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DOC # 20210066045

Restrictive Page 1 of 7
Gary Christensen Washington County Recorder
10/11/2021 08:58:56 AM Fee \$ 40.00
By BLACK DESERT LAND CO



WHEN RECORDED RETURN TO:
Black Desert Land Company, Inc.
P.O. Box 579
St. George, Utah 84771
Tax I.D. Numbers
I-6-2-4-127132, I-6-2-4-128,
I-6-2-4-13112, SC-6-2-4-3221

NOTICE OF LAND USE AGREEMENTS AND MODIFICATIONS OF RESTRICTIVE COVENANTS

RECORD NOTICE is hereby provided that on the 11 day of October, 2021, pursuant to a written agreement titled, "Black Desert LUMA" (the "Black Desert LUMA") between ENLAW, LLC, a Delaware limited liability company ("Owner"), and Black Desert Land Company, Inc., a Utah corporation ("Beneficiary"), (each a "Party" and collectively the "Parties" herein), certain land use agreements, requirements, restrictions, and covenants have been modified and supplemented as set forth therein.

RECITALS

A. Owner and Beneficiary are parties to that certain "Purchase and Sale Agreement" dated October 18, 2017, and the "Amendment to the Purchase and Sale Agreement", dated March 20, 2019, collectively referred to herein as (the "Agreement") by which Owner purchased from Beneficiary the real property located in Washington County, State of Utah, which is more particularly described in Exhibit "A" attached hereto and incorporated herein (the "Property"), and said Parties agreed that Owner's ownership, use and development of such Property would be subject to certain requirements, restrictions and restrictive covenants as set forth therein (the "Restrictions").

B. The Restrictions were also set forth of record in that certain "Special Warranty Deed" dated April 16, 2019, and recorded April 17, 2019, as Document No. 20190014129 (the "Deed") in the official records of the Washington County, Utah Recorder's Office (the "Official Records"), whereby Beneficiary conveyed title of the Property to Owner, subject to the Restrictions.

C. The Restrictions were modified in part pursuant to a "Land Use Modification Agreement" between the Parties, evidenced of record by a "Notice of Interest" recorded in the Official Records on November 16, 2021, as Document No. 2020065475 (the "1st LUMA").

D. Owner and Beneficiary have mutually agreed to the modifications set forth in the Black Desert LUMA in order to modify and supplement the foregoing land use agreements, requirements, restrictions and restrictive covenants.

RECORD NOTICE IS GIVEN THAT:

1. Except as noted below only 60 acres of the Property may be disturbed in any way and no structures of any kind may be built upon the Property. Confirmation(s) of the amount of acreage disturbed will be determined by the Beneficiary or its successors or assigns at such time(s) as the Beneficiary or its successors or assigns determines appropriate.

The only permitted exceptions to the foregoing restrictions are:

A. Approximately 4.507 additional acres of Property as shown on Exhibit "B" may be disturbed for the construction of the Northern Corridor, but no structures shall be constructed thereon.

B. An additional 6.67 acres of the Property as shown on Exhibit "C" may be developed and may have structures constructed thereon, which structures shall not exceed 31 feet in height, as measured from the average undisturbed level of the structure's site, and must be consistent with applicable governmental zoning and other governmental and/or required third-party approvals.

C. As set forth in the Agreement, some additional acres of the Property may be developed, but without structures constructed thereon, for a road and pipeline easement as described in the Agreement.

D. One structure, to be utilized as a Comfort Station, of not more than 3,800 square feet and not more than 15 feet in height, as measured from the average undisturbed level of the structure's site, (excluding mechanical screening and a hand rail), may be built only on a parcel of the Property which is included in the 60 acres which may be disturbed. This structure must be consistent with applicable governmental zoning and other applicable restrictions and must receive all necessary governmental and/or third-party approvals.

2. Other than for underground utilities and for roads for emergency access and the construction and maintenance thereof, there shall be no access to Entrada at Snow Canyon, a private gated community for any pedestrians, bicycles, golf carts or motorized vehicles to or from the Property.

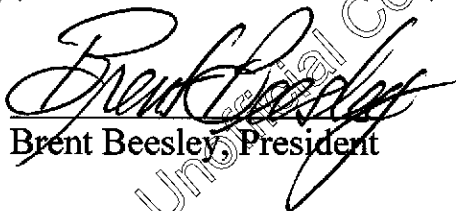
3. The Owner has prepared a Developer Control Map which details certain matters relating to the Property and which has been submitted to the City of Ivins. This Developer Control Map will be incorporated into a municipal development agreement with the City of Ivins from which building permits are expected to be issued.

