

## ANNEXING AMENDMENT TO THE FOURTH RESTATED AND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ENTRADA AT SNOW CANYON (KACHINA SPRINGS EAST PHASE 3)

The Entrada Company, a Utah Corporation ("DECLARANT"), pursuant to the authority granted in Sections 1.1 and 11.1 of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Entrada at Snow Canyon recorded on June 12, 2000, as Entry No. 687892 with the County Recorder of Washington County (the "Master Declaration") hereby elects to annex and to subject to the provisions of the Master Declaration and to the provisions of this Annexing Amendment ("Kachina Springs East Phase 3") (the "Annexing Amendment") and to the jurisdiction of the Entrada Property Owners Association, Inc. ("Master Association"), all of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference, to be known as "Kachina Springs East Phase 3." Moenkopi Land Holdings, LLC and Split Rock, Inc., as the owners of the real property described in Exhibit "A" ("OWNER"), hereby consent to the annexation under the terms, conditions, covenants and restrictions hereof and of the Master Declaration. This annexation shall be accomplished by filing this Annexing Amendment in the public records of the Washington County Recorder. The plat map for Kachina Springs East Phase 3 will be recorded concurrent with this Annexing Amendment.

This Annexing Amendment does not require the consent of voting members of the Entrada Property Owners Association, Inc. Capitalized terms shall have the meaning ascribed to them herein or in the Master Declaration.

1. DECLARANT and OWNER hereby subject Kachina Springs East Phase 3 to the terms of this Annexing Amendment, as well as to the terms of the Master Declaration, and any amendments to the Master Declaration. Kachina Springs East Phase 3 is located on the following described property in Washington County, State of Utah, including lots, common areas, and limited common areas as set forth on the plat map filed concurrently herewith:

See Exhibit A attached hereto and incorporated herein for legal description

- 2. As a part of original construction of a Unit by Declarant or Owner, patios, extensions of the Unit, and other similar structures may extend into the Limited Common Areas appurtenant to that Unit, provided that such structures do not violate set back standards of local municipal ordinances and an easement for such encroachment is hereby created.
- 3. Declarant continues to reserve all rights and privileges as conferred in the Master Declaration.
- 4. The Kachina Springs East Phase 3 project, including all Common and Limited Common Area and Lots therein, shall be held, conveyed, hypothecated, encumbered, used, occupied, and improved only in accordance with the Master Declaration and this Annexing Amendment, which easements, covenants, restrictions, and charges created therein shall run with the property described in Exhibit A and shall be binding upon all parties having or acquiring any right, title or interest in the Kachina Springs

SR.3.KACHINA EAST III SUPP. DECL.#1.022207.wpd

## 20070046445 09/18/2007 12:14:58 PM Page 2 of 4 Washington County

East Phase 3 project or any part thereof and shall inure to the benefit of each Unit Owner thereof.

| IN WITNESS WHEREOF, DECLARA                   | NT and OWNER have executed this Annexing 0.V . , 2007. |
|---|--|
| Amendment this <u>224</u> day of <u>Febru</u> | <u>ovy</u> , 2007.                                     |
|   | 0  |
|   | DECLARANT - THE ENTRADA COMPANY                        |
|   | A Utah Corporation                                     |
|   |  |
|   | By: I rosh lass  |
|   | Its: PLES.   |
|   |  |
|   |  |
|   | OWNER - MOENKOPI LAND HOLDINGS, LLC                    |
|   | A Utah Limited Liability Company                       |
|   | A Otali Chilled Clability Company                      |
|   | Bu // Was  |
|   | By:  |
|   | Name: Keht L. Bylund                                   |
|   | Its: Managing Member                                   |
|   |  |
|   |  |
|   | OWNED OF IT BOOK INC                                   |
|   | OWNER - SPLIT ROCK, INC.                               |
|   | A Utah Comporation                                     |
|   | - 11 HIWa Kana   |
|   | By: Under Jary   |
|   | Weldon Larsen  |

Its:

President

## 20070046445 09/18/2007 12:14:58 PM Page 3 of 4 Washington County

| STATE OF UTAH, )   |   |
|--|---|
| :ss.   |   |
| County of Washington. )  |   |
| On this 22nd day of February Brooks Pace, who is personally known to me  | 2007 marronally anneared hafara me                |
| Diaraks Day a who is personally known to me  | (or satisfactorily proved to me) and who being by |
| me duly sworn did say that he/she is the West out  | of The Entrada Company a Utah corporation and     |
| that he/she executed the foregoing Annexing Amendment  | ent to the Fourth Restated and Amended            |
| Declaration of Covenants, Conditions and Restrictions  |   |
| corporation by authority of a resolution of its Board of   |   |
| acknowledged before me that the corporation executed   |   |
| JEANNE C SKELLAN   | O. M. II.   |
| MOTARY PUBLIC . STATE of USAN  | farre Millan                                      |
| THE COMPANY OF THE PARTY OF THE | Notary Public                                     |
| COMMUNICATION IN COMPUNICATION IN COMPUNICATION IN COMPUNICATION IN COMPUNICATION IN COMPUNICATION IN COMPUN |   |
| STATE OF UTAH, )   |   |
| STATE OF UTAH, )   |   |
| County of Washington. )  |   |
| ^  |   |
| On this 22 nd day of FUNUOUY   | , 2007, personally appeared before me             |
| Kent L. Bylund, who is personally known to me (or sat  | isfactorily proved to me), and who being by me    |
| duly sworn did say that he is the Managing Member of   |   |
| liability company, and that he executed the foregoing A  |   |
| Amended Declaration of Covenants, Conditions and Re  |   |
| said limited liability company by authority of a resoluti  |   |
| before me that the limited liability company executed the  | he same for the uses and purposes stated therein. |
| JEANNE C SKELLAN   | Seaure Chella                                     |
| MOTARY PUBLIC . STATE AL LITAH   | Notary Public                                     |
| 1411 N SUNRIDGE CIR  | Notary Public                                     |
| WASHINGTON, UT 84780 COMM. EXPIRES 12-4-2010   |   |
| STATE OF UTAH,   |   |
| :ss.   |   |
| County of Washington. )  |   |
| 1000   |   |
| On this and day of February  | , 2007, personally appeared before me             |
| Weldon Larsen, who is personally known to me (or sat   | sfactorily proved to me), and who being by me     |
| duly sworn did say that he is the President of Split Roc   |   |
| the foregoing Annexing Amendment to the Fourth Rest  |   |
| Conditions and Restrictions for Entrada at Snow Canyo  | on on behalf said corporation by authority of a   |
| resolution of its Board of Directors, and he/she acknow  | reaged before me that the corporation executed    |
| the same for the uses and purposes stated therein.   |   |
|  | leaned Milla                                      |
| JEANNE C SKELLAN NOTARY PUBLIC • STATE OF UTAH   | Notary Public                                     |
| MOTARY PUBLIC • STATE of UTAH  | a toma a mone                                     |

## 20070046445 09/18/2007 12:14:58 PM Page 4 of 4 Washington County

**EXHIBIT A** 

16.6.2 n.ml

Kachina Springs East Phase 3 Boundary (Final Plat)

BOUNDARY DESCRIPTION:

16.10.2.10.1401 (pr)

BEGINNING AT THE MOST SOUTHERLY POINT OF KACHINA SPRINGS EAST PHASE II AMENDED & EXTENDED, OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES SOUTH 89°48'55" EAST 576.69 FEET ALONG THE SECTION LINE AND SOUTH 00°00'00" WEST 645.14 FEET FROM THE NORTH QUARTER CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE COINCIDENT WITH THE SOUTHEASTERLY BOUNDARY OF SAID SUBDIVISION IN THE FOLLOWING SEVEN (7) COURSES: NORTH 42°20'00" EAST 194.59 FEET; THENCE NORTH 72°20'47" EAST 74.98 FEET; THENCE NORTH 48°20'47" EAST 81.34 FEET; THENCE NORTH 18°20'47" EAST 57.65 FEET; THENCE NORTH 48°20'47" EAST 35.33 FEET; THENCE NORTH 89°39'00" EAST 73.07 FEET; THENCE NORTH 38°18'36" EAST 50.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY SOUTH 51°41'24" EAST 137.32 FEET TO THE POINT OF CURVATURE OF A 295.00 FOOT RADIUS CURVE CONCAVE NORTHERLY: THENCE EASTERLY 401.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°03'41" TO THE POINT OF TANGENCY; THENCE NORTH 50°14'55" EAST 51.10 FEET TO THE POINT OF CURVATURE OF A 975.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY 44.55 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°37'05" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE SOUTH 42°22'10" EAST 50.00 FEET TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS, RADIAL CURVE CONCAVE SOUTHERLY; THENCE EASTERLY 30.55 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°31'55" TO THE POINT OF TANGENCY; THENCE SOUTH 44°50'15" EAST 205.92 FEET TO THE POINT OF CURVATURE OF A 575.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY 270.63 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°58'01" TO THE POINT OF TANGENCY; THENCE SOUTH 17°52'14" EAST 99.91 FEET TO THE POINT OF CURVATURE OF A 625.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE SOUTHERLY 88.02 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°04'09" TO THE POINT OF TANGENCY; THENCE SOUTH 25°56'23" EAST 198.63 FEET TO THE POINT OF CURVATURE OF A 45.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 35.01 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°34'44" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE SOUTH 15°35'40" EAST 195.69 FEET; THENCE SOUTH 26°54'17" EAST 54.34 FEET TO A POINT ON THE NORTH SIXTEENTH LINE OF SAID SECTION 10; THENCE ALONG SAID NORTH SIXTEENTH NORTH 89°32'25" WEST 871.83 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SNOW CANYON PARKWAY, AN 80.00 FOOT WIDE DEDICATED PUBLIC ROADWAY, SAID POINT BEING ON THE ARC OF A 9062.31 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 47°57'33" WEST; THENCE ALONG SAID RIGHT-OF-WAY LINE IN THE FOLLOWING TWO (2) COURSES: NORTHWESTERLY 575.79 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°38'28" TO THE POINT OF TANGENCY: THENCE NORTH 45°40'55" WEST 408.54 FEET TO SAID MOST SOUTHERLY POINT OF SAID SUBDIVISION AND THE POINT OF BEGINNING, CONTAINS 23,207 ACRES.