

DOC # 20210074072

Restrictive Page 1 of 2
Gary Christensen Washington County Recorder
11/18/2021 02:42:36 PM Fee \$ 40.00
By SCHMALZ CORINNE

When recorded return to:
Corinne Schmalz, c/o Ence Homes
619 South Bluff St., Tower 2
St. George, UT 84770



**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF ARANCIO POINT AT DIVARIO SUBDIVISION**

FACTION, LLC, a Utah limited liability company (hereinafter "Declarant") hereby amends the following portions of the Declaration of Covenants, Conditions and Restrictions for Arancio Point at Divario Subdivision (hereinafter "Declaration") as set forth herein, pursuant to its authority under Article 7 of said Declaration, which Declaration was recorded on the 15th day of July, 2021, as DOC No. 20210047905 in the records of the Washington County Recorder, and affecting the real property located in Washington County, Utah, more particularly described as recorded phase of Arancio Point at Divario Subdivision, as follows:

Phase 1 Lots: per the Official Plat of Arancio Point at Divario Subdivision, Phase 1, said Lots being:

SG-APD-1-10 through SG-APD-1-48, inclusive; and

All future Phases, including the Lots thereof, as annexed or expanded to Arancio Point at Divario Subdivision, in accordance with the provisions of the Declaration thereof, as cited.

The Declarant, hereby amends and modifies the Declaration, as follows:

The language of Article 3, Section 3.4(r)(4) shall be deleted, which Section language currently reads, as follows:

“(4) Wrought iron fencing and/or masonry block walls may be used for most Rear Walls as permitted by the ACC. Rear Walls must be completed prior to the issuance of a Certificate of Occupancy by the City. Only masonry block walls, of a color and type as approved by the ACC, shall be permitted as Side Walls. Wrought iron and wood fencing shall not be permitted as Side Walls. Chain link or other metal fencing shall not be allowed, except as such is a part of a gating system (see 5), as approved by the ACC.”

Said language, as above-quoted, shall be replaced in Article 3, Section 3.4(r)(4) with language which shall read, as follows:

“(4) Wrought iron fencing and/or masonry block walls may be used for most Rear Walls as permitted by the ACC. Rear Walls must be completed prior to the issuance of a Certificate of Occupancy by the City. Wrought iron fencing, of a color and type as approved by the ACC, may be used for the East Side Wall on lots 9, 27, 28 and 48, North Side Wall on lots 1, 29 and 42, and the South Side Wall on lot 32. All remaining Side Walls shall be masonry block walls, of a color and type as approved by the ACC. Wood fencing shall not be permitted as Side Walls. Chain link or other metal fencing shall not be allowed, except as such is a part of a gating system (see 5), as approved by the ACC.”

IN WITNESS WHEREOF, Declarant does hereafter execute this 1st Amendment as of the 2nd day of November, 2021.

DECLARANT: FACTION, LLC

By: Troy Ence, Manager

ACKNOWLEDGMENT

STATE OF UTAH)

ss.

COUNTY OF WASHINGTON)

On this 2nd day of November, 2021, before me personally appeared Troy Ence, whose identity is personally known to me, and who, being by me duly sworn did say that he is the Manager of FACTION, LLC, a Utah limited liability company, and that the foregoing document was signed by him on behalf of said company by proper authority and he acknowledged before me that the company executed the document and the document was the act of the company for its stated purpose.

Corinne Schmalz
Notary Public, Residing in Washington County, UT

