



ENT 94712:2016 PG 1 of 7  
 JEFFERY SMITH  
 UTAH COUNTY RECORDER  
 2016 Sep 27 2:39 pm FEE 254.00 BY SW  
 RECORDED FOR D R HORTON

When Recorded Return To:

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

**FIRST AMENDMENT TO THE AMENDED AND RESTATED MASTER  
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
 OF SKYE ESTATES**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF SKYE ESTATES (this "First Amendment") is made as of September 23, 2016, by D.R. HORTON, INC., a Delaware corporation ("Declarant"), with reference to the following:

RECITALS

A. On August 15, 2014, Declarant caused to be recorded as Entry No. 57247:2014 in the official records of the Office of the Recorder of Utah County, Utah (the "Official Records"), that certain Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Skye Estates (the "Original Master Declaration") pertaining to a master planned development known as Skye Estates located in Highland City, Utah County, Utah. The Original Master Declaration was previously supplemented by that certain Phase 4 Supplemental Declaration to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Skye Estates dated December 16, 2014, which was recorded in the Official Records of the Recorder of Utah County, Utah on December 16, 2014, as Entry No. 90656:2014 (the "Phase 4 Supplemental Declaration"). The Original Master Declaration was also previously supplemented by that certain Phase 5 Supplemental Declaration to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Skye Estates dated August 31, 2015, which was recorded in the Official Records of the Recorder of Utah County, Utah on November 30, 2015, as Entry No. 107010:2015 (the "Phase 5 Supplemental Declaration"). The Original Master Declaration was also previously supplemented by that certain Phase 2 Supplemental Declaration to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Skye Estates dated December 23, 2015, which was recorded in the Official Records of the Recorder of Utah County, Utah on December 28, 2015, as Entry No. 115606:2015 (the "Phase 2 Supplemental Declaration"). The Original Master Declaration, as supplemented by the Phase 4 Supplemental Declaration, by the Phase 5 Supplemental Declaration and by the Phase 2 Supplemental Declaration, shall collectively be referred to herein as the "Master Declaration."

B. The Original Master Declaration, as supplemented by the Phase 4 Supplemental Declaration, by the Phase 5 Supplemental Declaration and by the Phase 2 Supplemental

Declaration pertain to and affect that certain real property located in Utah County, Utah more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, which real property is defined in Section 1.63 of the Original Master Declaration as the Property.

C. Section 17.2.3 of the Master Declaration provides that, prior to the expiration of the Period of Declarant Control, Declarant may unilaterally amend the Master Declaration for any purpose; provided, however, any such amendment shall not materially adversely affect the substantive rights of any Owner under the Master Declaration, nor shall it adversely affect title to any Lot, Unit or Parcel without the consent of the affected Owner.

D. Pursuant to Section 17.2.3 of the Master Declaration, Declarant desires to amend Section 4.2.22 and Section 4.2.25 of the Master Declaration as hereinafter set forth.

#### FIRST AMENDMENT

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

1. All defined terms as used in this First Amendment shall have the same meanings as those set forth in the Original Master Declaration, as supplemented by the Phase 4 Supplemental Declaration, by the Phase 5 Supplemental Declaration and by the Phase 2 Supplemental Declaration, unless otherwise defined in this First Amendment.

2. Section 4.2.22 of the Original Master Declaration is hereby amended by the inclusion and insertion of the following additional language at the end of Section 4.2.22:

Notwithstanding any provisions to the contrary set forth in Section 4.2.22 or Section 4.2.23 of this Declaration, upon the Design Review Board receiving a written request from the Owner of a Lot, Unit or Parcel for an exemption or modification pertaining to the restrictions regarding the storage or parking on such Owner's Lot, Unit or Parcel of a motor vehicle, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, boat, boat trailer or other similar equipment or vehicle, the Design Review Board, in its sole discretion, may grant an exemption or modification to such restrictions, authorizing the storage or parking of such vehicle or equipment in a location and with such screening as the Design Review Board may deem adequate in order to minimize reasonably the visibility of such vehicle or equipment from the streets and from Lots, Units, Parcels and other areas within Skye Estates that are adjacent to or in the vicinity of the Lot, Unit or Parcel on which such vehicle or equipment is to be stored or parked.

