



W2999365

WHEN RECORDED, MAIL TO:

Summit Mountain Holding Group, L.L.C.
3923 N. Wolf Creek Drive
Eden, Utah 84310
Attn: General Counsel

EA 2999365 PG 1 OF 5
LEANN H KILTS, WEBER COUNTY RECORDER
27-AUG-19 110 PM FEE \$40.00 DEP ZG
REC FOR: SMHG

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

THIS FOURTH AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES AT POWDER MOUNTAIN ("**Amendment**"), dated as of August 23, 2019, 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 ("**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**") which was further amended by that certain Third 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 April 13, 2017 as Entry No. 2852197 (the "**Third Amendment**") and together with the Original Neighborhood Declaration, the First Amendment, and the Second Amendment, the "**Neighborhood Declaration.**")

B. 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 more than one Lot.

C. Neighborhood Developer desires to amend the Neighborhood Declaration to renumber Lot 44R to Lot 143R and to annex into the Project (i) Lots 1-23, inclusive, according to the Overlook at Powder Mountain Phase 1 subdivision plat and (ii) Lots 24-40, inclusive, according to the Overlook at Powder Mountain Phase 2 subdivision plat, as more particularly described on Exhibit A, attached and incorporated into this Amendment.

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 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]

AGREEMENT AND CONSENT OF PROPERTY OWNER:

SMHG Phase II Investor, LLC, as the owner of (i) Lots 1-23, inclusive, according to the Overlook at Powder Mountain Phase 1 subdivision plat and (ii) Lots 24-40, inclusive, according to the Overlook at Powder Mountain Phase 2 subdivision plat, as described in the Amendment, hereby agrees and consents to the foregoing Amendment.

Dated this 22nd day of August, 2019.

SMHG Phase II Investor, LLC
By: SMHG Investments LLC, its sole member

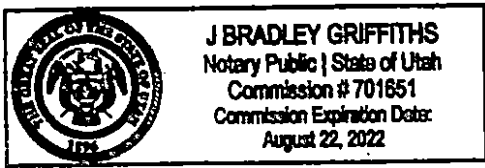
By: [Signature]
Name: Shaun Mulreed
Its: Authorized Signatory

STATE OF UTAH)
) ss.
COUNTY OF _____)

On this 22nd day of August, 2019, personally appeared before me Shaun Mulreed ~~J Bradley Griffiths~~ as the Authorized Signatory of **SMHG Investments LLC**, the sole member of **SMHG Phase II Investor LLC**, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he/she executed the same.

Witness my hand and official seal.

[Signature]
NOTARY PUBLIC



*J.S.
DB*

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. *23-128-0001-0002, 0027, 0005, 0008-0013, 0016 v Sply*

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. *23-135-0001-0002 v Sply*

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.

23-143-0001 v Sply
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. *23-129-0001-0003, 0005-0008, v Sply*

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.

23-149-0001 v Sply
Lots 36, 37R, 38R, 39R, 40R, 41R, 42R, 43R, 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. *23-130-0001-0008, 0010-0011, 0044-0047 v Sply*

Lot 143R according to the Summit Eden Phase 1C Amendment 6 subdivision plat recorded in the Official Records of Weber County, Utah on April 25, 2018 as entry number 2917039.

23-154-0001 v Sply
Lots 1-23 according to the Overlook at Powder Mountain Phase 1 subdivision plat recorded in the Official Records of Weber County, Utah on August 27, 2019 as entry number 3999361. *23-159-0001-0023 v Sply*

Lots 24-40 according to the Overlook at Powder Mountain Phase 2 subdivision plat recorded in the Official Records of Weber County, Utah on August 27, 2019 as entry number 3999362. *23-160-0001-0017 v Sply*