

WHEN RECORDED, RETURN TO:

McDonald Fielding, PLLC  
Attn: Kyle Fielding  
321 N Mall Dr. Suite K101  
St. George UT 84790

Parcel Nos.

41:834:0101 41:834:0102 41:834:0103  
41:834:0104 41:834:0105 41:834:0106  
41:834:0107 41:834:0108 41:834:0109  
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41:834:0122 41:904:0201 41:904:0202  
41:904:0203 41:904:0204 41:904:0205  
41:904:0206 41:904:0207 41:904:0208  
41:904:0209

## **Amendment One to Declaration of Covenants, Conditions and Restrictions for Highland Oaks**

This AMENDMENT ONE TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND OAKS (this “Amendment”) is made by Mercer Oaks, LLC, a Utah limited liability company (the “Declarant”).

### **RECITALS**

A. The Declarant is the original owner of certain land located in Utah County, State of Utah, particularly described in the attached **Exhibit A** and known generally as the Highland Oaks subdivision; and

B. Declarant created and caused to be recorded against the Highland Oaks properties that certain Declaration of Covenants, Conditions, & Restrictions for Highland Oaks recorded on June 30, 2016, as Entry No. 60126:2016 in the official records of the Utah County Recorder (the “Original CC&Rs”), and later expanded by that certain Declaration of Annexation (Highland Oaks, Phase 2) recorded on August 15, 2018, as Entry No. 77339:2018 in the official records of the Utah County Recorder (together with the Original CC&Rs, the “Declaration”).

C. Under Subsection 12.1(c) of the Original CC&Rs, “The Declarant may unilaterally amend this Declaration at any time until the Turnover Meeting.” The Turnover Meeting as defined in the Declaration has not occurred; accordingly, the Declarant has the authority to unilaterally amend the Declaration as provided herein.

### AMENDMENTS TO DECLARATION

NOW, THEREFORE, the Declarant declares that the Declaration is amended as follows:

1. All capitalized terms not defined herein have the meaning prescribed in the Declaration.
2. The legal description of the Property subject to the Declaration and this Amendment is attached hereto as Exhibit A.
3. Unless any of the following have been first approved in writing by (i) the Board of Directors in the sole and absolute discretion of the Board of Directors, and (ii) so long as the Declarant owns any Lot in the Community, the Declarant in the sole and absolute discretion of the Declarant:
  - a. No Lot may be further subdivided or separated into smaller lots or parcels or joined with another parcel, or its boundary lines changed;
  - b. No portion less than all of any Lot or any easement or other interest therein, shall be conveyed or transferred by any Owner;
  - c. No Supplemental Declaration or further covenants, conditions, restrictions or easements shall be recorded by any Owner or other person against any Lot; and
  - d. No application for rezoning or re-platting of any Lot, and no applications for variances or use permits, shall be filed or pursued with a governmental agency or recorded in the county records.

Any of the foregoing actions taken without having been first approved in writing by (i) the Board of Directors in the sole and absolute discretion of the Board of Directors, and (ii) so long as the Declarant owns any Lot in the Community, the Declarant in the sole and absolute discretion of the Declarant, is null and void.

*[End of Terms – Signature Page Follows]*

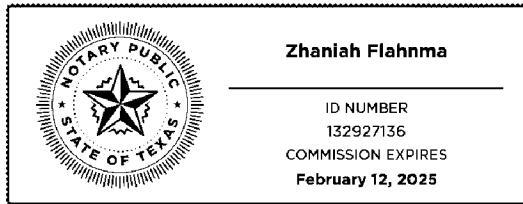
IN WITNESS WHEREOF, Mercer Oaks, LLC has executed this Declaration of Annexation this 10th day of January, 2022.

**Mercer Oaks, LLC**  
A Utah limited liability company

Rob Gulbrandsen  
By: Rob Gulbrandsen  
Its: Manager

ZF  
STATE OF ~~UTAH~~ Texas )  
)SS:  
County of Harris )

The foregoing instrument was acknowledged before me on this 10th day of January, 2022 by Rob Gulbrandsen, Manager of Mercer Oaks, LLC.