3. Section 4.2.25 of the Original Master Declaration is hereby amended and restated in its entirety to read as follows:

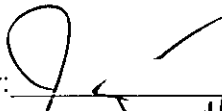
4.2.25 Window Coverings. The color of all window coverings in all Dwelling Units within Skye Estates, which window coverings are visible from the exterior of such Dwelling Units, shall at all times be off-white or alabaster in color, as specified by Declarant (or by the Design Review Board following the expiration of the Period of Declarant Control), and the color of such window coverings that are visible from the exterior of such Dwelling Units shall not be altered, nor shall such window coverings be removed, without the written authorization of Declarant (or the Design Review Board after the expiration of the Period of Declarant Control).

4. Except as amended by the provisions of this First Amendment, the Original Master Declaration, as previously supplemented by the Phase 4 Supplemental Declaration, by the Phase 5 Supplemental Declaration and by the Phase 2 Supplemental Declaration, shall remain unmodified and in full force and effect.

5. The Original Master Declaration, as supplemented and amended by the Phase 4 Supplemental Declaration, by the Phase 5 Supplemental Declaration, by the Phase 2 Supplemental Declaration and by this First Amendment, shall collectively be referred to as the "Declaration."

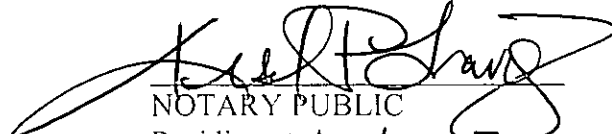
IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed by an officer duly authorized to execute the same as of the date first above written.

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

By:   
Name: Jonathan S. Thornley  
Title: Division CFO

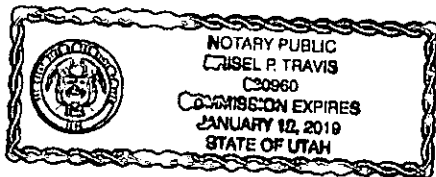
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged to me this 23 day of September 2016, by Jonathan S. Tharley, in such person's capacity as the CEO - Utah Division of D.R. Horton, Inc., a Delaware corporation.

  
NOTARY PUBLIC  
Residing at: London, UT

My commission expires:

Jan. 12, 2019



**EXHIBIT "A"**  
**TO**  
**FIRST AMENDMENT TO THE AMENDED AND RESTATED MASTER**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**OF SKYE ESTATES**

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**Legal Description of the Property**

That certain real property located in Utah County, Utah more particularly described as follows:

Phase 1 & Stirling Point:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°52'52" WEST, ALONG THE SECTION LINE, 1230.93 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHLAND BOULEVARD; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°07'27" EAST 709.90 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTHEASTERLY 23.60 FEET ALONG THE ARC OF A 15.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 44°58'27" EAST 21.24 FEET); THENCE SOUTH 89°52'27" EAST 35.06 FEET; THENCE SOUTH 83°29'07" EAST 40.44 FEET; THENCE SOUTH 89°52'27" EAST 32.06 FEET; THENCE SOUTHEASTERLY 107.39 FEET ALONG THE ARC OF A 1926.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 88°16'37" EAST 107.38 FEET); THENCE NORTH 00°00'38" EAST 270.95 FEET; THENCE NORTH 30°02'42" WEST 16.12 FEET; THENCE NORTH 89°59'22" WEST 221.05 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHLAND BOULEVARD; THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES; (1) NORTH 00°07'27" EAST 141.03 FEET; (2) NORTHWESTERLY 45.37 FEET ALONG THE ARC OF A 697.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 01°44'27" WEST 45.36 FEET); THENCE LEAVING SAID EAST RIGHT OF WAY LINE NORTH 66°45'51" EAST 112.53 FEET; THENCE SOUTH 47°23'09" EAST 82.22 FEET; THENCE SOUTH 35°24'56" EAST 123.18 FEET; THENCE SOUTH 29°46'33" EAST 81.14 FEET; THENCE SOUTH 24°18'49" EAST 81.05 FEET; THENCE SOUTH 17°53'21" EAST 78.87 FEET; THENCE SOUTH 24°10'29" EAST 73.42 FEET; THENCE SOUTH 40°54'44" EAST 130.47 FEET; THENCE SOUTHEASTERLY 235.05 FEET ALONG THE ARC OF A 1926.00 FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 76°38'05" EAST 234.91 FEET); THENCE NORTHEASTERLY 23.25 FEET ALONG THE ARC OF A 15.00 RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 62°27'06" EAST 20.99 FEET); THENCE NORTH 18°02'33" EAST 92.98 FEET; THENCE NORTHWESTERLY 27.07 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 27°32'57" WEST 24.29 FEET); THENCE NORTH 73°15'01" WEST 7.84 FEET; THENCE NORTH 16°38'25" EAST 146.12 FEET; THENCE NORTH 79°19'16" EAST 52.73 FEET; THENCE NORTH 66°45'51" EAST 344.83 FEET; THENCE SOUTHEASTERLY 12.46 FEET ALONG THE ARC OF A 525.00 FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 26°21'15" EAST 12.46 FEET); THENCE SOUTH 27°02'03" EAST 39.74 FEET; THENCE NORTH 62°57'57" EAST 173.00 FEET; THENCE SOUTH 27°02'03" EAST 454.09 FEET; THENCE NORTH 64°05'21" EAST 334.09 FEET; THENCE SOUTH 25°54'39" EAST 52.00 FEET; THENCE SOUTH 35°30'39" EAST 93.31 FEET; THENCE SOUTH 34°53'16" EAST 85.33 FEET; THENCE SOUTH 26°20'41" EAST 73.85 FEET; THENCE SOUTH 11°21'04" EAST 70.96 FEET; THENCE SOUTH 03°37'51" WEST 69.71 FEET; THENCE SOUTH 04°41'59" WEST 85.26 FEET; THENCE SOUTH 00°13'46" WEST 103.00 FEET; THENCE SOUTH 89°46'14" EAST 85.16 FEET; THENCE SOUTH 00°13'46" WEST 203.00 FEET TO A POINT ON THE SOUTH LINE OF SECTION 23; THENCE NORTH 89°46'14" WEST ALONG THE SOUTH LINE OF SAID SECTION 23, 816.14 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 22 AND THE POINT OF BEGINNING.

CONTAINS 37.10 ACRES MORE OF LESS

Phase 2:

BEGINNING AT THE NORTHWEST CORNER OF LOT 101 THE SKYE ESTATES PHASE 1 PLAT (ENTRY 6644:2014, MAP 14139, RECORDED JANUARY 30, 2014 IN THE UTAH COUNTY RECORDER'S OFFICE), SAID POINT ALSO BEING NORTH 00°21'21" EAST (ALONG THE SECTION LINE) 866.71 FEET AND WEST 487.52 FEET FROM THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE ALONG THE BOUNDARY LINE OF SAID SKYE ESTATES PHASE 1 PLAT THE FOLLOWING TEN (10) COURSES: 1) SOUTH 16°38'25" WEST 146.12 FEET; 2) SOUTH 73°15'01" EAST 7.84 FEET; 3) SOUTHEASTERLY 27.05 FEET ALONG THE ARC OF A 17.00 FOOT TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 27°32'57" EAST 24.29 FEET); 4) SOUTH 18°02'33" WEST 92.98 FEET; 5) SOUTHWESTERLY 23.25 FEET ALONG THE ARC OF A 15.00 FOOT TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 62°27'08" WEST 20.99 FEET); 6) NORTHWESTERLY 235.05 FEET ALONG THE ARC OF A 1926.00 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 76°38'05" WEST 234.91 FEET); 7) NORTH 40°54'44" WEST 130.47 FEET; 8) NORTH 24°10'29" WEST 73.42 FEET; 9) NORTH 17°53'21" WEST 78.87 FEET; 10) NORTH 24°18'49" WEST 81.05 FEET; THENCE LEAVING SAID PHASE 1 BOUNDARY, NORTH 63°36'27" EAST 175.15 FEET; THENCE SOUTH 26°23'33" EAST 19.63 FEET; THENCE NORTH 66°45'51" EAST 590.21 FEET; THENCE NORTH 89°53'41" EAST 81.21 FEET; THENCE NORTH 00°21'21" EAST 14.02 FEET; THENCE SOUTH 89°38'39" EAST 173.00 FEET TO A POINT ON THE SKYE ESTATES PHASE 4 SUBDIVISION BOUNDARY (ENTRY 90005:2014, MAP 14450, RECORDED DECEMBER 15, 2014 IN THE UTAH COUNTY RECORDER'S OFFICE). THENCE ALONG SAID PHASE 4 BOUNDARY THE FOLLOWING THREE (3) COURSES: 1) SOUTH 00°21'21" WEST 84.48 FEET; 2) SOUTH 17°47'09" EAST 111.45 FEET; 3) SOUTH 27°02'03" EAST 50.08 FEET TO THE NORTHEAST CORNER OF LOT 106 OF THE SAID PHASE 1 PLAT; THENCE ALONG THE BOUNDARY LINE OF SAID SKYE ESTATES PHASE 1 PLAT THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 62°57'57" WEST 173.00 FEET; 2) NORTH 27°02'03" WEST 39.74 FEET; 3) NORTHWESTERLY 12.46 FEET ALONG THE ARC OF A 525.00 FOOT TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 26°21'15" WEST 12.46 FEET); 4) SOUTH 66°45'51" WEST 344.83 FEET; 5) SOUTH 79°19'16" WEST 52.73 FEET TO THE POINT OF BEGINNING.

