

Restrictive Page 1 of 4

Gary Christensen Washington County Recorder
06/23/2022 02:39:33 PM Fee \$40.00 By MILLER
HARRISON LLC

When Recorded Return To:

Desert Color St. George, LLC
730 North 1500 West
Orem, Utah 84058

**SUPPLEMENTAL DECLARATION
TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS, TERMS AND RESERVATIONS FOR
DESERT COLOR COMMUNITY**

(Sage Haven Phase 3)

This Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community ("**Supplemental Declaration**") is executed and adopted by Desert Color St. George, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

- A. This Supplemental Declaration shall supplement the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community ("**Declaration**") recorded with the Washington County Recorder's Office on July 29, 2020 as Entry No. 20200039512.
- B. The initial Declaration of Covenants was recorded against the Subject Property on December 20, 2018 as Entry No. 20180050210.
- C. Desert Color St. George, LLC is the Declarant as identified and set forth in the Declaration.
- D. Under the terms of the Declaration, Declarant reserved the unilateral right to add or define additional rights and use restrictions for portions of the Desert Color Community without the requirement of Owner vote or consent.
- E. Declarant desires to confirm that the Subject Property is subject to the terms, covenants and restrictions contained in the Declaration and as hereinafter provided for.
- F. Capitalized terms shall have the same meaning as set forth in the Declaration.

TERMS AND RESTRICTIONS

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. Submission. Declarant hereby confirms that all of the real property identified on Exhibit A attached hereto, together with (i) all buildings, improvements, and structures situated on or comprising a part of the above-described real property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to,

appurtenant to, or accompanying said real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the "**Subject Property**") is subject to the Declaration. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration, this Supplemental Declaration, and all supplements and amendments thereto.

2. **Plat.** The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of this Supplemental Declaration, are more particularly set forth on the **SAGE HAVEN PHASE 3 SUBDIVISION** plat, which plat map is recorded in the office of the Washington County Recorder.

3. **Membership.** The Owner of each Lot or parcel within the Subject Property shall be a member of the Desert Color Community Master Association, Inc., ("Master Association") and shall be entitled to all benefits and voting rights of such membership and shall be subject to the Declaration.

4. **Assessments.** Each Lot or Parcel within the Subject Property shall be apportioned a share of the Common Expenses of the Master Association as set forth in the Declaration and shall be liable for all Assessments levied by the Master Association as permitted under the Declaration.

5. **Neighborhoods.** In addition to the rights and obligations set forth in the Declaration and this Supplemental Declaration, the Lots and Parcels within the Subject Property may also be subject to additional rights and obligations as set forth in a Neighborhood Notice or Neighborhood Declaration. Neighborhoods may be established to govern or maintain facilities or amenities unique to the Neighborhood including, but not limited to, private streets, alleys, storm drainage improvements, structures, pools, parks, or any other private Parcels or Limited Common Areas exclusive to the Neighborhood.

6. **Maintenance Allocations.** Unless otherwise set forth in a Neighborhood Notice, Neighborhood Declaration, or additional Supplemental Declaration, the Lots within the Subject Property shall be subject to the general maintenance allocations set forth in the Declaration for Lots within the Residential Area.

7. **Common Area.** All Common Areas, Limited Common Areas, open spaces, civic spaces, and private streets indicated on the plat map shall be owned by the Master Association, and the cost to maintain such facilities shall be borne by all of the Lots, Units, or Parcels within the entire Desert Color Community as further set forth in the Declaration.

8. **Reservation of Declarant's Rights.** Pursuant to the Declaration, all rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the terms, provisions and limitations set forth in the Declaration.

9. **Effective Date.** This Supplemental Declaration shall take effect upon being recorded with the Washington County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 22 day of JUNE, 2022.

DECLARANT

DESERT COLOR ST. GEORGE, LLC
a Utah limited liability company

By: _____

Name: MITCHELL DANSIE

Title: MANAGER

STATE OF UTAH)

COUNTY OF Washington) ss.

On the 23 day of June, 2022, personally appeared before me Mitchell Dansie who by me being duly sworn, did say that she/he is an authorized representative of Desert Color St. George, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: _____

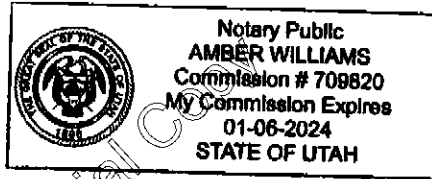


EXHIBIT A

**SUBJECT PROPERTY
(Legal Description)**

All of **SAGE HAVEN PHASE 3 SUBDIVISION**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20220024111.

Including Lots 301 through 351

Parcel Numbers: SG-SAH-3-301 through SG-SAH-3-351