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When recorded return to:  
Vince Clayton  
619 South Bluff St., Tower 2  
St. George, UT 84770

**DOC # 20100019834**

Amended Restrictive Covenants Page 1 of 5  
Russell Shirts Washington County Recorder  
06/17/2010 11:22:36 AM Fee \$ 21.00  
By CLAYTON VINCE



**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
AND RESERVATION OF EASEMENTS FOR  
TREASURE VALLEY**

Ence Bros. Construction, Inc., a Utah corporation, hereinafter referred to as the "Declarant," pursuant to its authority in Article 14 of the Covenants, Conditions, Restriction and Reservation of Easement for Treasure Valley (the "Covenants"), which were recorded on the 24th day of November, 2009, as Entry No. 20090044671 in the records of the Washington County Recorder, and affecting the real property located in Washington County, Utah, and as described as set forth on "Exhibit A" hereto, which is incorporated herein by this reference, hereby amends a portion of said Covenants in the following particulars:

Article XV is added to said referenced Covenants as follows:

**Article XV  
Annexation of Additional Property**

15.1. Annexation by Declarant. Declarant reserves the right, at its sole discretion and without the consent of Class A members, to expand the Properties to include additional property more particularly described in Exhibit B attached hereto and incorporated herein for a period terminating after the expiration of ten (10) years from the first Lot conveyance to a purchaser.

In the event the Declarant, within the time period set forth in this Article, files other plat(s) creating additional subdivision phases in the Exhibit B property under the name and style of "Treasure Valley - Phase I" and states on said plat(s) the intention to have the property described on said plat subject to the terms, covenants and conditions and reservation of easements of the Declaration thereof, as set forth above; then, upon recording of said plat, the property described therein shall be subject to said Declaration. The terms, covenants and conditions and reservation of easements contained in said Declaration run not only to, with, and from the Property described herein, but by this reference to said plat or plats, also to, with and from all adjoining additions thereto made pursuant to this Article.

Declarant's Class B membership status shall extend to all Lots in the expansion properties.

15.2. Limitations on Annexation. Developer's right to annex said land to the property shall be subject to the following limitations:

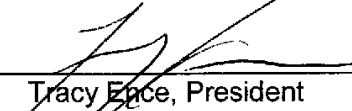
(1) The annexed land must be a part of the land described in Exhibit B attached hereto.

(2) Any additional subdivision phase(s) annexed hereto by the Declarant shall be comprised exclusively of Lots for detached residential single-family dwellings. The Declarant shall have the sole discretion to develop the Common and Limited Common Areas, if any, in said addition(s) and to include any facilities or amenities thereon that Declarant deems necessary.

(3) If additional phases are created by the Declarant pursuant to the terms of this Article, the Lot Owners in said addition(s) shall be members of the Association and shall have the same rights to the use and enjoyment of the property and facilities of the Association as any other Member, either as an Owner in Treasure Valley - Phase 1, or otherwise. The Common and Limited Common Areas, if any, in any such additional phases as set forth therein shall be deeded by the Declarant to the Association not later than the conveyance of the last Lot on said plat, and the Association must accept the deed to said Common and Limited Common Areas, if any.


IN WITNESS WHEREOF, Declarant has executed this Amendment as of the 17<sup>th</sup> day of June, 2010.

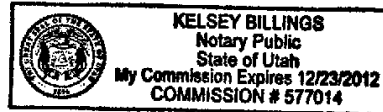
**Declarant**  
**ENCE BROS. CONSTRUCTION, INC.**

By:   
Tracy Ence, President

STATE OF UTAH )  
) ss.  
COUNTY OF WASHINGTON )

On this 17<sup>th</sup> day of June, 2010, before me personally appeared Tracy Ence, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the President of Ence Bros. Construction, Inc., a Utah corporation, and that the foregoing document was signed by him on behalf of that company by proper authority and he acknowledged before me that the company executed the document and the document was the act of the company for its stated purpose.

