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Russell Shirts Washington County Recorder
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By FISHER & HUNTER LLC



When Recorded mail to:
Nathan K. Fisher
444 East Tabernacle Suite B-201
St. George Utah 84770

**SECOND SUPPLEMENTAL AND ANNEXATION AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATION OF
EASEMENTS FOR HIDDEN VALLEY AT ST. GEORGE AND VILLA HIGHLANDS
AT HIDDEN VALLEY**

This Second Supplemental and Annexation Amendment to Declaration Of Covenants, Conditions, And Restrictions And Reservation Of Easements For Hidden Valley at St. George and Villa Highlands at Hidden Valley (the "Second Supplemental") is made this 21st day of February, 2018, by Ivory Southern, LLC, ("Declarant"), a Utah limited liability company.

RECITALS

- A. Whereas, the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Hidden Valley at St. George, a planned mixed use residential development, was recorded in the office of the County Recorder of Washington County, Utah on June 26, 2007 as Entry No. 20070032840 at Pages 1-71 of the Office of the County Recorder of Washington County, Utah (the "Declaration").
- B. Whereas, the related Final Plat has also been recorded in the office of the County Recorder of Washington County, Utah.
- B. Whereas, under Article II, Section 2.11 and Article XV, Section 15.4 of the Declaration, Declarant reserved the unilateral right to expand the Project to annex additional land, expand the application of and amend the Declaration.
- C. Whereas, on August 5, 2014, a Supplemental Declaration was recorded for Villa Highlands at Hidden Valley Phase 1, annexing Phase 1 into the Declaration and the project.
- D. Whereas, the related Final Plat for Villa Highlands at Hidden Valley Phase 1 has been recorded in the office of the County Recorder of Washington County, Utah.
- E. Whereas, Declarant is the fee simple owner of record of that certain real property located in Washington County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "Villa Highlands at Hidden Valley Phase 2 Property")
- F. Whereas, Declarant now intends that the Villa Highlands at Hidden Valley Phase 2 Property shall become subject to the Declaration.

NOW, THEREFORE, for the foregoing purposes, the Declarant hereby amends said Declaration as follows.

ANNEXATION

This is a Declaration of Annexation prepared pursuant to Article II, and with the consent

of the undersigned.

Villa Highlands at Hidden Valley Phase 2 Property consists of Lots 16-32, 53-64, and 84-86, VILLA HIGHLANDS AT HIDDEN VALLEY PHASE 2, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah (the "Phase 2 Lots").

Declarant intends and hereby subjects all of the property described in Exhibit A, including the Phase 2 Lots and the associated Common Area and Limited Common Area to the terms of the Declaration, as amended from time to time, and further declares that the Phase 2 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Second Supplemental, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A subject to the Declaration and the functions, powers, rights, duties and jurisdiction of the Association and the ARC. The Phase 2 Lots and the Common Area and Limited Common Area are located on the following described property in Washington County, State of Utah, including Lots, Common Area and Limited Common Area as set forth on the Plat filed for Phase 2:

See Exhibit A attached hereto and incorporated herein for legal description
(hereinafter referred to as the "Phase 2 Property")

The Declarant hereby consents to the annexation of the Phase 2 Property into Hidden Valley at St. George and Villa Highlands at Hidden Valley and further declares that the Phase 2 Property shall hereafter be held, sold, conveyed, encumbered, leased, used, occupied and improved as part of the property subject to the Declaration and subject to the Declaration, as amended, and all protective covenants, conditions, restrictions and equitable servitudes set forth in the Declaration, as amended from time to time, the terms of which are deemed incorporated herein by this reference, and to the jurisdiction of the Association and entitled to all rights and privileges afforded therein. The covenants, conditions and restrictions of the Declaration are intended to, and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Phase 2 Property, and shall inure to the benefit of all other lots that are subject to the Declaration, as amended from time to time. The covenants, conditions and restrictions of the Declaration, as amended, shall be binding upon the homeowners association and the Declarant as well as their successors in interest, and may be enforced by them or by an owner of a Lot to the extent provided in the Declaration.