4. The land use agreements, requirements, restrictions and restrictive covenants run with the land and bind the successors, assigns and transferees of Owner who may acquire any interest in the Property.

IN WITNESS HEREOF, the Beneficiary has executed this **NOTICE OF LAND USE AGREEMENTS AND MODIFICATIONS OF RESTRICTIVE COVENANTS** this 11th day of October, 2021.

BLACK DESERT LAND COMPANY, INC.

By:

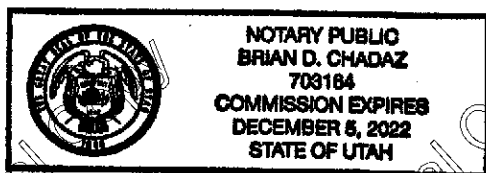

Brent Beesley, President

STATE OF UTAH)

SS

COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me on this 11th day of October, 2021, by Brent Beesley, the President of Black Desert Land Company, Inc., a Utah corporation.




Notary Public

EXHIBIT "A"

PARCEL 1:

BEGINNING AT A POINT ON THE SECTION LINE OF SECTION 4, SAID POINT BEING NORTH 88°22'39" WEST 1721.135 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00° 33' 31" WEST 387.26 FEET; THENCE NORTH 89° 01' 30" WEST 21.23 FEET; THENCE SOUTH 58° 15' 40" WEST 62.38 FEET; THENCE SOUTH 33° 46' 48" WEST 35.83 FEET; THENCE NORTH 56° 13' 12" WEST 114.80 FEET; THENCE SOUTH 66° 05' 43" WEST 19.19 FEET; THENCE SOUTH 35° 54' 47" WEST 58.69 FEET; THENCE SOUTH 89° 31' 42" WEST 75.48 FEET; THENCE NORTH 30° 53' 35" WEST 30.73 FEET; THENCE NORTH 07° 15' 30" EAST 267.84 FEET TO A POINT ON THE ARC OF A 289.24 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARS NORTH 21° 48' 15" WEST); THENCE ALONG THE ARC OF SAID CURVE 822.11 FEET THROUGH A CENTRAL ANGLE OF 162° 51' 15"; THENCE NORTH 75° 43' 02" WEST 33.59 FEET; THENCE NORTH 17° 21' 44" EAST 81.38 FEET; THENCE NORTH 46° 31' 13" WEST 148.40 FEET; THENCE SOUTH 46° 44' 32" WEST 134.91 FEET; THENCE SOUTH 20° 58' 03" EAST 146.43 FEET; THENCE SOUTH 47° 49' 10" WEST 65.48 FEET; THENCE NORTH 51° 09' 55" WEST 289.79 FEET; THENCE NORTH 50° 16' 03" WEST 142.64 FEET; THENCE NORTH 07° 02' 53" WEST 102.53 FEET; THENCE NORTH 48° 26' 31" WEST 52.23 FEET; THENCE SOUTH 40° 03' 44" WEST 71.43 FEET; THENCE NORTH 88° 53' 05" WEST 108.34 FEET; THENCE NORTH 25° 38' 39" WEST 162.26 FEET; THENCE NORTH 33° 08' 02" WEST 33.97 FEET; THENCE NORTH 23° 06' 22" EAST 79.62 FEET; THENCE NORTH 66° 53' 38" WEST 109.11 FEET; THENCE SOUTH 24° 35' 29" WEST 197.59 FEET; THENCE SOUTH 17° 53' 18" WEST 262.15 FEET; THENCE NORTH 54° 46' 09" WEST 250.52 FEET; THENCE SOUTH 28° 47' 28" WEST 128.32 FEET; THENCE NORTH 69° 06' 29" WEST 254.93 FEET; THENCE NORTH 19° 32' 08" WEST 227.87 FEET TO A POINT ON THE ARC OF A 97.06 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS NORTH 80° 16' 09" EAST); THENCE ALONG THE ARC OF SAID CURVE 146.56 FEET THROUGH A CENTRAL ANGLE OF 86° 30' 45"; THENCE NORTH 82° 36' 33" EAST 73.87 FEET; THENCE NORTH 19° 24' 22" WEST 95.20 FEET; THENCE SOUTH 88° 11' 23" WEST 61.53 FEET; THENCE NORTH 84° 30' 44" WEST 325.81 FEET MORE OR LESS, TO THE WEST 1/16TH LINE OF SECTION 4; THENCE ALONG THE 1/16TH LINE NORTH 00° 30' 58" EAST 2800.60 FEET; THENCE LEAVING THE WEST 1/16TH LINE SOUTH 88° 46' 57" EAST 1868.78 FEET TO A 655.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 402.30 FEET THROUGH A CENTRAL ANGLE OF 35° 14' 06" TO A POINT ON THE SOUTHERLY LINE OF SECTIONAL LOT 1 OF SAID SECTION 4; THENCE ALONG SAID SECTIONAL LOT LINE SOUTH 88° 46' 57" EAST 205.20 FEET TO A POINT ON THE ARC OF A 457.31 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARS SOUTH 55° 35' 45" EAST); THENCE ALONG THE ARC OF SAID CURVE 806.09 FEET THROUGH A CENTRAL ANGLE OF 100° 59' 43"; THENCE NORTH 25° 27' 55" EAST 215.30 FEET TO A POINT ON THE ARC OF A 402.24 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 35° 39' 32" WEST); THENCE ALONG THE ARC OF SAID CURVE 708.63 FEET THROUGH A CENTRAL ANGLE OF 100° 56' 13" TO A POINT ON THE ARC OF A 292.10 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARS SOUTH 19° 39' 00" EAST); THENCE ALONG THE ARC OF SAID CURVE 816.97 FEET THROUGH A CENTRAL ANGLE OF 160° 15' 00" TO A POINT ON THE ARC OF A 790.92 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 51° 29' 33" WEST); THENCE ALONG THE ARC OF SAID CURVE 575.73 FEET THROUGH A CENTRAL ANGLE OF 41° 42' 25" TO A POINT ON THE ARC OF A 2045.30 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 46° 05' 35" WEST); THENCE ALONG THE ARC OF SAID CURVE 1110.42 FEET THROUGH A CENTRAL ANGLE OF 31° 06' 24"; THENCE SOUTH 36° 04' 49" EAST 91.49 FEET; THENCE NORTH 55° 30' 38" EAST 82.08 FEET; THENCE SOUTH 07° 15' 15" WEST 177.90 FEET; THENCE SOUTH 03° 00' 48" EAST 121.58 FEET; THENCE NORTH 89° 03'

