

WHEN RECORDED, MAIL TO:



W3193035

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

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

THIS FIFTH AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES AT POWDER MOUNTAIN ("**Amendment**"), dated as of OCTOBER 25, 2021, 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**") which was further amended by that certain Fourth 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 August 27, 2019 as Entry No. 2999365 (the "**Fourth Amendment**") and together with the Original Neighborhood Declaration, the First Amendment, the Second Amendment, and the Third 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 annex into the Project (i) Lots 41-57, inclusive, according to the Overlook at Powder Mountain Phase 3 subdivision plat and (ii) Lots 1R-2R, inclusive, according to the Horizon Run Ranches at Powder Mountain Phase 1 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]

IN WITNESS WHEREOF, the Neighborhood Developer has executed this Fifth 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

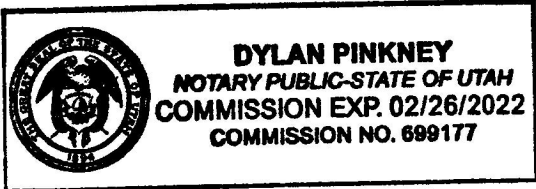
By SMHG Investments LLC, a Delaware limited liability company
Its sole member

By: Anne C. Winston
Name: Anne C. Winston
Its: Authorized Signatory

STATE OF UTAH)
Summit :SS.
COUNTY OF ~~WEBER~~)
DP

On this 25 date of October, in the year 2021, before me, Dylan Pinkney a notary public, personally appeared Anne C. Winston, Authorized Signatory of SMHG Investments LLC, the sole member 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.



Dylan Pinkney
Notary Signature

(seal)

AGREEMENT AND CONSENT OF PROPERTY OWNER:

SMHG PMDP Phase II LLC, as the owner of (i) Lots 41-57, inclusive, according to the Overlook at Powder Mountain Phase 3 subdivision plat, as described in the Amendment, hereby agrees and consents to the foregoing Amendment.

SMHG PMDP Phase II LLC, a Utah limited liability company

By SMHG Phase II Investor LLC, a Delaware limited liability company
Its: managing member

By SMHG Investments LLC, a Delaware limited liability company
Its: sole member

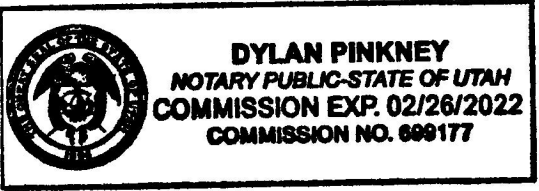
By: [Signature]
Name: Anne C. Winston
Its: Authorized Signatory

STATE OF UTAH)
 Summit :ss.
COUNTY OF ~~WEBER~~)
 DP

On this 25 date of October, in the year 2021, before me, Dylan Pinkney a notary public, personally appeared Anne C. Winston, Authorized Signatory of SMHG Investments LLC, the sole member of SMHG Phase II Investor LLC, the managing member of SMHG PMDP Phase II 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.

[Signature]
Notary Signature



(seal)

AGREEMENT AND CONSENT OF PROPERTY OWNER:

SMHG Phase I LLC, as the owner of (i) Lots 1R-2R, inclusive, according to the Horizon Run Ranches at Powder Mountain Phase 1 subdivision plat, as described in the Amendment, hereby agrees and consents to the foregoing Amendment.

SMHG Phase I LLC, a Delaware limited liability company

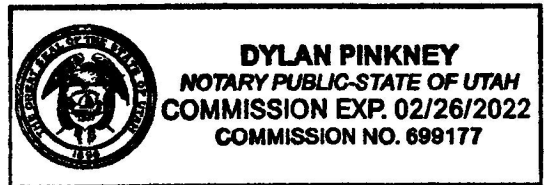
By SMHG Investments LLC, a Delaware limited liability company
Its sole member

By: Anne C. Winston
Name: Anne Winston
Its: Authorized Signatory

STATE OF UTAH)
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Witness my hand and official seal.



Dylan Pinkney
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, 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.

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.

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.

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.

Lots 1R-2R according to the Horizon Run Ranches at Powder Mountain Phase 1 subdivision plat recorded in the Official Records of Weber County, Utah on March 2, 2021 as entry number 3130941.

Lots 41-57 according to the Overlook at Powder Mountain Phase 3 subdivision plat recorded in the Official Records of Weber County, Utah on OCTOBER 26, 2021 as entry number 3193034.