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**DOC # 20120016270**

Amended Restrictive Covenants Page 1 of 6  
Russell Shirts Washington County Recorder  
05/17/2012 09:17:54 AM Fee \$ 23.00  
By ENCE HOMES

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



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

This Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Treasure Valley ("Amendment") which amends the Amended and Restated Declaration of Covenants Conditions and Restrictions and Reservation of Easements for Treasure Valley recorded on June 29, 2010 as Document Number 20100021284 in the Official Records of Washington County, Utah ("CC&Rs") is made this 3<sup>rd</sup> day of May, 2012 and affects the real property in Washington County, Utah described on Exhibit A hereto.

The CC&Rs were originally recorded on November 24, 2009 as Document No. 20090044671 in the Official Records of Washington County, Utah. There was a First Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Treasure Valley recorded in Washington County, Utah as Document Number 20100019834 on June 17, 2010 and a Second Amendment to the Declaration of Covenants, Conditions and Restrictions Reservation of Easements for Treasure Valley recorded in Washington County, Utah as Document Number 20110021363 on July 14, 2011.

Pursuant to Section 14.1.2 of the CC&Rs, Declarant can unilaterally amend the CC&Rs so long as it owns a lot in Treasure Valley.

This Amendment shall apply to all Phases of Treasure Valley, as recorded or as may be annexed. See Exhibit "A."

**AMENDMENT**

The CC&Rs are hereby amended as follows:

1. Section 10.19 of the CC&Rs shall be amended and restated to read as follows:

10.19. Alley, Driveway Access. No residence, without the express written approval of the City and the ACC, shall be allowed dual access from Streets or alleyways.

Each Lot that abuts an alleyway shall be required to have the following completed prior to the issuance of the Certificate of Occupancy:

(1) the entire front yard and side-yard(s) of the Lot, from the front foundation line to a point 10' from the front foundation line, shall be landscaped prior to receiving a Certificate of Occupancy; and

(2) an alleyway light, as specified by the ACC, shall be installed. The Owner of each Lot shall be responsible for installation, utility connection, payment of electricity usage, and ongoing maintenance of such light.

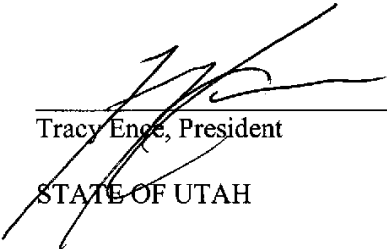
2. For clarification purposes, the intent of the Declarant in Section 9.3.1 of the Amended and Restarted Declaration is that the provisions of said Section apply to both alleyway Lots and non-alleyway Lots.

3. Except as otherwise expressly modified by this Amendment, the CC&Rs, as previously amended, remain unchanged.

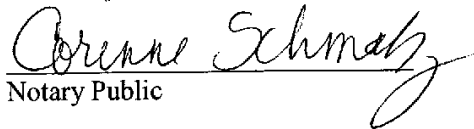
IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment effective as of the date set forth above.

**DECLARANT:**

ENCE BROS. CONSTRUCTION, INC.

  
\_\_\_\_\_  
Tracy Ence, President  
STATE OF UTAH )  
 )ss.  
COUNTY OF WASHINGTON )

On this the 5 day of May, 2012, before me, Corinne Schmalz Notary Public, State of Utah, duly commissioned and sworn, personally appeared Tracy Ence, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Treasure Valley.

  
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Notary Public

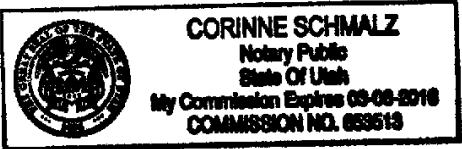


EXHIBIT "A" CONTINUED  
TREASURE VALLEY PHASE 1  
PARCEL # W-TREA-1, ALL LOTS RECORDED ON THE OFFICIAL PLAT THEREOF

**BOUNDARY 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 84.89 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. CONTAINS 15.214 ACRES.

**EXHIBIT "A" CONTINUED**  
**TREASURE VALLEY PHASE 2**  
**PARCEL # W-TREA-2, ALL LOTS RECORDED ON THE OFFICIAL PLAT THEREOF**

**BOUNDARY DESCRIPTION:**

BEGINNING AT THE NORTHEAST CORNER OF TREASURE VALLEY - PHASE 1, OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 00°48'35" EAST 1327.21 FEET ALONG THE SECTION LINE, SOUTH 89°16'01" EAST 1855.64 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 LEAVING THE BOUNDARY OF SAID PHASE 1 SOUTH 89°16'01" EAST 740.69 FEET; THENCE SOUTH 01°02'47" WEST 183.98 FEET TO A POINT ON THE ARC OF A 50.00 FOOT RADIUS NON TANGENT CURVE CONCAVE WESTERLY, THE RADIUS POINT OF WHICH LIES SOUTH 35°06'08" WEST; THENCE SOUTHERLY 92.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 105°56'20" TO THE POINT OF REVERSE CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTEASERLY; THENCE SOUTHWESTERLY 17.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°59'41" TO THE POINT OF TANGENCY; THENCE SOUTH 01°02'47" WEST 351.02 FEET; THENCE NORTH 89°16'01" WEST 718.82 FEET TO AN ANGLE POINT ON SAID BOUNDARY OF PHASE 1; THENCE COINCIDENT WITH SAID BOUNDARY IN THE FOLLOWING NINE (9) COURSES: NORTH 00°43'59" EAST 58.00 FEET ALONG A RADIAL LINE TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS NON TANGENT CURVE CONCAVE NORTHEASTERLY; THE RADIUS POINT OF WHICH LIES NORTH 00°43'59" EAST; 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 00°55'50" EAST 281.77 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY 31.35 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 00°43'59" EAST 50.00 FEET; THENCE NORTH 89°16'01" WEST 55.42 FEET; THENCE NORTH 00°55'50" EAST 100.00 FEET; THENCE SOUTH 89°16'01" EAST 38.33 FEET; THENCE NORTH 00°55'50" EAST 100.25 FEET TO SAID NORTHEAST CORNER AND THE POINT OF BEGINNING. CONTAINS 10.769 ACRES.