Declarant hereby declares that the Phase 2 Property is added to and made a part of the land subject to the Declaration. The Phase 2 Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to the Declaration, as amended from time to time.

The Declaration is amended to annex the Phase 2 Property as follows:

**LEGAL DESCRIPTION OF THE
VILLAS HIGHLANDS AT HIDDEN VALLEY PHASE 2**

VILLA HIGHLANDS AT HIDDEN VALLEY PHASE 2 LEGAL DESCRIPTION

BEGINNING AT A POINT N 88°52'18" W 1179.95 FEET ALONG THE NORTH SECTION LINE OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, AND S 1°07'42" W 2039.16 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 18, POINT BEING ON THE SOUTHERLY BOUNDARY OF VILLA HIGHLANDS AT HIDDEN VALLEY PHASE 1, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDERS OFFICE, STATE OF UTAH, AND RUNNING THENCE ALONG SAID BOUNDARY THE FOLLOWING SEVEN COURSES, (1) S 71°39'00" E 224.89 FEET; (2) THENCE S 83°26'49" E 46.90 FEET; (3) THENCE S 25°46'16" E 41.27 FEET; (4) THENCE N 61°37'45" E 14.52 FEET TO A POINT ON A 326.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N 61°32'29" E; (5) THENCE ALONG THE ARC OF SAID CURVE 116.87 FEET THROUGH A CENTRAL ANGLE OF 20°32'26"; (6) THENCE S 48°59'57" E 173.25 FEET; (7) THENCE S 78°00'44" E 120.47 FEET; THENCE S 11°59'16" W 56.74 FEET TO A POINT ON A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 10.39 FEET THROUGH A CENTRAL ANGLE OF 1°35'14" TO A POINT ON A 20.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 29.26 FEET THROUGH A CENTRAL ANGLE OF 83°49'24"; THENCE S 19°45'07" W 45.00 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS S 19°45'07" W; THENCE ALONG THE ARC OF SAID CURVE 29.26 FEET THROUGH A CENTRAL ANGLE OF 83°49'24"; THENCE N 64°04'17" W 50.00 FEET TO A POINT ON A 325.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N 64°04'17" W; THENCE ALONG THE ARC OF SAID CURVE 24.23 FEET THROUGH A CENTRAL ANGLE OF 4°16'20"; THENCE N 68°20'37" W 153.70 FEET; THENCE N 37°25'58" W 146.52 FEET; THENCE S 47°09'23" W 121.85 FEET; THENCE S 65°30'59" W 112.09 FEET; THENCE N 87°27'24" W 35.17 FEET; THENCE S 66°59'06" W 143.92 FEET; THENCE N 21°26'54" W 31.60 FEET; THENCE N 6°51'46" W 14.46 FEET; THENCE S 78°44'24" W 122.37 FEET; THENCE N 11°28'00" W 19.59 FEET; THENCE N 33°00'00" W 356.23 FEET; THENCE N 65°40'32" E 51.16 FEET TO A POINT ON A 250.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 153.08 FEET THROUGH A CENTRAL ANGLE OF 35°04'59" TO A POINT ON A 200.00 FOOT RADIUS REVERSE CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 211.66 FEET THROUGH A CENTRAL ANGLE OF 60°38'09" TO THE POINT OF BEGINNING.

CONTAINS 238,885 SQ FT OR 5.48 ACRE MORE OR LESS

The foregoing property which is also described on Exhibit A, which is attached hereto and incorporated herein, is hereby submitted to the Declaration, as amended, and shall be subject to the covenants, conditions and restrictions of the Declaration, as amended.

Except as amended by the foregoing provision, all other terms, covenants, conditions and

restrictions set forth in the Declaration, and any amendments thereto, shall remain in full force and effect. The real property subject to this First Amendment and Annexation Amendment is set forth on Exhibit A, attached hereto.

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SIGNATURES BEGIN ON NEXT PAGE**

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