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# DOC # 20180021422

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

Amended Restrictive Covenants  
Russell Shirts Washington County Recorder  
05/23/2018 01:44:28 PM Fee \$ 31.00  
By FISHER & HUNTER, LLC

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## FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR ASPEN ESTATES SUBDIVISION

This First Amendment to the Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Subdivision (the "First Amendment") is made this 21<sup>st</sup> day of May, 2018, by Development Solutions Group, Inc. and Ivory Southern, LLC (hereinafter collectively referred to as the "Declarant").

### RECITALS

- A. On January 7, 2016, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, the Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Subdivision (the "Declaration"), which was recorded as Doc # 20160000543, of the Official Records of Washington County.
- B. On March 22, 2017, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, a Supplementary Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Phase 2 (the "Phase 2 Supplemental Declaration"), which was recorded as Doc # 20170012700, of the Official Records of Washington County.
- C. On March 22, 2017, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, a Supplementary Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Phase 3 (the "Phase 3 Supplemental Declaration"), which was recorded as Doc # 20170012714, of the Official Records of Washington County.
- D. On August 30, 2017, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, a Supplementary Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Phase 6 (the "Phase 6 Supplemental Declaration"), which was recorded as Doc # 20170035365, of the Official Records of Washington County.
- E. On January 19, 2018, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, a Supplementary Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Phase 5 (the "Phase 5 Supplemental Declaration"), which was recorded as Doc # 20180002593, of the Official Records of Washington County.
- F. On May 22, 2018, Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, a Supplementary Declaration Of Covenants, Conditions, And Restrictions For Aspen Estates Phase 4 (the "Phase 4 Supplemental Declaration"), which was recorded as Doc # 20180021221, of the Official Records of Washington County.
- B. Pursuant to Section 7.1 of Article 7 of the Declaration, Declarant may unilaterally amend the Declaration at any time and may also do so at any time to correct any typographical error.

NOW, THEREFORE, for the foregoing purposes, the Declarant hereby amends said

Declaration as follows:

**ARTICLE 1 DEFINITIONS** shall be amended to correct a typographical error where the words “the last to occur of the following:” were inadvertently omitted. Accordingly Subsection 1.4 shall state:

1.4 **“Declarant Control Period”** means the period of time until the last to occur of the following: (a) Declarant relinquishes in writing its powers as Declarant and declares an end to the Declarant Control period; (b) 100% of the Lots on the Property are sold; or (c) residential structures have been constructed on 80% of the Lots on the Property.

The real property that is subject to this First Amendment is set forth in Exhibit A attached hereto.

Except as amended by the foregoing provision, all other terms, covenants, conditions and restrictions set forth in the Declaration shall remain in full force and effect. The real property subject to this First Amendment is set forth on Exhibit A, attached hereto, and all property annexed into the subdivision.

**SIGNATURES BEGIN ON NEXT PAGE**

EXECUTED the 21<sup>st</sup> day of May, 2018.

DEVELOPMENT SOLUTIONS GROUP, INC.

By: [Signature]  
Brett Burgess, President

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

On this 21 day of May, 2018, personally appeared before me Brett Burgess, who being personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that he is the president of Development Solutions Group, Inc., a Utah corporation, and that he executed the foregoing declaration on behalf of a resolution of the Board of Directors of Development Solutions Group, Inc., and he did duly acknowledge to me that such corporation executed the same for the uses and purposes stated therein.



