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WHEN RECORDED, RETURN TO:

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201 So. Main Street, Suite 800
Salt Lake City, UT 84111-2221

E# 3269084 PG 1 OF 7
LEANN H KILTS, WEBER CTY. RECORDER
04-JAN-23 154 PM FEE \$40.00 TN
REC FOR: SANCTUARY UTAH

**FIRST AMENDMENT
TO
SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
SANCTUARY UTAH**

THIS FIRST AMENDMENT TO SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SANCTUARY UTAH (“**First Amendment**”) is hereby executed as of the 4th day of January, 2023 (“**Effective Date**”) by Sanctuary Utah, LLC, a Utah limited liability company (“**Declarant**”).

RECITALS

WHEREAS, Declarant is the developer of the Sanctuary Utah Community located in Weber County, Utah (the “**Community**”).

WHEREAS, that certain Second Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions for Sanctuary Utah was recorded in the Office of the Weber County Recorder on January 9, 2019, as Document No. 2960426 (the “**Declaration**”) covering the real property and improvements situated in Weber County, Utah, as more particularly described therein and in Exhibit “A” attached hereto and incorporated herein by this reference.

WHEREAS, pursuant to Section 15.3 of the Declaration, Declarant reserved the right to unilaterally amend the Declaration if such amendment is necessary in connection with Declarant’s exercise of any of its development rights under this Declaration. Further, so long as the Class B Membership exists, Declarant may unilaterally amend the Declaration for any other purpose so long as any such amendment shall not materially adversely affect title to any property within the Community without the consent of the affected Owner.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends the Declaration as follows:

AMENDMENT

1. Incorporation of Recitals and Definitions. The foregoing Recitals are incorporated into and made a part of this First Amendment. Capitalized terms in this First Amendment, unless otherwise defined herein, shall have the meaning given to them in the Declaration.

2. Section 10.4. Section 10.4 is amended and restated in its entirety as follows:

10.4 Change of Use of Association Land and Procedure Therefor and Limitation of Transfer of Title to Association Land and Community Area(s). Upon (a) adoption of a resolution by the Board stating that in the Board's opinion the present use of a designated part of the Association Land or of the Association's interest in other Community Areas is no longer in the best interests of the Owners and Residents and (b) the approval of such resolution by the Members in accordance with the Article 6, the Board shall have the power and right to change the use thereof (and in connection therewith, construct, reconstruct, alter or change the buildings, structures and Improvements thereon in any manner deemed necessary by the Board to accommodate the new use), provided such new use (i) shall be for the benefit of the Owners and Residents, and (ii) shall be consistent with any Deed restrictions (or zoning regulations) restricting or limiting the use of the Association Land or Community Area. Provided, however, and notwithstanding anything to the contrary contained in this Declaration, any change in use or access of the Association Land and/or Community Areas by the Members and any construction, reconstruction, alteration or change of the buildings, structures and Improvements on Association Land and Community Areas shall require the written approval of all Members and no Association Land and/or Community Areas shall be conveyed to a third party without the unanimous written approval of all Members.


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

[Signature Page Follows]

IN WITNESS WHEREOF, this First Amendment is hereby executed as of the Effective Date.

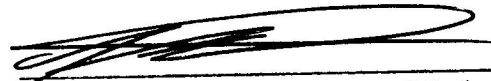
Declarant:

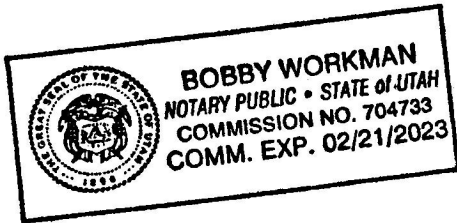
THE SANCTUARY UTAH, LLC
a Utah limited liability corporation

By: 
Timothy Charlwood
Its Owner

STATE OF UTAH)
) : ss.
COUNTY Weber)

The foregoing instrument was acknowledged before me this 4 day of January, 2023, by Timothy Charlwood, the Managing Member of Sanctuary Utah, LLC.


