

WHEN RECORDED, MAIL TO:

Anne C. Winston
Summit Mountain Holding Group, L.L.C.,
3923 N. Wolf Creek Drive
Eden, Utah 84310



W2852197

EW 2852197 PG 1 OF 4
LEANN H KILTS, WEBER COUNTY RECORDER
13-APR-17 310 PM FEE \$54.00 DEP DC
REC FOR: SUMMIT MOUNTAIN HOLDING GROUP

**THIRD AMENDMENT
TO
NEIGHBORHOOD DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
MOUNTAIN HOMES AT POWDER MOUNTAIN
(Withdrawing and Amending Lots)**

THIS THIRD AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES AT POWDER MOUNTAIN ("Amendment"), dated as of 4/4/17, 2017, is made and executed by SMHG Phase I LLC, a Delaware limited liability company ("Neighborhood Developer") for itself, its successors and assigns.

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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 ("**Original Neighborhood Declaration**"), which was amended by that certain First Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Mountain Homes at Powder Mountain, recorded in the Official Records of Weber County on October 16, 2014 as Entry No. 2706799 (the "**First Amendment**"), which was further amended by that certain Second Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Mountain Homes at Powder Mountain, recorded in the Official Records of Weber County on March 17, 2017 as Entry No. 2847680 (the "**Second Amendment**," and together with the Original Neighborhood Declaration and the First Amendment, the "**Neighborhood Declaration**.")

B. The legal description attached as Exhibit A to the Second Amendment inadvertently excluded Lot 39R. Therefore, the legal description attached to the Neighborhood Declaration is being amended to accurately describe the legal description for the Project to include Lot 39R.

C. 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 so long as Neighborhood Developer owns any Lot or other portion of the Property.

As of the date of this Amendment, Neighborhood Developer owns ten (10) 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 incorporated by this reference.

2. Amendment of Exhibit A. Exhibit A to the Neighborhood Declaration is hereby amended and restated in its entirety to include Lot 39R and replaced with Exhibit A attached and incorporated into this Amendment by this reference.

3. 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.


4. 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 in this Amendment.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Neighborhood Developer has executed this Third 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:

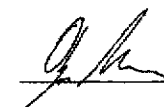
SMHG Phase I LLC, a Delaware limited liability company

By: 
Name: Jeff Werbelow
Its Authorized Signatory

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

On this 4th date of April, in the year 2017, before me, Olga Mariasina a notary public, personally appeared Jeff Werbelow, Authorized Signatory of SMHG Phase I LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.



Notary Signature



(seal)

EXHIBIT A

Description of the Project

Lots 5R, 6R, 8, 13R, 14R, 15R, 16R, 17, 18, and 21 according to the Summit Eden Phase 1A subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as entry number 2672943.

Lots 117R and 118R according to the Summit Eden Phase 1A Amendment 2 subdivision plat recorded in the Official Records of Weber County, Utah on December 16, 2015 as entry number 2769849.

Lot 119 according to the Summit Eden Phase 1A Amendment 3 subdivision plat recorded in the Official Records of Weber County, Utah on September 1, 2016 as entry number 2812751.

Lots 24, 25, 26, 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 number 2672944.

Lot 123 according to the Summit Eden Phase 1B Amendment 1 subdivision plat recorded in the Official Records of Weber County, Utah on March 17, 2017 as entry number 2847679.

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 number 2672945.

23-128-0001, 0002, 0027, 0005, 0008, 0009, 0010, 0011, 0012, 0016 ✓*BR*

23-135-0001, 0002 ✓*BR*

23-143-0001 ✓*BR*

23-129-0001, 0002, 0003, 0005, 0006, 0007, 0008 ✓*BR*

23-149-0001 ✓*BR*

23-130-0001, 0002, 0003, 0004, 0005, 0006, 0007, 0008, 0009, 0010, 0011,
0044, 0045, 0046, 0047 ✓*BR*