**EXHIBIT "A" CONTINUED  
TREASURE VALLEY PHASE 3  
PARCEL # W-TREA-3, ALL LOTS RECORDED ON THE OFFICIAL PLAT THEREOF**

**FINAL PLAT BOUNDARY DESCRIPTION:**

BEGINNING AT THE SOUTHWEST CORNER OF TREASURE VALLEY SUBDIVISION - PHASE 2, OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 00°48'35" EAST 1327.21 FEET ALONG THE SECTION LINE, SOUTH 89°16'01" EAST 1871.07 FEET ALONG THE NORTH SIXTEENTH LINE, AND SOUTH 00°43'59" WEST 654.77 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 COINCIDENT WITH THE SOUTHERLY BOUNDARY OF SAID PHASE 2 SOUTH 89°16'01" EAST 718.82 FEET TO THE SOUTHEAST CORNER OF SAID PHASE 2 BOUNDARY; THENCE LEAVING SAID PHASE 2 BOUNDARY SOUTH 01°02'47" WEST 522.65 FEET; THENCE NORTH 89°16'01" WEST 749.25 FEET; THENCE NORTH 00°55'50" EAST 97.50 FEET; THENCE NORTH 89°16'01" WEST 38.79 FEET; THENCE NORTH 00°55'50" EAST 405.08 FEET TO A POINT ON THE BOUNDARY OF TREASURE VALLEY SUBDIVISION - PHASE 1, ALSO OFFICIAL RECORDS OF SAID COUNTY; THENCE COINCIDENT WITH SAID PHASE 1 BOUNDARY IN THE FOLLOWING FOUR (4) COURSES: SOUTH 89°04'10" EAST 50.00 FEET; THENCE NORTH 00°55'50" EAST 0.31 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF TANGENCY; THENCE SOUTH 89°16'01" EAST 0.34 FEET TO SAID SOUTHWEST CORNER AND THE POINT OF BEGINNING. CONTAINS 9.350 ACRES.

**EXHIBIT "A" CONTINUED**  
**TREASURE VALLEY PHASE 4**  
**PARCEL # W-TREA-4, ALL LOTS RECORDED ON THE OFFICIAL PLAT THEREOF**

**BOUNDARY DESCRIPTION:**

BEGINNING AT A POINT ON THE BOUNDARY OF TREASURE VALLEY - PHASE 3, OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 00°48'35" EAST 1327.21 FEET ALONG THE SECTION LINE, SOUTH 89°16'01" EAST 1799.57 FEET ALONG THE NORTH SIXTEENTH LINE, AND SOUTH 00°43'59" WEST 1009.98 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 COINCIDENT WITH SAID BOUNDARY IN THE FOLLOWING FIVE (5) COURSES: SOUTH 00°55'50" WEST 69.93 FEET; THENCE SOUTH 89°16'01" EAST 38.79 FEET; THENCE SOUTH 00°55'50" WEST 97.50 FEET; THENCE SOUTH 89°16'01" EAST 749.25 FEET; THENCE NORTH 01°02'47" EAST 522.65 FEET TO THE SOUTHEAST CORNER OF TREASURE VALLEY - PHASE 2, OF SAID OFFICIAL RECORDS, THENCE COINCIDENT WITH THE EASTERLY BOUNDARY OF SAID PHASE 2 IN THE FOLLOWING FOUR (4) COURSES: NORTH 01°02'47" EAST 351.02 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY 17.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°59'41" TO THE POINT OF REVERSE CURVATURE OF A 50.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY 92.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 105°56'20" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE NORTH 01°02'47" EAST 183.98 FEET TO THE NORTHEAST CORNER OF SAID PHASE 2; THENCE LEAVING SAID EASTERLY BOUNDARY SOUTH 89°16'01" EAST 53.63 FEET TO A POINT ON THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION; THENCE ALONG SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 01°03'05" WEST 1303.66 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION; THENCE ALONG THE EAST-WEST CENTER SECTION LINE NORTH 89°14'29" WEST 1170.99 FEET; THENCE LEAVING SAID EAST-WEST CENTER SECTION LINE NORTH 00°55'50" EAST 115.51 FEET; THENCE NORTH 49°25'26" WEST 25.31 FEET; THENCE NORTH 45°49'53" EAST 150.08 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF A 50.00 FOOT RADIUS CURVE CONCAVE EASTERLY, THE RADIUS POINT OF WHICH LIES NORTH 45°49'53" EAST; THENCE NORTHERLY 82.99 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°05'39" TO THE POINT OF REVERSE CURVATURE OF A 20.00' RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY 17.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°59'42" TO A POINT ON A RADIAL LINE; THENCE ALONG SAID RADIAL LINE SOUTH 89°04'10" EAST 50.00 FEET; THENCE SOUTH 00°55'50" WEST 8.47 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 140.00 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY 31.35 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'09" TO THE POINT OF CUSP, SAID POINT BEING ON THE BOUNDARY OF SAID PHASE 3 AND THE POINT OF BEGINNING. CONTAINS 6.554 ACRES.