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Bryan J. Pattison
DURHAM JONES & PINEGAR
192 East 200 North, Third Floor
St. George, Utah 84770

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Amended Restrictive Covenants page 1 of 4
Russell Shirts Washington County Recorder
09/07/2006 03:04:00 PM Fee \$ 18.00 By DURHAM JONES & PINEGAR

**SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, AND RESTRICTIONS OF ENGLISH OAKS**

THIS is a SECOND AMENDMENT to the Declaration of Protective Covenants, Conditions, and Restrictions of English Oaks (hereafter "*Declaration*"), which was recorded in the office of the Washington County Recorder on September 24, 1999, as Entry No. 00662521, in Book 1347, at pages 0616-0626, and affects the real property described on Exhibit A, which is attached hereto and incorporated herein by this reference.

RECITALS

WHEREAS, on August 2, 2006, pursuant to Article VIII, Section 2 of the Declaration, as well as the authorization contained in Utah Code Ann. § 16-6a-709, ballots were distributed to all record Owners of Lots within the Properties requesting a vote on a proposal to delete all restrictions and references in the Declaration to English Oaks as a 55 and older community as well as references to "housing for older persons," "retirement community," and similar references and statements in the Declaration.

WHEREAS, the voting deadline for the amendment has passed and over 67% of the Owners have signed their ballots, voting in favor of and consenting to the proposed amendment;

WHEREAS, pursuant to such vote and written consent of at least 67% of the Owners, the Declaration is hereby amended as follows:

AMENDMENTS

The following provisions of the Declaration are hereby deleted and removed:

- The second recital on the first page of the Declaration which states: "WHEREAS, this planned unit Development is established as a retirement community, to constitute housing for older persons";
- Article IV, Section 4(e) concerning the Association's right to adopt rules designating certain areas of the development as adult only and restricting use of facilities to minors;
- Article VII, Section 4 (sub-paragraphs 9 and 10), which purport to establish the community as a retirement community for individuals age 55

Exhibit A

Parcel I.D. No.: W-EOE-1

BEGINNING AT A POINT NORTH 89°58'56" EAST ALONG THE CENTER SECTION LINE 1352.48 FEET, AND NORTH 0°58'50" WEST 663.24 FEET, AND SOUTH 89°40'45" EAST 601.23 FEET FROM THE WEST 1/4 CORNER OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN, WASHINGTON COUNTY, UTAH; AND RUNNING THENCE SOUTH 89°40'45" EAST ALONG THE NORTH LINE OF KINGS ROW DEVELOPMENT A DISTANCE OF 711.16 FEET TO THE CENTER SECTION LINE; THENCE NORTH 0°17'10" WEST ALONG SAID CENTER SECTION LINE 980.09 FEET; THENCE NORTH 89°40'45" WEST 69.68 FEET; THENCE SOUTH 22°33'18" WEST 79.64 FEET TO A POINT ON A 50.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THE RADIUS OF WHICH BEARS SOUTH 22°33'18" WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 19.40 FEET; THENCE SOUTH 0°19'15" WEST 35.00 FEET; THENCE NORTH 89°40'45" WEST 55.16 FEET; THENCE SOUTH 0°17'10" EAST 70.00 FEET; THENCE NORTH 89°40'45" WEST 394.465 FEET; THENCE SOUTH 36°02'10" EAST 741.63 FEET; THENCE SOUTH 53°57'50" WEST 35.00 FEET; THENCE NORTH 89°40'45" WEST 97.27 FEET TO A POINT ON A 67.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THE RADIUS OF WHICH BEARS SOUTH 82°44'04" WEST FROM SAID POINT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 8.22 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 0°17'10" EAST 46.28 FEET; THENCE SOUTH 89°42'50" WEST 35.00 FEET; THENCE NORTH 0°17'10" WEST 46.28 FEET TO THE POINT OF A 32.50 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 13.32; THENCE SOUTH 89°42'50" WEST 307.12 FEET; THENCE SOUTH 0°17'10" EAST 55.58 FEET; THENCE SOUTH 89°42'50" WEST 35.00 FEET TO THE POINT OF A 15.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THE RADIUS OF WHICH BEARS SOUTH 89°42'50" WEST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 23.72 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°40'45" WEST 54.84 FEET; THENCE SOUTH 0°17'10" EAST 117.03 FEET TO THE POINT OF BEGINNING.
CONTAINS 8.295 ACRES, MORE OR LESS.

