



\*W2706799\*

WHEN RECORDED, MAIL TO:

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

EN 2706799 PG 1 OF 4  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
16-OCT-14 1236 PM FEE \$59.00 DEP JKC  
REC FOR: SUMMIT MOUNTAIN

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

THIS FIRST AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES 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 Mountain Homes, recorded in the Official Records of Weber County on January 27, 2014 as Entry No. 2672947 ("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, "Mountain Homes at Powder Mountain."

C. The legal description attached to the Neighborhood Declaration was missing references to recorded plats.

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 so long as Neighborhood Developer owns any Lot or portion of the Property. As of the date of this Amendment, Neighborhood Developer owns all but two 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 "Mountain Homes at Powder Mountain." All references in the Neighborhood Declaration to "Summit Eden Mountain Homes" are hereby replaced with "Mountain Homes at Powder Mountain." The Neighborhood Association shall be known as Mountain Homes at Powder Mountain Association, Inc., and the Articles and Bylaws have or will be amended to reflect this name.

3. Community Name Change. The name of the Community has been changed to "Powder Mountain." All references in the Neighborhood Declaration to "Summit Eden" as the name of the Community are hereby replaced with "Powder Mountain." The Community Association has also changed its name to Powder Mountain Owners Association, Inc. and all references in the Neighborhood Declaration to the Community Association shall refer to the Powder Mountain Owners Association, Inc.

4. Replacement of Exhibit A. 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.

5. 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.

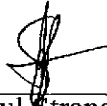
6. Neighborhood Developer Rights. Neighborhood Developer shall retain all rights of Neighborhood Developer as set forth in the Neighborhood Declaration, and this Amendment shall neither amend nor abrogate such rights, except as specifically provided for herein.

*[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 Mountain Homes at Powder Mountain as of the day first above written.

**NEIGHBORHOOD DEVELOPER:**

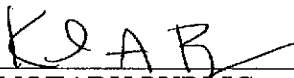
SMHG Phase I LLC, a Delaware limited liability company

By:   
Name: Paul Strange  
Its: Authorized Signatory

STATE OF UTAH            )  
                                  :ss.  
COUNTY OF WEBER        )

The foregoing instrument was acknowledged before me this 14 day of October, 2014, by Paul Strange, Authorized Signatory of SMHG Phase I LLC.



  
NOTARY PUBLIC  
Residing at: Weber  
My Commission Expires: 4/25/18

**EXHIBIT A**

**Description of the Project**

Lots 5R, 6R, 7A, 7B, 8, 11R, 12R, 13R, 14R, 15R, 16R, 17, 18, 19, 20, 21, 22R, and 23R according to the Summit Eden Phase 1A subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as Entry No. 2672943.

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34R according to the Summit Eden Phase 1B subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as Entry No. 2672944.

Lots 36, 37R, 38R, 39R, 40R, 41R, 42R, 43R, 44R, 45R, 46R, 77, 78, 79, and 80 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.

23-128-0001  
23-128-0027  
23-128-0002  
23-128-0003  
23-128-0004, 0005  
23-128-0006 thru 0018  
23-129-0001 thru 0008  
23-130-0001 thru 0011  
23-130-0044 to 0047  
A.S.  
A.S.  
A.S.