

Amended Restrictive Covenants Page 1 of 4
Russell Shirts Washington County Recorder
05/18/2009 12:00:00 AM Fee \$20.00 By
DURHAM JONES & PINEGAR - ST. GEORGE

When recorded mail to:

E. Troy Blanchard, Esq.
Durham Jones & Pinegar
192 East 200 North, Third Floor
St. George, Utah 84770

**FIRST AMENDMENT TO THE SECOND AMENDMENT TO AND RESTATEMENT
OF THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF
STONE POINT TOWNHOMES**

THIS FIRST AMENDMENT TO THE SECOND AMENDMENT TO AND RESTATEMENT OF THE DECLARATION of Covenants Conditions and Restrictions of Stone Point Townhomes is made and executed this 20 day of April, 2009, pursuant to Article 12 of the FIRST AMENDMENT TO THE SECOND AMENDMENT TO AND RESTATEMENT OF THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF STONE POINT TOWNHOMES (the "Declaration"), that was recorded the May 23, 2005, as Entry No. 00946812, in Book 1746, at Pages 2557 et. seq, records of Washington County, Utah, and which affects the real property described in Exhibit "A" that is attached hereto and incorporated herein by this reference.

AMENDMENT

Article 3, Section 3.2. of the Declaration is hereby amended in its entirety to read as follows:

3.2. Voting Rights. The Association has two classes of voting membership:

CLASS A: Class A Members are all Members with the exception of the Declarant, until Declarant's membership converts to Class A membership as provided for herein. Class A Members are entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, the group of such persons shall be a Member. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. A vote cast at any Association meeting by any of such co-owners, whether in person or by proxy, is conclusively presumed to be the vote attributable to the Lot concerned unless written objection is made prior to that meeting, or verbal objection is made at that meeting, by another co-owner of the same Lot. In the event an objection is made, the vote involved shall not be counted for any purpose except to determine whether a quorum exists.

CLASS B: The Class B member is the Declarant. The Class B member is entitled to five (5) votes for each Lot owned. The Class B membership will cease and be converted to Class A membership on the happening of one of the following events, whichever occurs earlier:

(A) the expiration of twelve (12) years from July 31, 2002; or

(B) the surrender of Class B membership status by the express written action of the Declarant.

In the case of expansion (as provided under this Declaration), the Declarant's memberships appurtenant to the Lots in the expansion area shall be Class B memberships.

If Declarant shall exercise its option to add additional Lots by platting additional phases as provided in Article 11 herein, then at such time as additional subdivision plats are filed, the voting shall be adjusted accordingly so that Declarant regains Class B voting status for all Lots owned, even if previously converted to Class A status in prior phases and according to the terms hereof.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has hereunto set its hand this 20 day of April, 2009.

DECLARANT:

Stone Point Development, L.L.C.
A Utah limited liability company


By 
Stanley A. Houghton, Manager

STATE OF UTAH)

:SS

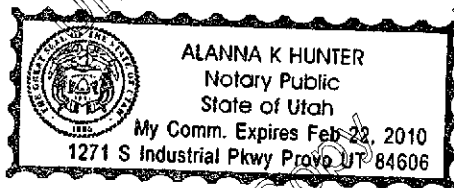
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 20 day of April, 2009, by Stanley A. Houghton as Manager of Stone Point Development, L.L.C.


Notary Public

SEAL:

42071.01



STG_245807.1

EXHIBIT A**Stone Point Townhomes Phase 1:**

Tax ID numbers: SG-SPT-1-1 through SG-SPT-1-12

Beginning at a point South 0°28'39" East 332.68 feet along the Section Line from the East quarter corner of Section 23, Township 42 South, Range 16 West, Salt Lake Base and Meridian; and running thence South 0°28'39" East 998.52 feet to the 1/16 corner; thence South 89°25'52" West 1432.59 feet along the 1/16 line to an existing fence line to the North; thence North 0°34'08" West 309.40 feet along said fence line and the extension of said fence line to the North line of 360 North Street; thence South 89°25'52" West 4.14 feet along said North line; thence North 0°38'08" West 202.485 feet to the South boundary line of Stonehedge Subdivision; thence North 89°32'37" East 695.38 feet along said subdivision and the extension of said subdivision; thence North 0°27'23" West 300.00 feet; thence South 89°32'37" West 40.79 feet; thence North 0°27'23" West 189.46 feet; thence North 89°32'37" East 783.01 feet, more or less, to the point of beginning.

Also described as:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Stone Point Townhomes, Phase 1, according to the official Plat thereof on file in the office of the Washington County Recorder, State of Utah.