EXHIBIT "A" CONTINUED

14" WEST 536.82 FEET; THENCE SOUTH 01° 20' 41" WEST 437.82 FEET; THENCE SOUTH 28° 12' 40" EAST 179.05 FEET TO A POINT ON THE ARC OF A 349.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARS SOUTH 72° 59' 42" EAST); THENCE ALONG THE ARC OF SAID CURVE 118.75 FEET THROUGH A CENTRAL ANGLE OF 20° 00' 43"; THENCE NORTH 15° 00' 00" WEST 137.40 TO THE SOUTH LINE OF SAID SECTION 4; THENCE NORTH 88° 22' 39" WEST 743.85 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEGINNING AT A POINT ON THE NORTH 1/16TH LINE OF SECTION 4, AND ON A 655.00 FOOT RADIUS CURVE TO THE RIGHT (RADIUS POINT BEARS NORTH 34°01'03" WEST), SAID POINT BEING NORTH 88°22'39" WEST 1804.81 FEET ALONG THE SECTION LINE AND NORTH 00° 00' 00" EAST 3988.05 FEET FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE ARC OF SAID CURVE 402.80 FEET THROUGH A CENTRAL ANGLE OF 35° 14' 06"; THENCE NORTH 88° 46' 57" WEST 1868.78 FEET, MORE OR LESS, TO THE WEST 1/16TH LINE OF SECTION 4; THENCE ALONG THE WEST 1/16TH LINE NORTH 00° 30' 58" EAST 120.01 FEET, MORE OR LESS, TO THE NORTH 1/16TH LINE; THENCE ALONG THE NORTH 1/16TH LINE SOUTH 88° 46' 57" EAST 2248.14 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

