

9

When Recorded Return To:

Summit-Hurricane Development, Inc.
Yvonne Mendenhall
770 Porto Way
Las Vegas, Nevada 89138

DOC # 20180026189

Amendments Page 1 of 9
Russell Smiths Washington County Recorder
06/25/2018 04:45:02 PM Fee \$ 26.00
By SUMMIT HURRICANE DEVELOPMENT INC



Space above for County Recorder's Use

PARCEL I.D. # See attached

**THIRD AMENDMENT TO DEVELOPMENT AGREEMENT
FOR PAINTED HILLS COLLINA TINTA**

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR PAINTED HILLS COLLINA TINTA ("Amendment") is made to be effective as of June 7, 2018 (the "Effective Date"), by and among Summit-Hurricane Development, Inc., a Nevada corporation ("Developer"), Toquerville Enterprises, LLC, a Nevada limited liability company ("Toquerville"), RR Penga, LLC, a Utah limited liability company ("RR Penga"), and the City of Hurricane, a municipal corporation and political subdivision of the State of Utah ("City") (individually a "Party" and collectively the "Parties").

RECITALS

A. The Developer, Toquerville and City entered into that certain Development Agreement for Painted Hills Collina Tinta dated September 7, 2006, and recorded in the Official Records of Washington County, Utah on October 24, 2006, as Document No. 20060049271 (the "Agreement") for the development of approximately 560 acres of land located in Hurricane, Utah (the "Project").

B. The Developer, Toquerville and City entered into the First Amendment to the Agreement, dated January 2, 2008, and recorded in the Official Records of Washington County, Utah on February 6, 2008, as Document No. 20080004968.

C. The Developer, Toquerville and City entered into the Second Amendment to the Agreement, dated May 22, 2008, and recorded in the Official Records of Washington County, Utah on May 28, 2008, as Document No. 20080021728.

D. RR Penga, LLC, a Utah limited liability company, became a successor owner and developer on July 19, 2017 of the proposed phases known as Grande Canary (now known as Zion Vista), Mira Rosa 1, and Mira Rosa 2, in addition to the parcels to be dedicated as streets known as Rlington Parkway and 1760 West.

E. The Parties desire to amend the Agreement to permit RR Penga to use an alternative landscape plan for landscaping Rlington Parkway and 1760 West.

F. The Parties desire to amend the Agreement by adding the language set forth below and adding Exhibit "I" to the Agreement.

AGREEMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Amendment to Agreement. This Amendment amends the Agreement. In the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall control. Unless otherwise indicated herein, all capitalized terms used in the Amendment shall have definitions assigned to them in the Agreement.
2. Alternative Landscape Plan. The Parties agree that the Alternative Landscape Plan, as shown in the attached "Exhibit I", may be used by RR Penga to landscape the streets known as Rlington Parkway and 1760 West.
3. Execution and Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall together constitute and be one and the same document.
4. No Other Changes. Except as herein expressly provided, the Agreement remains in all other respects unmodified and in full force and effect.

IN WITNESS HEREOF, the Parties have executed this THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR PAINTED HILLS COLLINA TINTA as of the date first above written.

Signature Page

TOQUERVILLE:

Toquerville Enterprises, LLC, a Nevada limited liability company

By: *Kyanna Mendonhall*

Print Name: Kyanna S. Mendonhall

Title: Manager

By: *Jerry Spitsburg*

Print Name: Jerry Spitsburg

Title: Manager

DEVELOPER:

Summit-Hurricane Development, Inc., a Nevada corporation

By: *Kyanna Mendonhall*

Print Name: Kyanna S. Mendonhall

Title: Sec-Treasurer

RR PENGA:

RR Penga, LLC, a Utah limited liability company

By: *Rich Hansen*

Print Name: Rich Hansen

Title: MANAGER

CITY:

Hurricane City, a municipal corporation and political subdivision of the State of Utah

By: *John W. Bramall*

Print Name: John W. Bramall

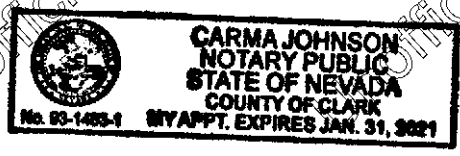
Title: Mayor

STATE OF Nevada)
 : ss.
COUNTY OF Clark)

On the 7th day of June, 2018 personally appeared before me Vyonne S. Mendenhall and _____ who, being by me duly sworn, did say that he/she/they is/are the Manager of Toquerville Enterprises, LLC, a Nevada limited liability company, and said person acknowledged to that said company executed the same.