[Signature]  
NOTARY PUBLIC



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**ASPEN ESTATES**

**ASPEN ESTATES - PHASE 1 BOUNDARY**

BEGINNING AT A POINT ON THE CENTER SECTION LINE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG SAID CENTER SECTION LINE, A DISTANCE OF 45.001 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING ON THE EAST LINE OF 3000 EAST STREET, DEDICATED BY DEED OF DEDICATION DOCUMENT NO. 20080016601, AS RECORDED AND ON FILE IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AND RUNNING THENCE SOUTH 88°42'38" EAST ALONG SAID CENTER SECTION LINE, A DISTANCE OF 664.340 FEET; THENCE SOUTH 0°56'26" WEST 436.997 FEET; THENCE NORTH 88°42'38" WEST 663.841 FEET TO THE EAST LINE OF SAID 3000 EAST STREET; THENCE NORTH 0°52'31" EAST ALONG SAID EAST LINE OF 3000 EAST STREET, A DISTANCE OF 437.000 FEET TO THE POINT OF BEGINNING. CONTAINS: 290,200 SQ. FT. (6.662 ACRES)

Now known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of Aspen Estates Phase 1, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-1-1, SG-ASP-1-2, SG-ASP-1-3, SG-ASP-1-4, SG-ASP-1-5, SG-ASP-1-6, SG-ASP-1-7, SG-ASP-1-8, SG-ASP-1-9, SG-ASP-1-10, SG-ASP-1-11, SG-ASP-1-12, SG-ASP-1-13, SG-ASP-1-14, SG-ASP-1-15, SG-ASP-1-16, SG-ASP-1-17, and SG-ASP-1-18

**ASPEN ESTATES - PHASE 2 BOUNDARY**

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, AND THE NORTHEAST CORNER OF THE ASPEN ESTATES - PHASE 1 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 709.341 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING ON THE SOUTH BOUNDARY LINE OF THE CORNERSTONE PHASE 4 SUBDIVISION, AS RECORDED AND ON FILE IN THE WASHINGTON COUNTY RECORDER'S OFFICE AND RUNNING THENCE SOUTH 88°42'38" EAST ALONG SAID QUARTER SECTION LINE AND SUBDIVISION BOUNDARY, A DISTANCE OF 618.430 FEET; THENCE SOUTH 00°56'26" WEST 278.889 FEET; THENCE NORTH 88°42'38" WEST 618.430 FEET TO THE EAST BOUNDARY OF SAID ASPEN ESTATES - PHASE 1 SUBDIVISION; THENCE NORTH 00°56'26" EAST ALONG SAID EAST BOUNDARY, A DISTANCE OF 278.889 FEET TO THE POINT OF BEGINNING.

CONTAINS 172,470 SQ. FT., (3.959 ACRES)

Now known as Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 of Aspen Estates Phase 2, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-2-19, SG-ASP-2-20, SG-ASP-2-21, SG-ASP-2-22, SG-ASP-2-23, SG-ASP-2-24, SG-ASP-2-25, SG-ASP-2-26, SG-ASP-2-27, SG-ASP-2-28, SG-ASP-2-29, and SG-ASP-2-30

**ASPEN ESTATES – PHASE 3 BOUNDARY**

BEGINNING AT THE SOUTHEAST CORNER OF THE ASPEN ESTATES – PHASE 2 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 1327.771 FEET AND SOUTH 00°56'26" WEST 278.889 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 00°56'26" WEST 272.897 FEET; THENCE NORTH 88°42'38" WEST 514.760 FEET; THENCE SOUTH 00°56'26" WEST 5.448 FEET; THENCE NORTH 89°03'34" WEST 45.000 FEET; THENCE NORTH 88°41'34" WEST 101.719 FEET; THENCE NORTH 00°50'24" EAST 120.481 FEET TO THE SOUTH BOUNDARY OF THE ASPEN ESTATES – PHASE 1 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTH AND EAST BOUNDARY OF SAID SUBDIVISION, THE FOLLOWING (2) TWO COURSES: (1) SOUTH 88°42'38" EAST 43.262 FEET; AND (2) NORTH 00°56'26" EAST 158.108 FEET TO THE SOUTHWEST CORNER OF SAID ASPEN ESTATES – PHASE 2 SUBDIVISION; THENCE SOUTH 88°42'38" EAST ALONG THE SOUTH BOUNDARY OF SAID SUBDIVISION, A DISTANCE OF 618.430 FEET TO THE POINT OF BEGINNING.