BEGINNING AT A POINT BEING NORTH 00°23'25" EAST 3,695.24 FEET ALONG THE CENTER OF SECTION LINE AND WEST 1,325.68 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°25'41" EAST 120.20 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 34°29'52", HAVING A RADIUS OF 1366.50 FEET (RADIUS POINT BEARS SOUTH 21°08'48" EAST), AND WHOSE CHORD BEARS NORTH 86°06'08" EAST 810.40 FEET; THENCE ALONG THE ARC OF SAID CURVE 822.77 FEET TO THE BEGINNING OF A REVERSE CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°17'49", HAVING A RADIUS OF 624.09 FEET (RADIUS POINT BEARS NORTH 13°21'04" EAST), AND WHOSE CHORD BEARS NORTH 80°42'09" EAST 480.64 FEET; THENCE ALONG THE ARC OF SAID CURVE 493.39 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°26'04", HAVING A RADIUS OF 613.59 FEET (RADIUS POINT BEARS SOUTH 30°46'32" EAST), AND WHOSE CHORD BEARS NORTH 62°26'30" EAST 68.87 FEET; THENCE ALONG THE ARC OF SAID CURVE 68.91 FEET; THENCE SOUTH 88°46'40" EAST 810.38 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 17°40'55", HAVING A RADIUS OF 923.25 FEET (RADIUS POINT BEARS NORTH 17°53'24" WEST), AND WHOSE CHORD BEARS SOUTH 80°57'03" WEST 283.79 FEET; THENCE ALONG THE ARC OF SAID CURVE 284.92 FEET; THENCE NORTH 89°14'44" WEST 227.28 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 36°20'29", HAVING A RADIUS OF 502.59 FEET (RADIUS POINT BEARS SOUTH 05°41'01" WEST), AND WHOSE CHORD BEARS SOUTH 77°30'46" WEST 313.47 FEET; THENCE ALONG THE ARC OF SAID CURVE 318.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 45°12'02", HAVING A RADIUS OF 735.09 FEET (RADIUS POINT BEARS NORTH 31°50'58" WEST), AND WHOSE CHORD BEARS SOUTH 80°45'03" WEST 564.99 FEET; THENCE ALONG THE ARC OF SAID CURVE 579.91 FEET TO THE BEGINNING OF A REVERSE CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 36°30'55", HAVING A RADIUS OF 1255.50 FEET (RADIUS POINT BEARS SOUTH 13°21'04" WEST), AND WHOSE CHORD BEARS SOUTH 85°05'36" WEST 786.67 FEET; THENCE ALONG THE ARC OF SAID CURVE 800.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.507 ACRES, MORE OR LESS

EXHIBIT "C"

BEGINNING AT A POINT BEING NORTH 00°23'25" EAST 1,553.11 FEET ALONG THE CENTER OF SECTION LINE AND WEST 1,329.32 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°28'23" EAST 938.92 FEET; THENCE NORTH 90°00'00" EAST 69.80 FEET; THENCE SOUTH 37°40'42" EAST 70.31 FEET; THENCE NORTH 87°50'39" EAST 40.27 FEET; THENCE SOUTH 38°50'17" EAST 53.16 FEET; THENCE SOUTH 25°14'46" WEST 43.20 FEET; THENCE SOUTH 36°05'19" EAST 179.60 FEET; THENCE SOUTH 09°40'11" EAST 133.01 FEET; THENCE SOUTH 41°38'17" EAST 344.57 FEET; THENCE SOUTH 48°21'43" WEST 160.37 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 05°37'36", HAVING A RADIUS OF 985.00 FEET (RADIUS POINT BEARS NORTH 41°38'17" WEST), AND WHOSE CHORD BEARS SOUTH 51°10'31" WEST 96.69 FEET; THENCE ALONG THE ARC OF SAID CURVE 96.73 FEET; THENCE SOUTH 53°59'19" WEST 58.86 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 31°53'47", HAVING A RADIUS OF 185.00 FEET (RADIUS POINT BEARS NORTH 36°00'41" WEST), AND WHOSE CHORD BEARS SOUTH 69°56'13" WEST 101.66 FEET; THENCE ALONG THE ARC OF SAID CURVE 102.99 FEET; THENCE SOUTH 85°53'06" WEST 106.24 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 24°47'09", HAVING A RADIUS OF 215.00 FEET (RADIUS POINT BEARS SOUTH 04°06'54" EAST), AND WHOSE CHORD BEARS SOUTH 73°29'32" WEST 92.28 FEET; THENCE ALONG THE ARC OF SAID CURVE 93.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.667 ACRES, MORE OR LESS