

When Recorded Return To:

D.R. Horton, Inc.
12351 South Gateway Park Place, Suite D-100
Draper, Utah 84020
Attention: Krisel Travis

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
EDGEWATER TOWNHOMES AT AMERICAN FORK**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EDGEWATER TOWNHOMES AT AMERICAN FORK (this “**Second Amendment**”) is made as of October 10, 2023, by D.R. HORTON, INC., a Delaware corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On October 20, 2021, Declarant caused to be recorded as Entry No. 178842:2021 in the official records of the Office of the Recorder of Utah County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for Edgewater Townhomes at American Fork (the “**Original Declaration**”) pertaining to a residential unit development known as Edgewater Townhomes at American Fork located in American Fork, Utah County, Utah.

B. On August 30, 2023, Declarant caused to be recorded as Entry No. 56981:2023 in the Official Records that certain First Supplemental Declaration and Amendment to the Declaration of Covenants, Conditions and Restrictions for Edgewater Townhomes at American Fork (the “**First Supplemental Declaration**”).

C. The Original Declaration, as previously supplemented and amended, pertains to and affects that certain real property located in Utah County, Utah, which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the “**Property**”).

D. Section 3.32(b) of the Original Declaration provides that Declarant shall have the right to amend unilaterally the Original Declaration during the Class B Control Period.

E. Pursuant to Section 3.32(b) of the Original Declaration, Declarant is executing and recording this Second Amendment for the purpose of amending certain provisions of the Original Declaration, as previously supplemented and amended, as hereinafter set forth.

SECOND AMENDMENT

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. Defined Terms. All defined terms as used in this Second Amendment shall have the same meanings as those set forth in the Original Declaration, as previously supplemented and amended, unless otherwise defined in this Second Amendment.

2. New Section 1.64 Added to the Original Declaration. The Original Declaration is hereby amended to add a new Section 1.64, which shall read as follows:

1.64 Neighboring Property shall mean any street within the Project (including annexed property) that is adjacent to the specific Lot or Unit in reference.

3. New Section 1.65 Added to the Original Declaration. The Original Declaration is hereby amended to add a new Section 1.65, which shall read as follows:

1.65 Visible From Neighboring Property shall mean, with respect to any object located on a Lot, that such object is or would be fully visible or unobscured from any street adjacent to the Lot on which the specific object is located.

4. Amendment of Section 3.5(f)(4) of the Original Declaration. Section 3.5(f)(4) of the Original Declaration is hereby amended and restated in its entirety to read as follows:

(4) Trash Containers and Collection. All rubbish, trash, refuse, waste, dust, debris and garbage shall be regularly removed from the Lot and shall not be allowed to accumulate thereon. In the event the City will not provide trash removal service within the Project, then the Association shall engage the services of a private company to perform trash pickup service within the Project, and the expenses incurred by the Association to arrange for such trash pickup services shall be deemed to be a Common Areas Expense. No garbage, recycling or trash shall be placed or kept on any Lot, except in covered containers of a type, size and style as issued by the municipality in which the Project is located or by the Association or as otherwise approved by the Board. In no event shall such containers be maintained so as to be Visible From Neighboring Property, except to make the same available for collection within a 24-hour period. Notwithstanding any other provision or restriction to the contrary set forth in this Declaration, on a Lot where the garage is located on the rearward side of the Unit, a maximum of two containers may be kept or stored immediately adjacent to the garage for such Unit within the Limited Common Area that has been allocated for the exclusive use of such Unit. All rubbish, recycling, trash and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained on any Lot.

5. No Other Changes. Except as supplemented and amended by the provisions of this Second Amendment, the Original Declaration, as previously supplemented and amended, shall remain unmodified and in full force and effect. The Original Declaration, as previously supplemented and amended, and as amended by this Second Amendment, shall collectively be referred to as the “**Declaration**.”

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Declarant has caused this Second Amendment to be executed by a person duly authorized to execute the same.

DECLARANT:

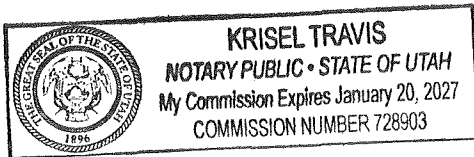
D.R. HORTON, INC.,
a Delaware corporation

By: *Adam R. Luser*
Name: Adam R. Luser
Title: Vice President

STATE OF UTAH)
 : ss.
COUNTY OF Utah)

The foregoing instrument was acknowledged before me this 10 day of October, 2023, by Adam R. Luser, in such person's capacity as the Vice President of D.R. HORTON, INC., a Delaware corporation.

