

When Recorded Return To:

Mountainville Development Corporation  
44 Red Pine Drive  
Alpine, Utah 84004

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

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MAPLETON HEIGHTS (this “**First Amendment**”) is made as of Nov. 22, 2021, by MOUNTAINVILLE DEVELOPMENT CORPORATION, a Utah corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On September 1, 2021, Declarant caused to be recorded as Entry No. 152610:2021, 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 Mapleton Heights (the “**Original Declaration**”) pertaining to a residential subdivision known as Mapleton Heights located in Mapleton City, Utah County, Utah. The real property that is subject to the Original Declaration is described in Exhibit A attached hereto and incorporated herein by this reference.

B. Section 15(b) of the Original Declaration provides that Declarant shall have the right to unilaterally amend the Original Declaration during the Period of Declarant Control. The Period of Declarant Control has not expired.

C. Declarant is executing and delivering this First Amendment for the purpose of amending the Original Declaration as set forth below.

FIRST AMENDMENT

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

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

2. A new Section 1(y) is hereby added to the Original Declaration, which shall read as follows:

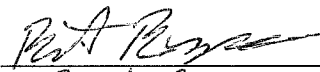
1(y) Exemption of Declarant and Designated Builders. Nothing contained in this Declaration shall be construed to prevent the construction, installation, operation or maintenance by Declarant, its affiliated entities (“**Affiliates**”) (or their designated agents and contractors) or by a Builder, as defined below (during the period of development, construction, sales and marketing

by Declarant or by a Builder of single-family residences on the Property) of any model homes and sales offices and parking incidental thereto, construction trailers, landscaping or signs deemed necessary or convenient by Declarant, its Affiliates and each Builder (subject to the approval of Declarant) in their sole discretion. Any actions taken by a Builder pursuant to this Section shall require the prior written approval of Declarant. Notwithstanding the foregoing provisions of this Section, nothing in this Section shall be construed or deemed to exempt or relieve any Builder from its obligations to obtain approval of its house plans and other plans from the Committee pursuant to the provisions of Sections 2, 3 and 4 of this Declaration or from compliance with any of the restrictions contained in Sections 1(b), 1(d), 1(r) or 1(s) of this Declaration. For purposes of this Section, a “**Builder**” means any person or entity, other than Declarant, that is: (i) regularly engaged in the business of building single-family residences, (ii) has purchased one or more Lots for the purpose of constructing single-family residences thereon for later sale (by itself or through its affiliates) to Owners, and (iii) has been designated as a “Builder” in document executed by Declarant and recorded in the Office of the Recorder of Utah County, Utah. Declarant hereby designates Century Land Holdings of Utah, LLC, a Utah limited liability company, as a “Builder” with respect to the Lots within the Property that are owned by Century Land Holdings of Utah, LLC for purposes of this Section.

3. The Original Declaration, as supplemented and amended by this First Amendment, shall collectively be referred to as the “Declaration.”

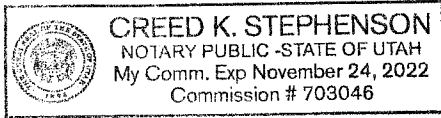
IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed by an officer duly authorized to execute the same as of the date first above written.

MOUNTAINVILLE DEVELOPMENT CORPORATION, a Utah corporation

By:   
Name: Bart Boggess  
Title: president

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged to me this 22<sup>nd</sup> day of November, 2021, by Bart Boggess, in such person's capacity as the President of Mountainville Development Corporation, a Utah corporation.



Creed K. Stephenson  
NOTARY PUBLIC

**EXHIBIT "A"**  
**TO**  
**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS**  
**AND RESTRICTIONS FOR MAPLETON HEIGHTS**

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**Legal Description of the Property**

The Property is located in Utah County, Utah and is more particularly described as follows:

**BOUNDARY DESCRIPTION, Mapleton Heights Plat A1**

A part of the SW1/4 of Section 22 and the NE1/4 and NW1/4 of Section 27, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Mapleton, Utah, more particularly described as follows: Beginning at the South ¼ Corner of Section 22, T8S, R3E, S.L.B.& M.; thence N89°18'12"E along the Section line 14.03 feet; thence S00°08'25"W 141.07 feet; thence Southeasterly along the arc of a non-tangent curve to the left having a radius of 20.00 feet (radius bears: S89°51'35"E) a distance of 31.43 feet through a central angle of 90°01'55" Chord: S43°08'19"E 28.29 feet; thence S01°52'38"W 40.00 feet; thence N88°07'22"W 78.13 feet; thence S00°00'29"W 125.86 feet; thence N89°24'39"W 413.03 feet; thence S89°38'27"W 326.53 feet; thence S87°24'43"W 25.84 feet; thence S00°00'54"E 1.89 feet; thence S89°59'06"W 40.00 feet; thence S87°16'50"W 297.35 feet; thence S57°29'51"W 309.44 feet; thence N35°54'24"W 113.22 feet; thence along the arc of a curve to the left with a radius of 20.00 feet a distance of 31.30 feet through a central angle of 89°39'38" Chord: N80°44'13"W 28.20 feet; thence S54°25'58"W 110.45 feet; thence N29°58'28"W 257.69 feet; thence N20°33'29"W 140.48 feet; thence N16°51'33"W 229.75 feet; thence continue Northerly along said line N16°51'33"W 126.20 feet; thence N33°19'53"W 37.83 feet; thence N33°27'39"W 30.86 feet; thence N51°10'11"W 74.81 feet; thence S74°23'42"W 107.56 feet; thence S15°36'18"E 145.26 feet; thence S74°23'42"W 223.15 feet; thence S61°49'31"W 4.54 feet to the Easterly Right-of-Way line of State Road 89; thence along said Right-of-way the following 6 (six) courses: 1) N28°10'55"W 17.77 feet; 2) N27°44'31"W 209.34 feet; 3) N26°27'29"W 80.71 feet; 4) N24°21'25"W 64.34 feet; 5) N22°44'03"W 126.70 feet; 6) N19°24'41"W 109.27 feet to the Southwest corner of VIRGINIA ESTATES, according to the Official Plat thereof recorded July 9, 2014 as Entry No. 46943:2014 in the Office of the Utah County Recorder; thence N89°24'01"E along said plat 1,161.91 feet; thence S00°05'58"E 668.06 feet to the Section line; thence N89°35'31"E along the Section line 1,345.26 feet to the point of beginning.

Contains: 27.53 acres+/-