WHOSE LONG CHORD BEARS S 44° 39' 50" W FOR A DISTANCE OF 21.09 FEET.

THENCE, S 89° 19' 40" W FOR A DISTANCE OF 91.96 FEET TO A POINT ON A LINE.

THENCE, N 00° 40' 20" W FOR A DISTANCE OF 111.00 FEET TO A POINT ON A LINE.

THENCE, N 51° 10' 16" E FOR A DISTANCE OF 447.26 FEET TO A POINT ON A LINE.

THENCE N 89° 48' 02" E A DISTANCE OF 138.68 FEET TO THE POINT OF BEGINNING

CONTAINS: ±1.86 ACRES AND 15 TOTAL LOTS