

Amended Restrictive Covenants Page 1 of 6
Russell Shirts Washington County Recorder
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JENSEN & REECE

RECORDED AT THE REQUEST OF:

St. George 730, LLC
c/o Matthew J. Ence
SNOW JENSEN & REECE, P.C.
912 West 1600 South, Suite B-200
St. George, Utah 84770

**FIRST AMENDMENT
TO THE
MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
DIVARIO**

THIS FIRST AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment") is made as of the 5th day of ~~May~~ ^(Nov) NOVEMBER 2020, by ST. GEORGE 730, LLC, a Nevada limited liability company (hereafter "Declarant").

This Amendment is made to modify and amend the Master Declaration of Covenants, Conditions, and Restrictions for Divario, dated September 10, 2019, and recorded October 2, 2019, as Doc. No. 20190040541 in the files of the Recorder for Washington County, State of Utah (hereafter the "Declaration"). This Amendment is made effective as to all of the Property which is subject to the Declaration, as set forth therein, and as also described in Exhibit "A" attached hereto.

Section 1. Scope of Amendment. This Amendment is intended to modify the Declaration only as specifically set forth herein. All terms and provisions of the Declaration not specifically modified herein are hereby affirmed and deemed to continue in full force and effect. All capitalized words or phrases not otherwise defined herein shall be defined as set forth in the Declaration.

Section 2. Authority of Declarant. Declarant is that "Declarant" named in Article 2 of the Declaration. The Declarant's authority to unilaterally make and record this Amendment is set forth in Section 22.1 of the Declaration. As of the date of this Amendment, the Declarant Rights Period as defined in Article 2 of the Declaration is still in effect.

Section 3. Restriction on Perimeter Walls Adjacent to Open Space. Certain Lots or Units in the Community are adjacent to open space parcels, including open spaces which may be an Area of Common Responsibility owned or controlled by the Association, or which are publicly owned (such as a park, public recreational space, or public lands). Such Lots or Units shall not be permitted to have solid privacy walls of block or similar material along any part of the perimeter of the Lot or Unit which is adjacent to the open space parcel. Rather, such Lots or Units shall be required to have, along that portion of the perimeter which is shared with the adjacent open space, a fence of wrought iron which does not substantially restrict views through the fencing. Such perimeter fencing shall not exceed five feet (5') in height as measured from the side of the fence having the highest elevation. The remainder of the Lot or Unit perimeter wall which is not adjacent to an open space parcel shall be constructed of solid material.

Section 4. Restriction on Perimeter Walls Along Rear Frontage on Divario Canyon Drive. Lots or Units having rear frontage along Divario Canyon Drive, and which are at any point elevated at least six feet (6') above the public street (as measured from the top of the nearest curb), shall not be permitted to have solid privacy walls of block or similar material along any part of the perimeter of the Lot or Unit which is adjacent to Divario Canyon Drive. Rather, such Lots or Units shall be required to have, along that portion of the perimeter which is shared with Divario Canyon Drive, a fence of wrought iron which does not substantially restrict views through the fencing. Such perimeter fencing shall not exceed five feet (5') in height as measured from the side of the fence having the highest elevation. The remainder of the Lot or Unit perimeter wall which is not adjacent to Divario Canyon Drive shall be constructed of solid material.

Section 5. Design Review. Notwithstanding any provision of this Amendment, all fencing or walls described in Sections 3 and 4 above shall be subject to any applicable provisions of the Design Guidelines and to final design review and approval of the Design Review Committee.

Section 6. Height Restriction in Certain Planning Areas Along Divario Canyon Drive. The height restriction set forth in this Section shall apply to any Planning Areas adjacent to Divario Canyon Drive, or through which Divario Canyon Drive runs, except for Planning Areas 2, 3, 7, 8, 11, 17, and 18, as designated on the Master Plan for the Community.

Any Improvements shall be limited to a maximum height of twenty-five feet (25') which are constructed on any Lot or Unit which is both:

- a. Directly adjacent to Divario Canyon Drive; and
- b. Located in any residential zone designated by the approved Divario Master Plan as being a low- or medium-density residential zone, i.e., approved for residential density of less than nine (9) units per acre.

This height restriction shall apply to all Improvements on any such Lot or Unit, including but not limited to the Dwelling and any accessory structures constructed thereon. The height of any Improvement subject to this restriction shall be determined by the same method used by the City of St. George in determining height for purposes of compliance with regulations set forth in City ordinance.