[Signature]
NOTARY PUBLIC
Residing at: Las Vegas, NV

My Commission Expires:

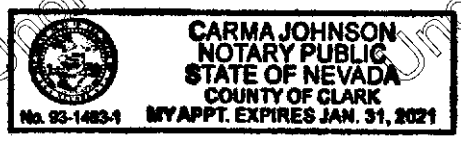


STATE OF _____)
 : ss.
COUNTY OF _____)

On the 7th day of June, 2018 personally appeared before me Vyonne S. Mendenhall, who, being by me duly sworn, did say that he/she is the Sec-treasurer of Summit-Hurricane Development, Inc., a Nevada corporation, and said person acknowledged to that said company executed the same.

[Signature]
NOTARY PUBLIC
Residing at: _____


My Commission Expires:



Notary acknowledgment attachment to Third Amendment to Development Agreement for Painted Hills Collina Tinta.

STATE OF Utah)
)
COUNTY OF Washington)
) :ss.

On the 12th day of June, 2018, personally appeared before me Lerald M. Spilsbury, who being by me duly sworn, says that he is the Manager of Toquerville Enterprises, LLC, a Nevada limited liability company, the limited liability company that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Limited Liability Company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute this instrument on behalf of the limited liability company.

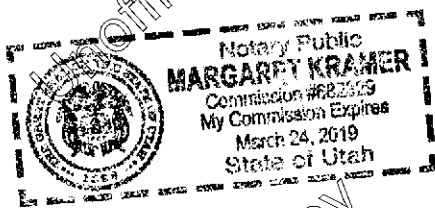


NOTARY PUBLIC
My Commission Expires: 9/10/2020



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

On the 20 day of June, 2018 personally appeared before me Richard Hansen and _____, who, being by me duly sworn, did say that he/she is the Manager of RR Penga, LLC, a Utah limited liability company, and said person acknowledged to that said company executed the same.



M Kramer
NOTARY PUBLIC
Residing at: Salt Lake City, UT

My Commission Expires:
March 24, 2019

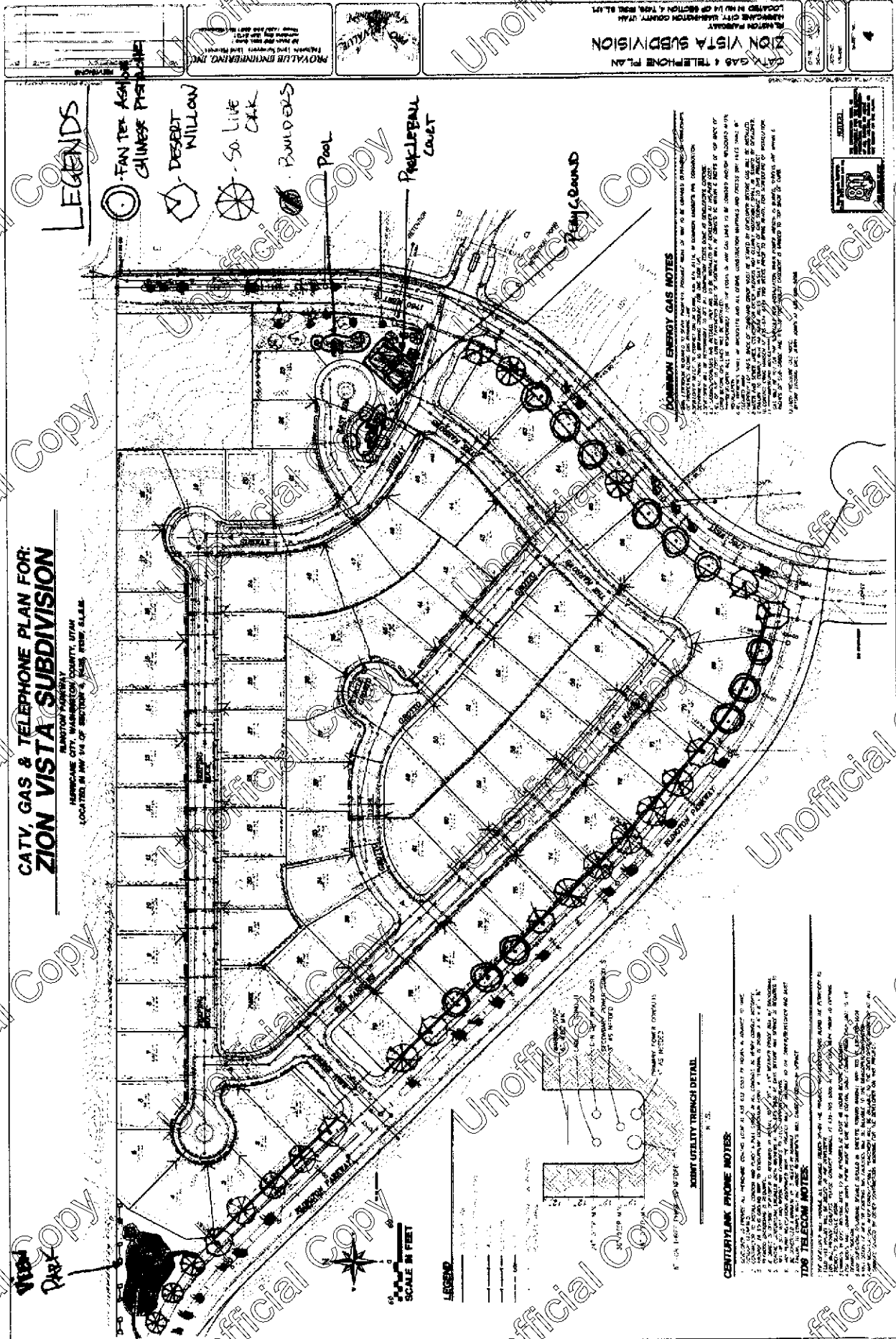
STATE OF Utah)
 : ss.
COUNTY OF Washington)