CONTAINS 174,550 SQ. FT., (4.007 ACRES)

Now known as Lots 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 of Aspen Estates Phase 3, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-3-31, SG-ASP-3-32, SG-ASP-3-33, SG-ASP-3-34, SG-ASP-3-35, SG-ASP-3-36, SG-ASP-3-37, SG-ASP-3-38, SG-ASP-3-39, SG-ASP-3-40, SG-ASP-3-41, SG-ASP-3-42.

**ASPEN ESTATES – PHASE 4 BOUNDARY**

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF ASPEN ESTATES – PHASE 3, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 1323.771 FEET, SOUTH 00°56'26" WEST ALONG THE SIXTEENTH SECTION LINE, A DISTANCE OF 551.785 FEET AND NORTH 88°42'38" WEST ALONG THE SOUTHERLY BOUNDARY OF SAID ASPEN ESTATES – PHASE 3, A DISTANCE OF 30.001 FEET FROM THE CENTER QUARTER CORNER OF

SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF 3210 EAST STREET AND BOUNDARY OF ASPEN ESTATES – PHASE 4 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE AND RUNNING THENCE ALONG THE BOUNDARY OF SAID ASPEN ESTATES – PHASE 4 SUBDIVISION THE FOLLOWING (11) ELEVEN COURSES: (1) SOUTH 00°56'26" WEST 85.880 FEET TO A POINT OF CURVATURE; (2) RUNNING SOUTHWESTERLY ALONG THE ARC OF A 20.000 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°20'56", A DISTANCE OF 31.538 FEET; (3) SOUTH 01°17'22" WEST 22.500 FEET; (4) SOUTH 88°42'38" EAST 0.518 FEET; (5) SOUTH 01°17'22" WEST 22.500 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, (RADIUS POINT BEARS SOUTH 01°17'22" WEST); (6) RUNNING SOUTHEASTERLY ALONG THE ARC OF A 20.000 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°39'04", A DISTANCE OF 31.294 FEET; (7) SOUTH 00°56'26" WEST 87.623 FEET; (8) NORTH 88°42'38" WEST 480.759 FEET; (9) NORTH 00°56'26" EAST 57.053 FEET; (10) NORTH 89°03'34" WEST 45.000 FEET; AND (11) NORTH 88°41'34" WEST 101.375 FEET; THENCE NORTH 00°50'24" EAST 196.007 FEET TO THE SOUTHWESTERLY BOUNDARY CORNER OF SAID ASPEN ESTATES, PHASE 3 SUBDIVISION; THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING (4) FOUR COURSES: (1) SOUTH 88°41'34" EAST 101.719 FEET; (2) SOUTH 89°03'34" EAST 45.000 FEET; (3) NORTH 00°56'26" EAST 5.448 FEET; AND (4) SOUTH 88°42'38" EAST 480.759 FEET TO THE POINT OF BEGINNING.  
CONTAINS 151,928 SQ. FT., (3.488 ACRES)

Now known as Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 of Aspen Estates Phase 4, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-4-43, SG-ASP-4-44, SG-ASP-4-45, SG-ASP-4-46, SG-ASP-4-47, SG-ASP-4-48, SG-ASP-4-49, SG-ASP-4-50, SG-ASP-4-51, SG-ASP-4-52, SG-ASP-4-53, SG-ASP-4-54.

**ASPEN ESTATES – PHASE 5 BOUNDARY**

BEGINNING AT A POINT ON THE SIXTEENTH SECTION LINE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 1323.771 FEET AND SOUTH 00°56'26" WEST ALONG THE SIXTEENTH SECTION LINE, A DISTANCE OF 551.785 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF THE ASPEN ESTATES – PHASE 3 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE AND RUNNING THENCE SOUTH 88°42'38" EAST ALONG SAID SUBDIVISION BOUNDARY, A DISTANCE OF 4.000 FEET; THENCE SOUTH 00°56'26" WEST 258.505 FEET; THENCE NORTH 88°42'38" WEST 4.000 FEET; THENCE SOUTH 00°56'26" WEST 259.798 FEET TO THE NORTHERLY BOUNDARY OF THE ASPEN ESTATES – PHASE 6 SUBDIVISION, AS RECORDED AND ON FILE WITH THE