Krisel Travis
NOTARY PUBLIC



**EXHIBIT A
TO
SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
EDGEWATER TOWNHOMES AT AMERICAN FORK**

Legal Description of the Property

The Property consists of that certain real property located in Utah County, Utah more particularly described as follows:

Plat 1

Beginning at a point on the southern right of way line of 300 South which is South 89°53'29" East along the section line 502.63 feet and South 2264.59 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 89°29'34" East 379.95 feet along said right of way line; thence South 01°03'56" West 211.47 feet; thence North 89°02'54" West 221.96 feet; thence North 01°03'56" East 30.12 feet; thence North 89°06'00" West 114.67 feet; thence North 00°54'00" East 10.27 feet; thence North 89°06'00" West 57.68 feet more or less to the eastern right of way line of 1150 West; thence North 00°54'00" East 153.27 feet along said right of way line; thence along the arc of a 15.00 foot radius curve to the right 23.46 feet through a central angle of 89°36'26", the chord bears North 45°42'13" East 21.14 feet to the point of beginning.

Area = 1.768 Acres

Plat 2

Beginning at a point on the eastern right of way line of 1150 West which is South 89°53'29" East along the section line 485.09 feet and South 2432.64 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 89°06'00" East 57.68 feet; thence South 00°54'00" West 10.27 feet; thence South 89°06'00" East 114.67 feet; thence South 01°03'56" West 30.12 feet; thence South 89°02'54" East 61.00 feet; thence South 01°03'56" West 219.71 feet; thence along the arc of a 15.00 foot radius curve to the left 23.56 feet through a central angle of 90°00'00", the chord bears South 43°56'04" East 21.21 feet more or less to the northern right of way line of 350 South; thence North 88°56'04" West 232.63 feet along said right of way line; thence along the arc of a 15.00 foot radius curve to the right 23.52 feet through a central angle of 89°50'04", the chord bears North 44°01'02" West 21.18 feet more or less to the eastern right of way line of 1150 West; thence North 00°54'00" East 259.53 feet along said right of way line to the point of beginning.

Area = 1.386 Acres

Plat 3

Beginning at a point which is South 89°53'29" East along the section line 717.69 feet and South 2476.30 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 89°02'54" East 160.96 feet; thence South 89°06'07" East 195.19 feet more or less to the western right of way line of 1100 West; thence along the arc of a 708.00 foot radius curve to the right 138.08 feet through a central angle of 11°10'29", the chord bears South 04°38'42" East 137.87 feet along said right of way line; thence South 00°56'33" West 78.38 feet along said right of way line; thence along the arc of a 20.00 foot radius curve to the right 31.46 feet through a central angle of 90°07'23", the chord bears South 46°00'14" West 28.31 feet more or less to the northern right of way line of 350 South; thence North 88°56'04" West 335.03 feet along said right of way line; thence along the arc of a 15.00 foot radius curve to the right 23.56 feet through a central angle of 90°00'00", the chord bears North 43°56'04" West 21.21 feet; thence North 01°03'56" East 219.71 feet to the point of beginning.

Area = 1.979 Acres

Together with all of Lot 4, Edgewater North Subdivision as recorded in the Utah County Records office.

Together with:

Beginning at a point which is South 89°53'29" East along the section line 426.31 feet and South 2800.40 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence S 89°06'00" E 53.00 feet to a point of curvature; thence along an arc 23.59 feet to the right, having a radius of 15.00 feet, the chord bears N 45°57'19" E 21.23 feet to a point on the southern right of way line of 350 South; thence S 88°56'04" E 570.12 feet to a point of curvature; thence along an arc 31.37 feet to the right, having a radius of 20.00 feet, the chord bears S 43°59'45" E 28.25 feet more or less to the western right of way line of 1100 West; thence along said right of way the following five (5) calls: 1) S 0°56'33" W 140.54 feet; 2) along an arc 114.04 feet to the right, having a radius of 710.50 feet, the chord bears S 5°32'27" W 113.92 feet; 3) S 10°08'21" W 120.25 feet; 4) along an arc 126.73 feet to the left, having a radius of 789.50 feet, the chord bears S 5°32'27" W 126.59 feet; 5) S 0°56'33" W 9.86 feet to a point of curvature; thence along an arc 31.45 feet to the right, having a radius of 20.00 feet, the chord bears S 46°00'15" W 28.31 feet; thence S 0°50'57" W 60.49 feet more or less to the southern right of way line of 450 South; thence N 88°56'04" W 531.16 feet to a point of curvature; thence along an arc 23.61 feet to the left, having a radius of 15.00 feet, the chord bears S 45°58'58" W 21.24 feet; thence N 89°06'00" W 53.00 feet; thence N 0°54'00" E 609.42 feet to the POINT OF BEGINNING.

Area = 8.931 acres (389,052 sq. ft.)