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Amended Restrictive Covenants Page 1 of 4  
Russell Shirts Washington County Recorder  
04/09/2019 03:18:05 PM Fee \$16.00 By  
COTTONWOOD TITLE INSURANCE AGENCY,  
INC.

WHEN RECORDED, RETURN TO:

Mark B. Durrant  
Dorsey & Whitney  
111 South Main, 21<sup>st</sup> Floor  
Salt Lake City, UT 84111-2176

**FIRST AMENDMENT  
TO  
COMMUNITY DECLARATION FOR ENCANTO RESORT,  
A PLANNED UNIT DEVELOPMENT**

This First Amendment to Community Declaration for Encanto Resort, a Planned Unit Development (this "**First Amendment**") is executed pursuant to the provisions of the Declaration described in Recital "**C**" below, by GP IVINS HOME & LAND LC, a Utah limited liability company (the "**Declarant**") and made effective as of March 1st 2019 2019.

**RECITALS**

- A. The Community Declaration for Encanto Resort was recorded on March 22, 2016 as Doc. No. 20160009677 of the Official Records of Washington County, Utah (the "**Declaration**").
- B. The Declaration was recorded against that certain real property located in Washington County, Utah, as more particularly described on the attached Exhibit A.
- C. Section 17.3 of the Declaration provides that the Declaration may be unilaterally amended by Declarant during the Declarant Control Period.
- D. Accordingly, Declarant desires to amend the Declaration as stated herein.

**AMENDMENT**

NOW, THEREFORE, the Declaration is hereby amended as follows.

1. Defined Terms. Capitalized terms used and not otherwise defined in this First Amendment shall have the meaning or meanings given to them in the Declaration.
2. Section 9.4. The second to last sentence of Section 9.4 is hereby deleted in its entirety.
3. Section 9.6. Section 9.6 of the Declaration is hereby deleted in its entirety and replaced with the following:

“9.6 Rate of Annual and Special Assessments. Annual and Special Assessments of the Community Association payable during a calendar year shall be calculated as follows:”

4. Section 9.6.1. Section 9.6.1 of the Declaration is hereby deleted in its entirety and replaced with the following:

“9.6.1 The Annual Assessments shall be assessed at a uniform rate for each Lot in such amounts as specified by the Board.”

5. Section 9.6.2. Section 9.6.2 of the Declaration is hereby deleted in its entirety and replaced with the following:

“9.6.2 Commencing upon an Owner acquiring a Lot or Dwelling, each Owner of a Lot or Dwelling shall pay one hundred percent (100%) of the Annual Assessment attributable to his, her or its Membership, regardless of whether a Dwelling has been completed on the Lot and whether such Dwelling is occupied.”

6. Continued Enforceability of Declaration. Except as specifically amended hereby all of the terms, conditions, restrictions and other provisions of the Declaration shall continue in full force and effect as originally written.

7. Incorporation of Recitals and Exhibit. The Recitals set forth at the beginning of this First Amendment and the Exhibits attached hereto are incorporated herein by this reference.

*[Signature Page to Follow]*

IN WITNESS WHEREOF, this First Amendment is hereby executed as of the date first above written.

**DECLARANT:**

GP IVINS HOME & LAND LC, a Utah limited liability company

By: Walter J Plum  
Name: Walter J Plum  
Its: manager

STATE OF UTAH

COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 1 day of MARCH, 2019, by WALTER O. PLUM, the MANAGER of GP IVINS HOME & LAND LC, a Utah limited liability company.



[Signature]  
NOTARY PUBLIC  
Residing at DANS County, Utah

My Commission Expires: 10.16.20

**EXHIBIT A**

**Legal Description**

All of the Community Areas and Lots 1-30, according to the official plat entitled ENCANTO RESORT, A PLANNED UNIT DEVELOPMENT on file and of record on MARCH 22, 2016 as Entry No. 20160009675 in the Washington County Recorder's Office.

BEGINNING AT A POINT WHICH LIES SOUTH 88°43'01" EAST 654.58 FEET FROM THE NORTH QUARTER (N1/4) CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 151.86 FEET; THENCE SOUTH 88°47'01" EAST 792.57 FEET; THENCE SOUTH 1°13'15" WEST 152.74 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 4; THENCE NORTH 88°43'01" WEST 84.22 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SECTIONAL LOT 1 OF SAID SECTION 4; THENCE SOUTH 0°41'03" WEST 852.97 FEET ALONG THE EAST LINE OF SAID LOT 1 TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SNOW CANYON PARKWAY; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING FOUR COURSES; NORTH 43°53'13" WEST 768.39 FEET TO THE POINT OF A 710.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°28'16", A DISTANCE OF 142.15 FEET TO THE POINT OF A REVERSE CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 57°35'03" WEST 540.00 FEET DISTANT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°38'39" A DISTANCE OF 119.17 FEET; THENCE NORTH 110.55 FEET TO THE POINT OF BEGINNING.

("ENCANTO RESORT")