On the 21 day of June, 2018 personally appeared before me John Braman, who, being by me duly sworn, did say that he/she is the MAYOR of Hurricane City, a municipal corporation and political subdivision of the State of Utah, and said person acknowledged to that said company executed the same.



Cindy Betaog
NOTARY PUBLIC
Residing at: Hurricane UT.

My Commission Expires:
1/9/21



Legal Description:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE SECTION LINE SOUTH 89°43'42" EAST 1,688.58 FEET; THENCE SOUTH 00°01'00" WEST 208.71 FEET; THENCE SOUTH 89°43'42" EAST 208.71 FEET; THENCE NORTH 00°01'00" EAST 208.71 FEET TO THE NORTH SECTION OF SAID SECTION 4; THENCE ALONG SAID SECTION LINE SOUTH 89°43'42" EAST 65.85 FEET; THENCE SOUTH 00°00'05" EAST 405.02 FEET; THENCE NORTH 89°59'55" EAST 236.70 FEET; THENCE SOUTH 32°44'48" EAST 802.71 FEET; THENCE SOUTH 00°13'28" WEST 1,718.18 FEET; THENCE SOUTH 89°52'53" EAST 2,392.27 FEET; THENCE SOUTH 00°17'42" WEST 560.86 FEET; THENCE SOUTH 89°50'57" EAST 247.50 FEET TO THE EAST SECTION LINE OF SAID SECTION 4; THENCE ALONG SAID SECTION LINE SOUTH 00°17'41" WEST 757.13 FEET NORTH 89°50'57" WEST 1319.08 FEET; THENCE SOUTH 00°15'32" WEST 1318.25 FEET TO THE SOUTH SECTION LINE OF SAID SECTION 4; THENCE ALONG THE SECTION LINE NORTH 89°49'00" WEST 1318.50 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 4; THENCE ALONG THE SECTION LINE NORTH 89°49'00" WEST 2,636.30 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE ALONG THE SECTION LINE NORTH 00°14'51" EAST 1,316.02 FEET; THENCE NORTH 89°45'29" EAST 1,321.80 FEET; THENCE NORTH 00°14'51" EAST 1,317.75 FEET; THENCE NORTH 00°11'38" EAST 2,800.60 FEET TO THE NORTH SECTION LINE OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID SECTION LINE SOUTH 89°46'40" EAST 1320.18 FEET TO THE POINT OF BEGINNING. CONTAINS 24,379,912 SQUARE FEET OR 559.68 ACRES

Parcel ID#'s:

H-3-2-5-1101
H-3-2-5-1103
H-3-2-5-1101
H-3-2-4-4401
H-3-2-4-4402
H-3-2-4-3201
H-3-2-4-139
H-3-2-4-148
H-3-2-4-4112
H-3-2-4-4111
H-3-2-4-4114
H-3-2-4-41051
H-3-2-4-132
H-3-2-4-4105
H-3-2-4-146
H-3-2-4-4221
H-3-2-4-4201
H-3-2-4-133
H-3-2-4-4303
H-3-2-4-4304
H-3-2-4-2301

H-3-2-4-4215
H-3-2-4-217

Exhibit I

Landscape Plan for Rlington Parkway and 1760 West