



W2706797

WHEN RECORDED, MAIL TO:

Thomas G. Bennett
Ballard Spahr LLP
201 So. Main Street, Suite 800
Salt Lake City, UT 84111-2221

EH 2706797 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
16-OCT-14 1232 PM FEE \$63.00 DEP JKC
REC FOR: SUMMIT MOUNTAIN

**FIRST AMENDMENT TO
NEIGHBORHOOD DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
VILLAGES AT POWDER MOUNTAIN
(Formerly known as Summit Eden Village)**

THIS FIRST AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR VILLAGES AT POWDER MOUNTAIN ("Amendment"), dated as of _____, 2014, is made and executed by SMHG Phase I LLC, a Delaware limited liability company ("Neighborhood Developer") for itself, its successors and assigns.

RECITALS

A. Neighborhood Developer executed that certain Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Summit Eden Village, recorded in the Official Records of Weber County on January 27, 2014 as Entry No. 2672948 ("Neighborhood Declaration").

B. The name of the Project has changed and Neighborhood Developer desires to revise the Neighborhood Declaration to indicate the new name of the Project, "Villages at Powder Mountain."

C. Neighborhood Developer desires to withdraw a Lot from the restrictions of the Neighborhood Declaration in accordance with Section 2.3 thereof.

D. Pursuant to Section 12.3.3 of the Neighborhood Declaration, Neighborhood Developer has the unilateral right to amend the Neighborhood Declaration for any purpose prior to the closing of a sale of the first Lot. As of the date of this Amendment, Neighborhood Developer has not sold any of the Lots.

NOW, THEREFORE, NEIGHBORHOOD DEVELOPER hereby declares, covenants and agrees as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Amendment shall have the meaning or meanings given to them in the Neighborhood Declaration. The Recitals set forth above shall constitute a portion of the terms of this Amendment and are hereby incorporated by this reference.

2. Project Name Change. The name of the Project is hereby changed to “Villages at Powder Mountain”. All references in the Neighborhood Declaration to “Summit Eden Village” is hereby replaced with “Villages at Powder Mountain”. The Neighborhood Association shall be known as Villages at Powder Mountain Association, Inc., and the Articles and Bylaws have or will be amended to reflect this name.

3. Withdrawal of Lot 57A. Neighborhood Developer hereby exercises its right to withdraw land from the Project pursuant to Section 2.3 of the Neighborhood Declaration, and hereby unilaterally withdraws from the Project Lot 57A as designated on the Summit Eden Phase 1C subdivision plat recorded in the Official Records of Weber County, Utah, on January 27, 2014 as Entry No. 2672945 (“Lot 57A”). Neighborhood Developer hereby declares that from and after the date this Amendment is recorded in the Official Records of Weber County, Utah (“Effective Date”), Lot 57A is no longer submitted to, nor governed by, the provisions of the Neighborhood Declaration, or any amendments or supplements thereto. From and after the Effective Date, Lot 57A shall be treated as if the Neighborhood Declaration had never encumbered such Lot and shall not be subject to Assessments or any other obligations under the Neighborhood Declaration. Until Lot 57A is conveyed by recordation of a deed, title to Lot 57A shall remain vested in and held by Neighborhood Developer. The Project hereafter includes forty-eight (48) single-family residential lots. Exhibit A to the Neighborhood Declaration is hereby amended and restated in its entirety and replaced with Exhibit A attached hereto and incorporated herein by this reference.

4. Neighborhood Declaration Remains in Effect. This Amendment shall be considered supplemental to the Neighborhood Declaration. Except as expressly amended by the foregoing, the Neighborhood Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Amendment.

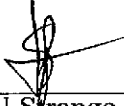
5. Neighborhood Developer Rights. Neighborhood Developer shall retain all rights of Neighborhood Developer as set forth in the Neighborhood Declaration, and this Amendment shall neither amend nor abrogate such rights, except as specifically provided for herein.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Neighborhood Developer has executed this First Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Villages at Powder Mountain as of the day first above written.

NEIGHBORHOOD DEVELOPER:

SMHG Phase I LLC, a Delaware limited liability company

By: 
Name: Paul Strange
Its: Authorized Signatory

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 1st day of August, 2014, by Paul Strange, Authorized Signatory of SMHG Phase I LLC.



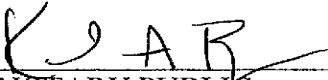

NOTARY PUBLIC
Residing at: Weber
My Commission Expires: 4/25/14

EXHIBIT A

Description of the Project

Lots 47R, 48R, 49R, 51R, 52R, 53, 54, 55, 56, 63, 64, 65, 66, 67, 68, 69R, 70R, 71R, 72R, 73R, 74R, 75R, 81, 82, 83, 84R, 85R, and 86R according to the Summit Eden Phase 1C subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as Entry No. 2672945.

Lots 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115 according to the Summit Eden Phase 1D subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as Entry No. 2672946.

23-012-0032 -
23-012-0052 -
23-012-0130+0131 -
23-130-0001-0072 -
NB