WASHINGTON COUNTY RECORDER'S OFFICE; THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING (5) FIVE COURSES: (1) NORTH 89°03'34" WEST 30.000 FEET; (2) NORTH 88°42'48" WEST 480.759 FEET; (3) NORTH 89°03'34" WEST 45.000 FEET; (4) NORTH 00°56'26" EAST 23.051 FEET; AND (5) NORTH 88°41'34" WEST 100.859 FEET; THENCE NORTH 00°50'24" EAST 294.010 FEET; THENCE SOUTH 88°41'34" EAST 101.375 FEET; THENCE SOUTH 89°03'34" EAST 45.000 FEET; THENCE SOUTH 00°56'26" WEST 57.053 FEET; THENCE SOUTH 88°42'38" EAST 480.759 FEET; THENCE NORTH 00°56'26" EAST 87.623 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 20.000 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°39'04", A DISTANCE OF 31.294 FEET; THENCE NORTH 01°17'22" EAST 22.500 FEET; THENCE NORTH 88°42'38" WEST 0.518 FEET; THENCE NORTH 01°17'22" EAST 22.500 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, (RADIUS POINT BEARS NORTH 01°17'22" EAST); THENCE ALONG THE ARC OF A 20.000 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°20'56", A DISTANCE OF 31.538 FEET; THENCE NORTH 00°56'26" EAST 85.880 FEET TO THE SOUTHERLY BOUNDARY OF SAID ASPEN ESTATES - PHASE 3; THENCE SOUTH 88°42'38" EAST ALONG SAID SUBDIVISION BOUNDARY, A DISTANCE OF 30.001 FEET TO THE POINT OF BEGINNING (CONTAINS 186,645 SQ. FT. (4.285 ACRES))

Now known as Lots 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67 of Aspen Estates Phase 5, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-5-55, SG-ASP-5-56, SG-ASP-5-57, SG-ASP-5-58, SG-ASP-5-59, SG-ASP-5-60, SG-ASP-5-61, SG-ASP-5-62, SG-ASP-5-63, SG-ASP-5-64, SG-ASP-5-65, SG-ASP-5-66, and SG-ASP-5-67.

**ASPEN ESTATES - PHASE 6 BOUNDARY**

BEGINNING AT A POINT SOUTH 88°42'38" EAST ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 1327.771 FEET AND SOUTH 00°56'26" WEST 1070.064 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°56'26" WEST 270.810 FEET TO THE NORTHEAST CORNER OF THE OAKWOOD ESTATES - PHASE 4 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE; THENCE NORTH 88°45'28" WEST ALONG THE BOUNDARY OF SAID SUBDIVISION AND THE BOUNDARY OF THE OAKWOOD ESTATES - PHASE 3 SUBDIVISION, AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE, A DISTANCE OF 660.100 FEET; THENCE NORTH 00°50'24" EAST 293.934 FEET; THENCE SOUTH 88°41'34" EAST 100.859 FEET; THENCE SOUTH 00°56'26" WEST 23.051 FEET; THENCE SOUTH 89°03'34" EAST 45.000 FEET; THENCE SOUTH 88°42'48" EAST 480.759 FEET; THENCE SOUTH 89°03'34" EAST 34.000 FEET TO THE POINT OF BEGINNING.

CONTAINS 181,153 SQ. FT., (4.159 ACRES)



Now known as Lots 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and 80 of Aspen Estates Phase 6, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Parcel ID: SG-ASP-6-68, SG-ASP-6-69, SG-ASP-6-70, SG-ASP-6-71, SG-ASP-6-72, SG-ASP-6-73, SG-ASP-6-74, SG-ASP-6-75, SG-ASP-6-76, SG-ASP-6-77, SG-ASP-6-78, SG-ASP-6-79, and SG-ASP-6-80.