Stone Point Townhomes Phase 2, Amended:

Tax ID numbers: SG-SPT-2-13 through SG-SPT-2-18

BEGINNING AT A POINT ON THE WEST LINE OF 1050 WEST STREET, SAID POINT BEING S 00°28'39" E ALONG THE SECTION LINE 822.14 FEET AND S 89°32'37" W 406.396 FEET FROM THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE N 00°34'08" W ALONG THE WEST LINE OF 1050 WEST STREET 38.82 FEET TO A POINT OF A 275.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 215.71 FEET TO THE POINT OF TANGENCY; THENCE N 45°30'41" W 166.24 FEET TO A POINT OF A 300.0 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 16.19 FEET; THENCE LEAVING THE WESTERLY LINE OF 1050 WEST STREET S 44°29'19" W 84.915 FEET; THENCE S 89°32'37" W 68.41 FEET TO THE NORTHEAST CORNER OF STONEHEDGE SUBDIVISION NO. 2 ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AS ENTRY NO. 290879 IN THE WASHINGTON COUNTY RECORDER'S OFFICE; THENCE S 0°27'23" E ALONG THE EAST LINE OF SAID STONEHEDGE SUBDIVISION 81.81 FEET; THENCE S 45°30'41" E 162.925 FEET TO A POINT OF A 100.0 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 53.52 FEET TO THE POINT OF TANGENCY; THENCE S 14°50'38" E 79.87 FEET; THENCE N 89°32'37" E 174.62 FEET TO THE POINT OF BEGINNING.

Also described as:

Lots 13, 14, 15, 16, 17 and 18, Stone Point Townhomes, Phase 2 Amended, according to the official Plat thereof on file in the office of the Washington County Recorder, State of Utah.

Stone Point Townhomes Phase 3
Tax ID numbers: SG-SPT-3-13 thru 59 and SG-SPT-3-73 thru 82

Beginning at a point being South 00°47'12" West 332.63 feet along the Section Line from the East Quarter Corner of Section 23, Township 42 South, Range 16 West, Salt Lake Base and Meridian and running thence South 00°47'12" West 261.85 feet along the Section Line; thence North 89°18'23" West 63.58 feet; thence South 63°30'33" West 29.00 feet to a point on a 419.96 foot radius curve to the left (center bears South 63°30'33" West); thence Northwesterly through a central angle of 13°47'08" and along the arc of said curve 101.04 feet to the point of a 10.60 foot radius compound curve to the left (center bears South 49°43'24" West); thence Westerly through a central angle of 113°50'17" and along the arc of said curve 19.87 feet to the point of a 476.71 foot radius compound curve to the left (center bears South 64°06'53" East); thence Southwesterly through a central angle of 2°20'02" and along the arc of said curve 19.42 feet; thence North 66°26'55" West 29.00 feet; thence South 78°28'42" West 75.505 feet; thence South 11°25'25" East 41.78 feet; thence South 73°08'40" West 27.745 feet; thence South 16°51'20" East 32.27 feet; thence South 67°02'01" West 32.59 feet; thence South 13°51'23" East 45.55 feet; thence South 03°43'18" East 64.19 feet; thence South 00°41'43" West 53.16 feet; thence South 89°18'17" East 2.50 feet; thence South 00°41'43" West 43.57 feet; thence South 41°51'28" East 14.79 feet; thence South 00°41'43" West 105.54 feet; thence North 89°18'17" West 10.00 feet; thence South 00°41'43" West 59.31 feet; thence South 31°53'19" West 29.00 feet to a point on a 35.50 foot radius curve to the left (center bears South 31°55'19" West); thence Northwesterly through a central angle of 31°08'39" and along the arc of said curve 19.30 feet to the point of tangency; thence North 89°13'20" West 24.59 feet to the point of a 15.00 foot radius curve to the left; thence Southwesterly through a central angle of 90°04'57" and along the arc of said curve 23.58 feet to the point of cusp, said point also being on the Easterly right of way line of Stone Mountain Drive a 50.00 foot public street; thence along said right of way line for the following Two (2) courses: North 00°41'43" East 291.84 feet to the point of a 325.00 foot radius curve to the left; thence Northwesterly through a central angle of 26°50'05" and along the arc of said curve 152.22 feet to the Southwesterly corner of STONE POINT TOWNHOMES - PHASE 1 as recorded in the Office of the Washington County Recorder; thence along the boundary of said subdivision for the following Nine (9) courses: thence North 63°51'38" East 48.36 feet; thence North 44°07'21" East 94.85 feet to a point on a 200.00 foot radius curve to the left (center bears South 48°53'11" West); thence Northwesterly through a central angle of 14°57'59" and along the arc of said curve 52.24 feet to the point of a 25.00 foot radius compound curve to the left (center bears South 33°59'12" West); thence Southwesterly through a central angle of 88°33'15" and along the arc of said curve 38.64 feet to a point of cusp, said point also being on a 265.00 foot radius curve to the left (center bears North 54°34'03" West); thence Northeasterly through a central angle of 13°23'03" and along the arc of said curve 61.91 feet to the point of a 52.02 foot radius reverse curve to the right (center bears South 67°57'08" East); thence Northeasterly through a central angle of 68°43'36" and along the arc of said curve 62.43 feet to the point of tangency; thence South 89°11'32" East 33.75 feet; thence North 00°48'28" East 100.00 feet; thence South 89°11'32" East 246.00 feet to the point of beginning.

Also described as:
Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, Stone Point Townhomes, Phase 3 Amended and Extended, according to the official Plat thereof on file in the office of the Washington County Recorder, State of Utah.