Notary Public, State of Utah



Bobby Workman
Printed Name of Notary

My Commission Expires: 02/21/2023

EXHIBIT "A"

REAL PROPERTY LEGAL DESCRIPTION

Lots 1, 2, 3, 6 and Private Roadways within THE SANCTUARY SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah.

21 126 0001, 0002, 0003, 0006
Lots 4, 5, 7 and 8 within THE SANCTUARY FIRST AMENDMENT SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah.

21 130 0001, 0003, 0004, 0006
ALL OF THE ABOVE DESCRIBED PROPERTY IS TOGETHER WITH a perpetual easement for ingress, egress and utilities over and across the existing 50' private road as more particularly described and conveyed in that certain Right of Way and Easement recorded January 14, 1998 as Entry No. 1515370 in Book 1901 at Page 2685, and in that certain Easement Agreement and Declaration of Covenants recorded September 23, 2004 as Entry No. 2058175 of official records.

Proposed SANCTUARY LAKESIDE SUBDIVISION, being more particularly described as follows:

A part of Sections 12 and 13, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Huntsville City, Weber County, Utah: Beginning at a point on the section line which is 1013.80 feet North 89°24'41" West from the Southeast corner of the Southwest corner of said Section 12 and running thence South 01°46'50" West (South record) 216.24 feet to the Northerly right of way line of 100 South Street the following two (2) courses: (1) Northwesterly along the arc of a 3363.73 foot radius curve to the left a distance of 369.40 feet (delta equals 06°17'32" and long chord bears North 58°56'40" West 369.21 feet), (2) Northwesterly along the arc of a 568.69 foot radius curve to the left a distance of 51.84 feet (delta equals 05°13'23" and long chord bears North 64°26'09" West 51.82 feet) to the Easterly line of The United States of America property; thence along said Easterly and Southerly lines the following two (2) courses: (1) North 00°32'32" East (North record) 161.46 feet and (2) North 71°15'00" East (North 73°01'00" East record) 326.43 feet to the Westerly line of the Ogden Boat Club property; thence along said Westerly and Southerly lines the following two (2) courses: (1) South 00°32'25" West (South record) 262.46 feet to the section line and (2) along said section line South 89°24'21" East (East record) 61.61 feet to the point of beginning. 20-011-0005

ADDITIONAL LAND LEGAL DESCRIPTION

Lots 4 and 5 (the same being the East half of the Northeast quarter) of Section 4, Township 6 North, Range 2 East, Salt Lake Base and Meridian.

EXCEPTING THEREFROM that portion lying within the bounds of The Sanctuary Subdivision and The Sanctuary First Amendment Subdivision. 21-0001-0014

The Northwest quarter of Section 3, Township 6 North, Range 2 East, Salt Lake Base and Meridian.

EXCEPTING THEREFROM that portion lying within the bounds of The Sanctuary Subdivision and The Sanctuary First Amendment Subdivision. 21-0001-0015

The Southwest quarter of Section 34, Township 7 North, Range 2 East, Salt Lake Base and Meridian. 23-012-0022

RECREATIONAL BARN DESCRIPTION

Lot 3, within THE SANCTUARY SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah. 21-126-0003

TOGETHER WITH a perpetual easement for ingress, egress and utilities over and across the existing 50' private road as more particularly described and conveyed in that certain Right of Way and Easement recorded January 14, 1998 as Entry No. 1515370 in Book 1901 at Page 2685, and in that certain Easement Agreement and Declaration of Covenants recorded September 23, 2004 as Entry No. 2058175 of official records.

HELI-PAD AND SANCTUARY DOME DESCRIPTION

Lot 6, THE SANCTUARY SUBDIVISION, according to the official plat thereof as recorded in the office of the Weber County Recorder, State of Utah. 21-126-0006,

TOGETHER WITH a perpetual easement for ingress, egress and utilities over and across the existing 50' private road as more particularly described and conveyed in that certain Right of Way and Easement recorded January 14, 1998 as Entry No. 1515370 in Book 1901 at Page 2685, and in that certain Easement Agreement and Declaration of Covenants recorded September 23, 2004 as Entry No. 2058175 of official records.