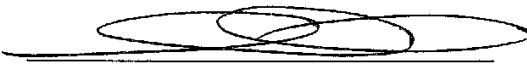
Section 7. General Provisions. All general terms and provisions of the Declaration, as set forth therein, apply to this Amendment as if this Amendment were incorporated therein.

Section 8. Exhibit. Exhibit "A" attached to this Declaration is incorporated by this reference and amendment of such exhibit shall be governed by this Article.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment as of the day and year first written above.

DECLARANT:

ST. GEORGE 730 LLC



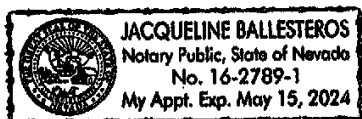
Mark A. Schnippel
Managing Member

STATE OF Nevada)

ss.

COUNTY OF Clark)

On the 5th day of June ~~May~~ November, 2020, personally appeared before me Mark A. Schnippel, who being duly sworn, did say that he is the Managing Member of St. George 730 LLC, and the foregoing instrument was signed on behalf of said company by authority of its articles of organization and Mark A. Schnippel indicated to me that said company executed the same for the uses and purposes set forth therein.




Notary Public

EXHIBIT "A"

**LEGAL DESCRIPTION
OF THE PROPERTY**

Beginning at the Section Corner common to Sections 27-28-33-34 Township 42 South, Range 16 West, Salt Lake Base and Meridian and running;

Thence North 88°32'37" West 2621.44 feet to the Quarter Corner common to said Sections 28-33;
thence North 1°50'37" East 3992.42 feet along the center section line to the North 1/16 Corner of said Section 28;
thence South 88°31'07" East 1690.18 feet along the 1/16 line to a point on the East boundary of Santa Maria at Sunbrook Phase 4 Amended as on file in the Office of the Recorder, Washington County, Utah (Inst. No. 20100028534);
thence South 9°52'28" West 7.97 feet along said East line to a point on a 750.00 foot radius non-tangent curve concave to the Southwest (Radius bears: South 9°47'50" West). Said point also being on the proposed centerline of Plantations Drive, a proposed 80.00 foot wide public street and continuing along said proposed centerline the following eleven (11) courses;
thence Southeasterly 342.54 feet along said 750.00 foot radius curve through a central angle of 26°10'06" to a point of tangency;
thence South 54°02'04" East 56.91 feet to a point of curvature;
thence 616.76 feet along a 740.00 foot radius curve to the right through a central angle of 47°45'13", to a point of tangency;
thence South 6°16'51" East 123.72 feet to a point of curvature;
thence 849.03 feet along an 1150.00 foot radius curve to the left through a central angle of 42°18'03" to a point of tangency;
thence South 48°34'55" East 1997.56 feet to a point of curvature;
thence 561.96 feet along a 1000.00 foot radius curve to the right through a central angle of 32°11'52" to a point of reverse curvature;
thence 1006.47 feet along a 1250.00 foot radius curve to the left through a central angle of 46°07'59" to a point of reverse curvature;
thence 222.33 feet along a 1000.00 foot radius curve to the right through a central angle of 12°44'20" to a point of tangency;
thence South 49°46'43" East 490.01 feet to a point of curvature;
thence 238.06 feet along a 1500.00 foot radius curve to the right through a central angle of 9°05'36" to a point that intersects a Southwesterly projection of the Alienta Drive centerline as established in The Highlands @ Green Valley Phase 1 (Inst. No. 20060002398);
thence North 24°49'47" East 651.13 along said extension and the Easterly line of Parcels 32 and 33 as described in Inst. No. 200900646536 to its intersection with the North Section line of said Section 34;
thence South 88°05'44" East 33.23 feet along the Section Line to a point that is North 88°05'44" West 1374.00 feet along the section line from the Section corner common to Sections 26-27-34-35, Township 42 South, Range 16 West, Salt Lake Base and Meridian;
thence South 24°48'29" West 100.95 feet to and along the West boundary of Cottages North Phase 3 (Inst. No. 629336, Book:1293, Page:870)