CONTAINS 7.45 ACRES MORE OF LESS

Phase 4:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 110 AS RECORDED IN THE SKYE ESTATES PHASE 1 PLAT (ENTRY 6644:2014, MAP 14139, RECORDED JANUARY 30, 2014 IN THE UTAH COUNTY RECORDER'S OFFICE), SAID POINT ALSO BEING NORTH 00°21'21" EAST (ALONG THE SECTION LINE) 640.11 FEET AND EAST 266.65 FEET FROM THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE ALONG THE BOUNDARY LINE OF SAID SKYE ESTATES PHASE 1 PLAT, NORTH 27°02'03" WEST 504.17 FEET; THENCE NORTH 17°47'09" WEST 111.45 FEET TO A POINT ON THE SECTION LINE BETWEEN THE SOUTHEAST QUARTER AND THE EAST QUARTER CORNER OF SAID SECTION 22; THENCE ALONG SAID SECTION LINE NORTH 00°21'21" EAST 147.08 FEET; THENCE NORTH 89°47'39" EAST 307.25 FEET; THENCE SOUTH 31°05'27" EAST 131.58 FEET; THENCE SOUTH 2112'01" EAST 120.41 FEET; THENCE SOUTH 31°43'36" EAST 62.26 FEET; THENCE SOUTH 20°29'41" EAST 97.90 FEET; THENCE SOUTH 21°29'01" EAST 203.20 FEET TO A POINT ON THE GRANT BOULEVARD RIGHT OF WAY; THENCE ALONG SAID GRANT BOULEVARD RIGHT OF WAY, SOUTH 64°05'21" WEST 331.18 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.49 ACRES MORE OR LESS