Zhaniah Flahnma  
Notary Public Notary Public, State of Texas

Notarized online using audio-video communication

## EXHIBIT A

### Phase 1

All Lots shown on the Highland Oaks Phase 1 Final Plat, recorded on June 30, 2016, as Entry No. 60016:2016, in the official records of the Utah County Recorder, and described by metes and bounds as follows:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°09'34" WEST ALONG THE SECTION LINE 1290.12 FEET; THENCE NORTHWESTERLY 219.66 FEET ALONG THE ARC OF A 11693.35 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 88°08'04" WEST 219.66 FEET; THENCE SOUTHWESTERLY 22.04 FEET ALONG THE ARC OF A 122.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 08°14'12" WEST 22.01 FEET) TO THE NORTHERLY LINE OF LAND CONVEYED TO HIGHLAND CITY CORPORATION AS ENTRY NO. 33631:2003 AND ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES: (1) 28.00 FEET ALONG THE ARC OF A 4,963.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 87°08'18" WEST 28.00 FEET); (2) NORTH 86°58'37" WEST 28.00 FEET; THENCE NORTHEASTERLY 92.99 FEET ALONG THE ARC OF A 178.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 17°59'23" EAST 91.94 FEET); THENCE NORTHEASTERLY 69.83 FEET ALONG THE ARC OF A 122.00 RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 16°33'28" EAST 68.89 FEET); THENCE NORTH 00°09'34" EAST 69.59 FEET; THENCE NORTH 89°50'26" WEST 170.45 FEET; THENCE NORTH 00°34'14" WEST 116.84 FEET; THENCE NORTH 00°33'56" EAST 126.47 FEET; THENCE NORTH 00°11'58" WEST 106.85 FEET; THENCE NORTH 02°14'08" WEST 115.10 FEET; THENCE NORTH 06°44'23" WEST 115.84 FEET; THENCE NORTH 05°11'39" WEST 107.68 FEET; THENCE NORTH 79°48'34" WEST 117.37 FEET; THENCE NORTH 03°18'51" WEST 176.78 FEET; THENCE NORTH 01°36'25" WEST 192.56 FEET TO THE NORTH LINE OF SAID SECTION 27; THENCE NORTH 89°52'52" EAST ALONG SAID NORTH LINE 563.71 FEET TO THE POINT OF BEGINNING.

CONTAINS 12.60 ACRES OR 548,952 SF

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Phase 2

All Lots shown on the Highland Oaks Phase 2 Final Plat, recorded on August 13, 2018, as Entry No. 76240:2018, in the official records of the Utah County Recorder, and described by metes and bounds as follows:

## PARCEL 1

BEGINNING AT THE SOUTHWEST CORNER OF LOT 122 OF HIGHLAND OAKS PHASE 1, AS SHOWN ON THE HIGHLAND OAKS PHASE 1 PLAT AS RECORDED AS ENTRY 15120 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°09'34" WEST 1078.34 FEET AND WEST 401.45 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND RUNNING ALONG THE SOUTH LINE OF SAID LOT 122 SOUTH 89°50'26" EAST 170.45 FEET TO THE WESTERLY LINE OF SALTAIRE DRIVE. THENCE ALONG THE SAID WESTERLY LINE OF SALTAIRE DRIVE THE FOLLOWING THREE COURSES: 1) SOUTH 00°09'34" WEST 69.59 FEET; 2) SOUTHWESTERLY 69.83 FEET ALONG THE ARC OF A 122.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 16°33'28" WEST 68.89 FEET); 3) SOUTHWESTERLY 92.99 FEET ALONG THE ARC OF A 178.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 17°59'23" WEST 91.94 FEET) TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 11800 NORTH. THENCE ALONG SAID 11800 NORTH RIGHT OF WAY THE FOLLOWING THREE (3) COURSES: 1) NORTH 86°58'37" WEST 44.08 FEET; 2) NORTHWESTERLY 274.08 FEET ALONG THE ARC OF A 5037.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 88°32'09" WEST 274.05 FEET); 3) SOUTH 89°54'19" WEST 150.24 FEET; THENCE NORTH 00°00'59" WEST 243.68 FEET; THENCE WEST 52.86 FEET; THENCE NORTH 00°01'37" EAST 345.00 FEET; THENCE EAST 174.95 FEET; THENCE SOUTHEASTERLY 11.72 FEET ALONG THE ARC OF A 422.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 01°25'54" EAST 11.72 FEET); THENCE NORTH 89°36'04" EAST 222.67 FEET TO A POINT ON THE SAID HIGHLAND OAKS PHASE 1 BOUNDARY; THENCE ALONG SAID HIGHLAND OAKS PHASE 1 BOUNDARY THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 02°14'08" EAST 13.92 FEET; 2) SOUTH 00°11'58" EAST 106.85 FEET; 3) SOUTH 00°33'56" WEST 126.47 FEET; 4) SOUTH 00°34'14" EAST 116.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.82 ACRES OR 253,357 SF

## PARKWAY E

BEGINNING AT THE SOUTHEAST CORNER OF LOT 101 OF HIGHLAND OAKS PHASE 1, AS SHOWN ON THE HIGHLAND OAKS PHASE 1 PLAT AS RECORDED AS ENTRY 15120 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°09'34" WEST 1290.12 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°09'34" WEST 20.13 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 11800 NORTH. THENCE ALONG SAID 11800 NORTH RIGHT OF WAY, NORTHWESTERLY 222.73 FEET ALONG THE ARC OF A 4963.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 88°35'09" WEST 222.71 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SALTAIRE DRIVE; THENCE ALONG SAID SALTAIRE DRIVE RIGHT OF WAY NORTHEASTERLY 22.04 FEET ALONG THE ARC OF A 122.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 08°14'12" EAST 22.01 FEET) TO THE SOUTHEASTERLY CORNER OF SAID LOT 101; THENCE ALONG THE SOUTHERLY LOT LINE OF SAID LOT 1, SOUTHEASTERLY 219.66 FEET ALONG THE ARC OF A 11693.35 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 88°08'04" EAST 219.66 FEET); TO THE POINT OF BEGINNING.

CONTAINS 4,762 SF