

**When Recorded Return To:**  
Fieldstone Scenic Mountain, LLC  
12896 S. Pony Express Road, Suite 400  
Draper, Utah 84020

Tax Parcel ID Nos.: See Exhibit A

BT-18897

### **DECLARATION OF INCLUSION**

#### **(Adding of Land to the Declaration of Covenants, Conditions, and Restrictions)**

This DECLARATION OF INCLUSION (“**Declaration**”) is made by Fieldstone Scenic Mountain, LLC, a Delaware limited liability company (“**Declarant**”).

#### **RECITALS**

A. The Declarant is the developer of a residential subdivision known as the Scenic Mountain Subdivision (“**Project**”) located in the City of Eagle Mountain (“**City**”), Utah County (“**County**”), State of Utah. The Project is more particularly identified in the Declaration.

B. The Project shall be subdivided into individual single-family lots for attached and detached dwellings together with streets, other public improvements, and certain common facilities.

C. Declarant previously caused that certain *Master Declaration of Covenants, Conditions, and Restrictions for Scenic Mountain* (as the same may hereafter be amended from time to time, the “**Scenic Mountain Declaration**”) to be recorded in the Real Property Records of Utah County. The Declaration was recorded on October 24, 2018, as Entry No. 102187:2018.

D. The Scenic Mountain Declaration provides, among other things, that the Scenic Mountain Homeowners Association (“**Association**”), a Utah non-profit corporation, will manage and maintain the Common Areas within the Project, and assess and collect from owners a share of the costs of such management and maintenance.

E. Section 2.5 of the Declaration provides that the Project may be expanded to include additional adjacent real estate within the scope of the Project and that, upon recording a declaration of inclusion, such additional real property will become subject to the Scenic Mountain Declaration and the Covenants set forth therein.

F. Declarant now wishes to expand the Project and to include the additional real property identified on **Exhibit A** and **Exhibit B** (“**Expansion Property**”) within the scope of the Scenic Mountain Declaration.

**DECLARATION**

NOW, THEREFORE, the Declarant adopts the following covenants, conditions, and restrictions with respect to the Expansion Property:

1. Recitals Incorporated. The foregoing recitals are incorporated.
2. Definitions. Capitalized terms used herein but not otherwise defined have the meaning provided in the Scenic Mountain Declaration.
3. Expansion of the Project. The Project is hereby expanded to include the Expansion Property. The Expansion Property shall henceforth be subject to the Scenic Mountain Declaration.
4. Membership in the Association. As set forth in Section 3.1 of the Scenic Mountain Declaration, each owner of real property within the Expansion Property will be a Member of the Association, with all the rights, privileges, benefits, duties, and obligations associated with membership in the Association as set forth in the Scenic Mountain Declaration.
5. Declarant’s Rights. Nothing in this Declaration shall be deemed to impair or limit any of the Declarant’s rights as set forth in the Scenic Mountain Declaration, all of which will be applicable to the Expansion Property.
6. Recording. This Declaration shall be recorded in the County Recorder’s Office against the Expansion Property.

*[End of Amendment. Signature Page Follows.]*

IN WITNESS WHEREOF, Declarant has executed the foregoing instrument effective the 29<sup>th</sup> day of December, 2020.

**DECLARANT**

Fieldstone Scenic Mountain, LLC, a  
Delaware limited liability company

By: 

Name: Troy Gabler

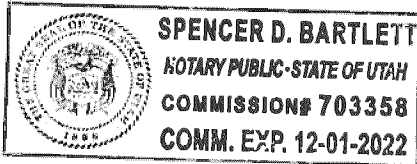
Title: Secretary

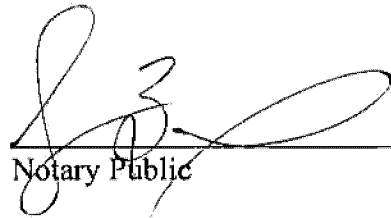
STATE OF UTAH )

ss.

COUNTY OF Salt Lake

The foregoing instrument was acknowledged before me this 29 day of Dec, 2020 by Troy Gabler as the Secretary of Fieldstone Scenic Mountain, LLC.



  
Notary Public

**EXHIBIT A**

**(Legal Description of the Expansion Property)**

**Scenic Mountain Phase A Plat 3**

Lots 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, and Parcel A of Scenic Mountain Phase A Plat 3, according to the official plat thereof on file in the office of the Utah County Recorder.

**Scenic Mountain Phase A Plat 4**

Lots 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and Parcel A of Scenic Mountain Phase A Plat 4 according to the official plat thereof on file in the office of the Utah County Recorder.

(58: 033:0518)

**Scenic Mountain Phase B Plat 1**

Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, Parcel A, and Parcel B of Scenic Mountain Phase B Plat 1, according to the official plat thereof on file in the office of the Utah County Recorder.

**EXHIBIT B**

**(Depiction or Plats of the Expansion Property)**