Parcel I.D. No.: W-EOE-1

Beginning at a point North 89°58'56" East along the Center Section line 1352.48 feet, and North 0°58'50" West 663.24 feet, and South 89°40'45" East 601.23 feet from the West 1/4 Corner of Section 13, Township 42 South, Range 15 West, Salt Lake Base & Meridian, Washington County, Utah; and running thence South 89°40'45" East along the North line of KING'S ROW DEVELOPMENT a distance of 711.16 feet to the Center Section line; thence North 0°17'10" West along said Center Section line 980.09 feet; thence North 89°40'45" West 69.68 feet; thence South 22°33'18" West 79.64 feet to a point on a 50.00 foot radius curve concave to the Southwest, the radius of which bears South 22°33'18" West from said point; thence Northwesterly along the arc of said curve 19.40 feet; thence South 0°19'15" West 35.00 feet; thence North 89°40'45" West 55.16 feet; thence South 0°17'10" East 70.00 feet; thence North 89°40'45" West 394.465 feet; thence South 36°02'10" East 741.63 feet; thence South 53°57'50" West 35.00 feet; thence North 89°40'45" West 97.27 feet to a point on a 67.50 foot radius curve concave to the Southwest, the radius of which bears South 82°44'04" West from said point; thence Southeasterly along the arc of said curve 8.22 feet to the point of tangency; thence South 0°17'10" East 46.28 feet; thence South 89°42'50" West 35.00 feet; thence North 0°17'10" West 46.28 feet to the point of a 32.50 foot radius curve to the left; thence Northwesterly along the arc of said curve 13.32; thence South 89°42'50" West 307.12 feet; thence South 0°17'10" East 55.58 feet; thence South 89°42'50" West 35.00 feet to the point of a 15.00 foot radius curve concave to the Northwest, the radius of which bears South 89°42'50" West from said point; thence Southwesterly along the arc of said curve 23.72 feet to the point of tangency; thence North 89°40'45" West 54.84 feet; thence South 0°17'10" East 117.03 feet to the point of beginning.

Contains 8.295 acres, more or less.

Parcel I.D. No.: W-EOE-1

Beginning at a point North 89°58'56" East along the Center Section line 1352.48 feet, and North 00°58'50" West 663.24 feet, and South 89° 40'45" East 1201.26 feet from the West Quarter Corner of Section 13, Township 42 South, Range 15 West, Salt Lake Base and Meridian, Washington County, Utah; and running thence South 89°40'45" East along the North line of KING'S ROW DEVELOPMENT a distance of 111.13 feet to the Center Section line; thence North 00°17'10" West along said Center Section line 980.09 feet; thence North 89°40'45" West 613.99 feet to the Northeast Corner of PINE VALLEY TOWNHOMES PHASE 2 P.U.D.; thence South 05°04'30" East 129.06 feet along the East boundary line of said P.U.D.; thence South 36°02'10" East 852.69 feet along said East P.U.D. boundary line and the extension of said line; thence South 00°17'10" East 32.66 feet to a point of curvature with a 15.00 foot radius curve to the right; thence 23.72 feet Southwesterly along the arc of said curve through a central angle of 90°36'25"; thence South 00°19'15" West 35.00 feet to a point on a non-tangent 50.00 foot radius curve to the left (radius point bears North 00°19'15" East); thence 10.35 feet Northeasterly along the arc of said curve through a central angle of 11°51'33"; thence South 00°19'15" West 83.09 feet to the point of beginning.