thence South 1°50'54" West 463.90 feet along said West line;
thence South 23°40'49" East 97.91 feet along said West line to a point on the West line of Cottages North Phase II (Inst. No. 478939, Book:851, Page:221)
thence South 9°35'49" East 648.35 feet to the Southwest corner of said subdivision. Said point also being on a Westerly extension of the North line of Canyon View Drive as established from existing ring and lid control monuments;
thence North 88°08'36" West 1.07 along said extension line to a point on a 20.00 foot radius non tangent curve concave to the Northeast (Radius bears: North 29°56'22" East). Said point also being on the East line of that parcel described in Deed of Dedication (Inst. No. 700320, Book:1384, Page:229) as established from said ring and lid control monuments in Canyon View Drive and continuing along the North and West line of said Deed of Dedication the following six (6) courses;
thence 17.62 feet along said curve through a central angle of 50°28'30";
thence South 80°24'52" West 80.00 feet along a radial bearing
South 9°35'08" East 435.96 feet to a point of curvature;
thence 34.58 feet along a 540.00 foot radius curve to the left through a central angle of 3°40'07" to a point of tangency
thence South 13°15'15" East 458.48 feet to a point of curvature;
thence 816.16 feet along a 620.00 foot radius curve to the left through a central angle of 75°25'24" to a point of tangency. Said point also being on the South line of that parcel described in Warranty Deed (Inst. No. 814829, Book:1539, Page:350) and continuing along the South line of said parcel the following Five (5) courses;
thence South 88°40'40" East 417.51 feet to a point of curvature. Said point also being North 0°48'55" East 26.216 feet along the Section line and North 88°40'40" West 144.188 feet from the Quarter Corner common to said Sections 34 and 35;
thence 705.17 feet along a 900.00 foot radius curve to the right through a central angle of 44°53'32";
thence North 46°12'51" East 80.00 feet along a radial bearing to a point on a 25.00 foot radius curve concave to the East;
thence Northeasterly 36.11 feet along said curve through a central angle of 82°45'31" to a point of reverse curvature;
thence 53.39 feet along a 175.00 foot radius curve to the left through a central angle of 17°28'54" to a point on a Westerly extension of the South boundaries of Las Palmas Resort Condominiums II Phase VII, Amended & Extended (Inst. No. 943875, Book:1742, Page:670) and Las Palmas Resort Condominiums II Phase VIII, Corrected, Amended & Extended (Inst. No. 20070037723);
thence South 88°42'10" East 774.66 feet along said extension to and along said South boundaries;
thence South 1°30'19" East 421.72 feet along the East line of the Northwest ¼ of the Southwest ¼ of said Section 35 to the Southeast corner of that parcel described in Warranty Deed (Inst. No. 272765, Book: 370, Page:685);
thence South 88°37'07" East 1323.94 along the South line of said parcel to a point on the Center Section line of said Section 35;
thence South 0°14'30" West 807.72 feet along said line to the Southeast corner of the Northeast ¼ of the Southwest ¼ of said Section 35;
thence North 88°36'09" West 2598.96 feet along the 1/16 line to the Southeast corner of Sectional Lot 3, said Section 34. Said point also being South 3°16'05" East 1330.64 feet from

said Quarter Corner common to Sections 34 and 35;
thence North 88°27'41" West 1296.03 feet along the 1/16 line to the Southeast corner of that parcel described in Warranty Deed (Inst. No. 20080023192) and continuing along said parcel the following four (4) courses;
thence Northerly 250.73 feet along a 667.00 foot radius non-tangent curve concave to the Southwest (Radius bears South 86°46'26" West) through a central angle of 21°32'18";
thence North 78°16'07" West 371.72 feet;
thence South 38°59'48" West 246.42 feet;
thence South 1°32'28" West 110.33 feet to a point on the 1/16 line;
thence North 88°27'41" West 658.26 feet to the South 1/16 corner of said Section 34;
thence North 88°26'12" West 1336.31 feet along the 1/16 line to the Southwest 1/16 corner of said Section 34;
thence North 1°17'01" East 1329.68 feet along the 1/16 line to the West 1/16 corner of said Section 34;
thence North 88°23'46" West 1333.98 feet along the Center Section line to the Quarter Corner common to said Sections 33 and 34;
thence North 1°17'37" East 2669.16 feet along the Section line to the Point of Beginning.

Containing Approximately 719.68 Acres

WHICH PROPERTY INCLUDES, BUT IS NOT LIMITED TO, THE SUBDIVISION DESCRIBED AS FOLLOWS:

All of Lots 1 through 51, and all Common Areas, SENTIERI CANYON AT DIVARIO - AMENDED & EXTENDED, according to the Official Plat thereof, on file in the Office of the Recorder for Washington County, State of Utah.

Parcel Nos.:

SG-6-2-27-428

SG-6-2-27-330

SG-6-2-27-3311

SG-6-2-27-236

SG-6-2-28-2110

SG-6-2-34-411

SG-6-2-34-412

SG-6-2-34-1004

SG-6-2-34-1003

SG-6-2-34-1008

SG-6-2-34-1010

SG-6-2-34-241

SG-6-2-35-3002

SG-SCD-1 through SG-SCD-51

SG-SCD-COMMON