  
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NOTARY PUBLIC  
Residing at St. George, UT



**"EXHIBIT A"**  
**Treasure Valley - Phase 1 Legal Description**

BEGINNING AT A POINT WHICH LIES NORTH 00°48'35" EAST 1327.21 FEET ALONG THE SECTION LINE, SOUTH 89°16'01" EAST 1174.52 FEET ALONG THE NORTH SIXTEENTH LINE AND SOUTH 00°43'59" WEST 24.75 FEET FROM THE WEST QUARTER CORNER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°16'01" EAST 681.12 FEET; THENCE SOUTH 00°55'50" WEST 100.25 FEET; THENCE NORTH 89°16'01" WEST 38.33 FEET; THENCE SOUTH 00°55'50" WEST 100.00 FEET; THENCE SOUTH 89°16'01" EAST 55.42 FEET; THENCE SOUTH 00°43'59" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 00°43'59" WEST; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 281.77 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE SOUTH 00°43'59" WEST 58.00 FEET; THENCE NORTH 89°16'01" WEST 0.34 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 0.31 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 89°04'10" WEST; THENCE NORTHWESTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 140.00 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 0.31 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 89°04'10" WEST; THENCE NORTHWESTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 170.02 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 39.18 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE NORTH 89°04'10" WEST 66.00 FEET; THENCE NORTH 00°55'50" EAST 3.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY 39.36 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 169.95 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 257.46 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET; THENCE NORTH 89°16'01" WEST 363.57 FEET; THENCE NORTH 00°52'13" EAST 552.99 FEET; THENCE SOUTH 89°16'01" EAST 364.16 FEET; THENCE SOUTH 89°04'10" EAST 50.00 FEET; THENCE SOUTH 00°55'50" WEST 205.53 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE SOUTH 89°16'01" EAST 97.45 FEET; THENCE NORTH 00°55'50" EAST 79.90 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY 23.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 4.95 FEET; THENCE NORTH 00°55'50" EAST 84.69 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY 23.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE NORTH 00°43'59" EAST 20.00 FEET; THENCE SOUTH 89°16'01" EAST 0.17 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY 23.51 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE NORTH 00°55'50" EAST 346.38 FEET TO THE POINT OF BEGINNING.

(PROPOSED "TREASURE VALLEY - PHASE 1")

W-Trea-1-Lot #s (1-26)

"Exhibit B"  
Treasure Valley Expandable Property

PARCEL 1: W-6595-A W-6595-B

All of the East One-Half of the Southwest Quarter of the Northwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) and the West One-Half of the Southeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2, Township 43 South, Range 15 West, Salt Lake Base and Meridian.

PARCEL 2:

The East One-Half of the Southeast Quarter of the Northwest Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2, Township 43 South, Range 15 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING FROM Parcels 1 and 2 the following described property, being all of TREASURE VALLEY - PHASE 1:

BEGINNING AT A POINT WHICH LIES NORTH 00°48'35" EAST 1327.21 FEET ALONG THE SECTION LINE, SOUTH 89°16'01" EAST 1174.52 FEET ALONG THE NORTH SIXTEENTH LINE AND SOUTH 00°43'59" WEST 24.75 FEET FROM THE WEST QUARTER CORNER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°16'01" EAST 681.12 FEET; THENCE SOUTH 00°55'50" WEST 100.25 FEET; THENCE NORTH 89°16'01" WEST 38.33 FEET; THENCE SOUTH 00°55'50" WEST 100.00 FEET; THENCE SOUTH 89°16'01" EAST 55.42 FEET; THENCE SOUTH 00°43'59" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 00°43'59" WEST; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 281.77 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE SOUTH 00°43'59" WEST 58.00 FEET; THENCE NORTH 89°16'01" WEST 0.34 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 0.31 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 89°04'10" WEST; THENCE NORTHWESTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 140.00 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 0.31 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 89°04'10" WEST; THENCE NORTHWESTERLY 31.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 170.02 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 39.18 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE NORTH 89°04'10" WEST 66.00 FEET; THENCE NORTH 00°55'50" EAST 3.60 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY 39.36 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'51" TO THE POINT OF TANGENCY; THENCE NORTH 89°16'01" WEST 169.95 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'50" WEST 257.46 FEET; THENCE NORTH 89°04'10" WEST 50.00 FEET; THENCE NORTH 89°16'01" WEST 363.57 FEET; THENCE NORTH 00°52'13" EAST 552.99 FEET; THENCE SOUTH 89°16'01" EAST 364.16 FEET; THENCE SOUTH 89°04'10" EAST 50.00 FEET; THENCE SOUTH 00°55'50" WEST 205.53 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS

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