

When Recorded Return To:
Fieldstone Scenic Mountain, LLC
12896 S. Pony Express Road, Suite 400
Draper, Utah 84020

Courtesy

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR SCENIC MOUNTAIN

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SCENIC MOUNTAIN (“**Amendment**”) is made by Fieldstone Scenic Mountain, LLC, a Delaware limited liability company (“**Declarant**”).

RECITALS

A. The Declarant is the developer of certain real property located in the City of Eagle Mountain (“**City**”), Utah County, Utah (“**County**”), more particularly described on **Exhibit A** attached hereto (“**Property**”).

B. Declarant executed that certain *Declaration of Covenants, Conditions, and Restrictions for Scenic Mountain* (“**Declaration**”) and Declarant caused the same to be recorded in the real property records of Utah County, Utah, on October 24, 2018, as Entry No. 102187:2018.

C. Declarant desires to make certain modifications to the Declaration, as set forth herein.

D. The Period of Declarant’s Control, as defined in the Declaration, has not expired and pursuant to Section 12.2 of the Declaration, Declarant may amend the Declaration by recording a written amendment in the County’s real property records.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

AMENDMENT

1. **Incorporation of Defined Terms.** Capitalized terms used herein but not otherwise defined shall have the same meaning set forth in the Declaration, if a meaning is provided in the Declaration.

2. Board of Directors. Section 3.6 of the Declaration is hereby amended to provide that the Board shall be comprised of not more than three (3) directors. Section 4.1 of the Association's Bylaws, attached as Exhibit C to the Declaration, is deleted in its entirety and replaced with the following language:

4.1 Number, Section and Tenure. The Association will have three (3) Directors. The Declarant shall decide who serves on the Board during the Period of Declarant's Control. Within ninety (90) days after the end of the Period of Declarant's Control, the Association shall hold an election at which the owners shall elect three (3) Directors. Upon such election, the terms of such Directors will be staggered as follows: the Director receiving the highest number of votes in said election will serve an initial term of three (3) years; the Director receiving the next highest number of votes in said election will serve an initial term of two (2) years; and the Director receiving the next highest number of votes in said election will serve an initial term of (1) year. After such initial terms, the terms of all Directors shall be three (3) years.

3. Designation of Common Areas. In addition to any other Common Areas within the Project, Declarant hereby designates the following parcels as Common Areas for the Project: Utah County Parcel Nos. 666780136, 666430120, and 666430119.

4. Scope of Amendment. Except as specifically modified herein, all terms and conditions of the Declaration shall remain unchanged and in full force and effect. In the event of a conflict between this Amendment and the Declaration, this Amendment shall control.

[End of Amendment. Signature Page Follows.]

IN WITNESS WHEREOF, Declarant has executed this Amendment on this 21 day of November 2023

DECLARANT
FIELDSTONE SCENIC MOUNTAIN,
LLC, a Delaware limited liability company

By: [Signature]
Name: Jason Harris
Title: Assistant Secretary

STATE OF UTAH)

ss.

COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 21 day of November, 2023 by Jason Harris as the Assistant Secretary of Fieldstone Scenic Mountain, LLC.

[Signature]
Notary Public

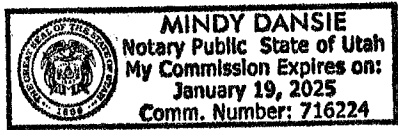


EXHIBIT A

(Property Description and Parcel Numbers)

The land referred to is located in Utah County, State of Utah and is described as follows:

Lots 101, 102 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117, SCENIC MOUNTAIN PHASE A PLAT 1, according to the official plat thereof on file and of record in the Utah County Recorder's office (66:643:0101 through 66:643:0117)

Parcel B and Parcel C SCENIC MOUNTAIN PHASE A PLAT 1, according to the official plat thereof on file and of record in the Utah County Recorder's office (66:643:019, 66:643:0120)

Lots 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130, SCENIC MOUNTAIN PHASE A PLAT 2, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:678:0118 through 66:678:0130)

Parcel A SCENIC MOUNTAIN PHASE A PLAT 2, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:678:0136)

Lots 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151 and 152 SCENIC MOUNTAIN PHASE A PLAT 3, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:720:0131 through 66:720:0152)

Lots 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 180, SCENIC MOUNTAIN PHASE A PLAT 4, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:784:0153 through 66:784:0180)

Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239 AND 240, SCENIC MOUNTAIN PHASE B PLAT 1, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:728:0201 through 66:728:0240)

Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 SCENIC MOUNTAIN PHASE C PLAT 1 AMD, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:895:0101 through 66:895:0113)

Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 203, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239 and 239 SCENIC MOUNTAIN PHASE C PLAT 2 AMD, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:891:0201 through 66:891:0239)

Lots 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 3-12, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331 and 332, SCENIC MOUNTAIN PHASE C PLAT 3, according to the official plat thereof on file and of record in the Utah County Recorder's Office (66:897:0301 through 66:897:0332)