

When recorded return to:
Corinne Schmalz, c/o Ence Homes
619 South Bluff St., Tower 2
St. George, UT 84770



**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF RED WATERS PHASE 1 POD 1 SUBDIVISION
A RESIDENTIAL SUBDIVISION LOCATED IN WASHINGTON CITY, UTAH**

MELON DEVELOPMENT Inc., a Utah Corporation, and FACTION, LLC, a Utah limited liability company (hereinafter "Declarant") hereby amends the following portions of the Declaration of Covenants, Conditions and Restrictions for Red Waters Phase 1 Pod 1 Subdivision (hereinafter "Declaration") as set forth herein, pursuant to its authority under Article 7 of said Declaration, which Declaration was recorded on the 8th day of August, 2020, as DOC No. 20200044917 in the records of the Washington County Recorder, and pursuant to its authority granted in the Notice of Assignment of Declarant Rights and Interests, which Assignment was recorded on the 7th day of October, 2020 as DOC No. 20200055772 in the records of the Washington County Recorder, affecting the real property located in Washington County, Utah, more particularly described as recorded phases of Red Waters Subdivision, as follows:

Phase 1 Lots: per the Official Plat of Red Waters Subdivision, Phase 1, Pod 1, said Lots being: W-REDW-1-1 through W-REDW-1-36, inclusive; and

Phase 2 Lots: per the Official Plat of Red Waters at Sunrise Valley Subdivision, Phase 2, Pod 1, said Lots being: W-REDV-2-37 through W-REDV-2-76, inclusive; and

All future Phases, including the Lots thereof, as annexed or expanded to Red Waters Subdivision, in accordance with the provisions of the Declaration thereof, as cited.

The Declarant, hereby amends and modifies the Declaration, as follows:

The language of Article 3, Section 4.15 shall be deleted, which Section language currently reads, as follows:

"3.4.15. Temporary or Other Structures. No structure of a temporary nature, and no trailer, bus, basement, outhouse, tent, shack, garage, or other outbuilding shall be used at any time as a Home either temporarily or permanently, nor shall any such structures be erected or placed on the Property at any time. No old or second-hand structures shall be moved onto any of said Lots. It is the Declarant's intention that all dwellings and other buildings to be erected within the Property be of new construction, of good quality, workmanship, and materials. Notwithstanding, a permanent garage and outbuilding may be constructed on a Lot if pre-approved by the ACC."

Said language, as above-quoted, shall be replaced in Section 4.15 with language which shall read, as follows:

"3.4.15. Temporary or Other Structures. No structure of a temporary nature, and no trailer, bus, basement, outhouse, tent, shack, garage, or other outbuilding shall be used at any time as a Home either temporarily or permanently, nor shall any such structures be erected or placed on the Property at any time. No old or second-hand structures shall be moved onto any of said Lots. It is the Declarant's intention that all dwellings to be erected within the Property be of new construction, of good quality, workmanship, and materials."

The language of Article 3, Section 4.16 shall be deleted, which Section language currently reads, as follows:

“3.4.16. Accessory Buildings. No storage or utility buildings are allowed unless first submitted to and approved by the ACC. Any approved accessory building must meet Washington City requirements for zoning, size, etc., and must have the appropriate governmental approval or permit before construction commences. Any approved Accessory Buildings must be stick-built, of a permanent nature, and similar in design, appearance, and materials, so as to be compatible with the Home on the Lot.”

Said language, as above-quoted, shall be replaced in Section 4.16 with language which shall read, as follows:

“3.4.16. Accessory Buildings. No storage buildings, utility buildings or detached structures shall be allowed.”

IN WITNESS WHEREOF, Declarant does hereafter execute this 1st Amendment as of the 26 day of May, 2021.

ORIGINAL DECLARANT: MELON DEVELOPMENT, INC

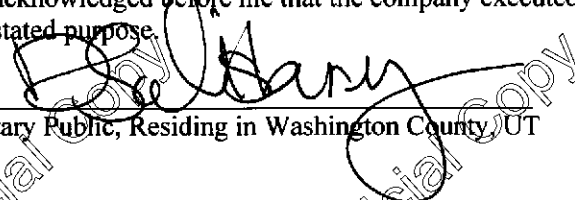

By: Judd Palmer, President

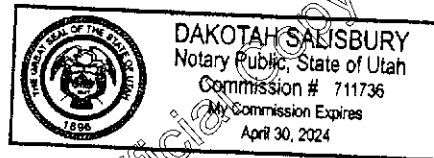
ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF WASHINGTON

On this 26 day of May, 2021, before me personally appeared Judd Palmer, whose identity is personally known to me, and who, being by me duly sworn did say that he is the President of MELON DEVELOPMENT, INC, a Utah corporation, and that the foregoing document was signed by him on behalf of said company by proper authority and he acknowledged before me that the company executed the document and the document was the act of the company for its stated purpose.


Notary Public, Residing in Washington County, UT



ASSIGNED DECLARANT: FACTION, LLC

By: Troy Ence, Manager

ACKNOWLEDGMENT

STATE OF UTAH)

ss.

COUNTY OF WASHINGTON)

On this 26 day of May, 2021, before me personally appeared Troy Ence, whose identity is personally known to me, and who, being by me duly sworn did say that he is the Manager of FACTION, LLC, a Utah limited liability company, and that the foregoing document was signed by him on behalf of said company by proper authority and he acknowledged before me that the company executed the document and the document was the act of the company for its stated purpose.

Corinne Schmalz
Notary Public, Residing in Washington County, UT