## Phase 5:

BEGINNING AT THE SOUTHEAST CORNER OF LOT D OPEN SPACE OF THE SKYE ESTATES PHASE 1 PLAT (ENTRY 6644:2014, MAP 14139, RECORDED JANUARY 30, 2014 IN THE UTAH COUNTY RECORDER'S OFFICE), SAID POINT ALSO BEING SOUTH 89°46'14" EAST (ALONG THE SECTION LINE) 816.14 FEET FROM THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE ALONG THE BOUNDARY EAST LINE OF SAID SKYE ESTATES PHASE 1 PLAT, NORTH 00°13'46" EAST 203.00 FEET; THENCE LEAVING SAID EAST BOUNDARY LINE AND RUNNING SOUTH 89°46'14" EAST 58.76 FEET; THENCE NORTHEASTERLY 26.71 FEET ALONG THE ARC OF A 17.00 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 45°13'25" EAST 24.04 FEET); THENCE NORTH 00°13'04" EAST 189.96 FEET; THENCE NORTHWESTERLY 263.13 FEET ALONG THE ARC OF A 577.00 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 12°50'47" WEST 260.85 FEET); THENCE NORTH 25°54'39" WEST 155.29 FEET; THENCE NORTHWESTERLY 29.85 FEET ALONG THE ARC OF A 19.00 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 70°54'39" WEST 26.87 FEET); THENCE NORTH 25°54'39" WEST 2.00 FEET; THENCE SOUTH 64°05'21" WEST 164.01 FEET TO A POINT ON THE SAID PHASE 1 PLAT BOUNDARY LINE; THENCE ALONG SAID BOUNDARY LINE NORTH 25°54'39" WEST 52.00 FEET; THENCE LEAVING SAID BOUNDARY LINE AND RUNNING NORTH 64°05'21" EAST 166.01 FEET; THENCE NORTHEASTERLY 26.70 FEET ALONG THE ARC OF A 17.00 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 19°05'21" EAST 24.04 FEET); THENCE NORTH 65°11'27" EAST 52.01 FEET; THENCE SOUTHEASTERLY 26.70 FEET ALONG THE ARC OF A 17.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 70°54'39" EAST 24.04 FEET); THENCE SOUTH 21°20'13" EAST 50.16 FEET; THENCE SOUTHWESTERLY 26.70 FEET ALONG THE ARC OF A 17.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 19°05'21" WEST 24.04 FEET); THENCE SOUTH 25°54'39" EAST 119.25 FEET; THENCE EAST 474.14 FEET; THENCE SOUTH 00°17'34" WEST 723.94 FEET; THENCE NORTH 89°46'14" WEST 515.05 FEET TO THE POINT OF BEGINNING.

CONTAINS 8.32 ACRES MORE OF LESS

## Phase 7:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 120 OF THE SKYE ESTATES PHASE 1 PLAT (ENTRY 2014-6644, RECORDED JANUARY 30, 2014 IN THE UTAH COUNTY RECORDER'S OFFICE), SAID POINT ALSO BEING SOUTH 89°46'14" EAST (ALONG THE SECTION LINE) 731.80 FEET AND NORTH 203.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE ALONG THE EAST BOUNDARY LINE OF SAID SKYE ESTATES PHASE 1 PLAT THE FOLLOWING SEVEN (7) COURSES: 1) NORTH 00°13'46" EAST 103.00 FEET; 2) NORTH 04°41'59" EAST 85.26 FEET; 3) NORTH 03°37'51" EAST 69.71 FEET; 4) NORTH 11°21'04" WEST 70.96 FEET; 5) NORTH 26°20'41" WEST 73.85 FEET; 6) NORTH 34°53'16" WEST 85.33 FEET; 7) NORTH 35°30'39" WEST 93.31 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF GRANT BOULEVARD AND THE SKYE ESTATES PHASE 5 PLAT BOUNDARY (ENTRY 2015-87047, RECORDED SEPTEMBER 23, 2015 IN THE UTAH COUNTY RECORDER'S OFFICE). THENCE ALONG SAID PHASE 5 BOUNDARY THE FOLLOWING EIGHT (8) COURSES: 1) NORTH 64°05'21" EAST 164.01 FEET; 2) SOUTH 25°54'39" EAST 2.00 FEET; 3) SOUTHEASTERLY 29.85 FEET ALONG THE ARC OF A 19.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 70°54'39" EAST 26.87 FEET); 4) SOUTH 25°54'39" EAST 155.29 FEET; 5) SOUTHEASTERLY 263.13 FEET ALONG THE ARC OF A 577.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 12°50'47" EAST 260.85 FEET); 6) SOUTH 00°13'04" WEST 189.96 FEET; 7) SOUTHWESTERLY 26.71 FEET ALONG THE ARC OF A 17.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 45°13'25" WEST 24.04 FEET); 8) NORTH 89°46'14" WEST 143.92 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.22 ACRES MORE OF LESS