

**WHEN RECORDED, RETURN TO:**

CW Land Co., LLC  
Attn: Legal Department  
610 N. 800 W.  
Centerville, UT 84014

Affecting Parcel Nos.: 00-0090-7101 through 00-0090-7140  
00-0090-9181

Affecting Serial Nos.: 09-ROAMSFR1A-0101 through 09-ROAMSFR1A-0137, and 09-ROAMSFR1A-A-NA through 09-ROAMSFR1A-C-NA  
09-005-044-02-1-3-7

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**FIRST AMENDMENT  
TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR ROAM**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR ROAM ("*Amendment*") is made and executed as of the date first written below on the signature page and is effective when recorded in the office of the Morgan County Recorder by CW Land Co., LLC, a Utah limited liability company (the "*Declarant*").

**RECITALS**

- A. On February 8, 2023, the Amended and Restated Declaration of Covenants Conditions, and Restrictions, and Reservation of Easements for Roam was recorded in the office of the Morgan County Recorder as Entry No. 162837 in Book 398 on Page 168 (the "*Amended Declaration*").
- B. Following recordation of the Amended Declaration, the Declarant and its affiliates determined it to be in the best interest of the Association to expand the Amended Declaration to encumber additional adjacent real property (the "*Additional Property*").
- C. Enclave theROAM, LLC, a Delaware limited liability company ("*Enclave theROAM*") is the fee title owner of the Additional Property and desires to encumber the same and be subject to the Amended Declaration, as further amended herein, by executing where provided for below and become part of the Association and the Association desires to expand its boundary and the Project to include and encumber the Additional Property.
- D. In addition to expansion of the Association to include the Additional Property, the Declarant, Richmond, and Enclave theROAM, desire to further amend the Amended Declaration as set forth herein.
- E. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such capitalized terms in the Amended Declaration.

**AMENDMENTS**

NOW, THEREFORE, for the reasons recited above and subject to the restrictions set forth below and established in the Amended Declaration, the Declarant, Richmond, and Enclave theROAM hereby adopt this Amendment.

1. **Incorporation of Recitals and Exhibits.** The foregoing Recitals and Exhibits that are attached hereto are hereby incorporated herein by this reference.

2. **Amendments.**

a. **Expansion of Project and Subdivision.** Exhibit "A" of the Amended Declaration is hereby expanded to include the Additional Property. Therefore, Exhibit "A" of the Amended Declaration is hereby deleted in entirety and replaced with Exhibit "A-1" attached hereto. Further, all references to "Project" and "Subdivision" in the Amended Declaration shall mean and refer to both the Phase 1A SF Property and the Additional Property.

b. **Fencing.** Section 9.2.1 of the Amended Declaration is hereby deleted in entirety and replaced with the following:

"9.2.1 **Fencing.** If desired by the applicable Owner, each Lot may install six-foot (6') privacy fence in accordance with the fencing plans attached hereto as Exhibit "E-1". Each Owner desiring to install a fence on its Lot shall submit such request in writing to the Design Review Committee to ensure conformity throughout the Project."

c. **Snow Storage Plan.** The following shall be added to the Amended Declaration as Section 9.11.

"9.11 **Snow Storage.** The Association shall, or shall cause its selected contractor to, remove and store all snow in the locations that are graphically depicted on Exhibit "F-1"."

3. **Conflicts.** All remaining provisions of the Amended Declaration and all prior amendments not specifically amended herein, if any, shall remain in full force and effect. In the case of any conflict between the provisions of this Amendment and the provisions of the Amended Declaration or all prior amendments, the provisions of this Amendment shall in all respects govern and control.

4. **Incorporation and Supplementation of Amended Declaration.** This Amendment is supplemental to the Amended Declaration, which by reference is made a part hereof, and all of the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

[Remainder of page left intentionally blank. Additional pages follow.]

IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the 23<sup>rd</sup> day of March, 2023.

**DECLARANT**

CW Land Co., LLC,  
a Utah limited liability company

By: *Darlene Carter*  
Name: Darlene Carter  
Its: Manager

STATE OF UTAH            )  
                                      §  
COUNTY OF DAVIS        )

On the 23<sup>rd</sup> day of March, 2023, personally appeared before me Darlene Carter, who by me being duly sworn, did say that she is the Manager of CW Land Co., LLC, a Utah limited liability company, and that the foregoing instrument is signed on behalf of said limited liability company and executed with all necessary authority.

*[Handwritten Signature]*  
(Notary Signature)

(Seal)



IN WITNESS WHEREOF, Richmond consents to the recordation of this Amendment against the Phase 1A SF Property as of the 5 day of April, 2023.

**RICHMOND**

Richmond American Homes of Utah, Inc.,  
a Colorado corporation

By: Matthew D. Scott

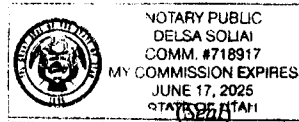
Name: MATTHEW D. SCOTT

Its: DIRECTOR OF LAND ACQUISITION

STATE OF UTAH )  
COUNTY OF Utah )

On the 5 day of April, 2023, personally appeared before me Matthew D. Scott, who by me being duly sworn, did say that she/he is the Director of Land Acquisition of Richmond American Homes of Utah, Inc., a Colorado corporation, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Delisa Solari  
(Notary Signature)

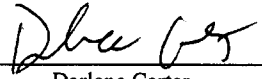


IN WITNESS WHEREOF, Enclave theROAM consents to the recordation of this Amendment and the Amended Declaration against the Additional Property as of the 23<sup>rd</sup> day of March, 2023.

**ENCLAVE THEROAM**


Enclave theROAM, LLC,  
a Delaware limited liability company

By: CW Roam Phase 2 Member, LLC,  
a Utah limited liability company  
Its: Administrative Member

By:   
Name: Darlene Carter  
Its: Manager

STATE OF UTAH            )  
                                      §  
COUNTY OF DAVIS        )

On the 23<sup>rd</sup> day of March, 2023, personally appeared before me Darlene Carter, who by me being duly sworn, did say that she is the Manager of CW Roam Phase 2 Member, LLC, a Utah limited liability company, the Administrative Member of Enclave theROAM, LLC, a Delaware limited liability company, and that the foregoing instrument is signed on behalf of said limited liability company and executed with all necessary authority.

  
(Notary Signature)

(Seal)



**EXHIBIT "A-1"**  
(Expanded Legal Description of the Project and Subdivision)

Phase 1A SF Property

ALL OF LOTS 101 THROUGH 137, INCLUSIVE, AND ALL OPEN SPACE AREAS CONTAINED WITHIN THE ROAM PHASE 1A SINGLE FAMILY, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED OCTOBER 25, 2022, IN BOOK 396 ON PAGES 50 THROUGH 52 IN THE OFFICE OF THE MORGAN COUNTY RECORDER.

Parcel No(s): 00-0090-7101 through 00-0090-7140

Serial No(s): 09-ROAMSFRIA-0101 through 09-ROAMSFRIA-0137, and 09-ROAMSFRIA-A through 09-ROAMSFRIA-C (for reference purposes only)

Additional Property

A parcel of land, situated in the Northwest quarter of Section 25 and the Southwest quarter of Section 24, Township 5 North, Range 1 East, Salt Lake Base and Meridian, said parcel also located in Morgan County, Utah. Being more particularly described as follows:

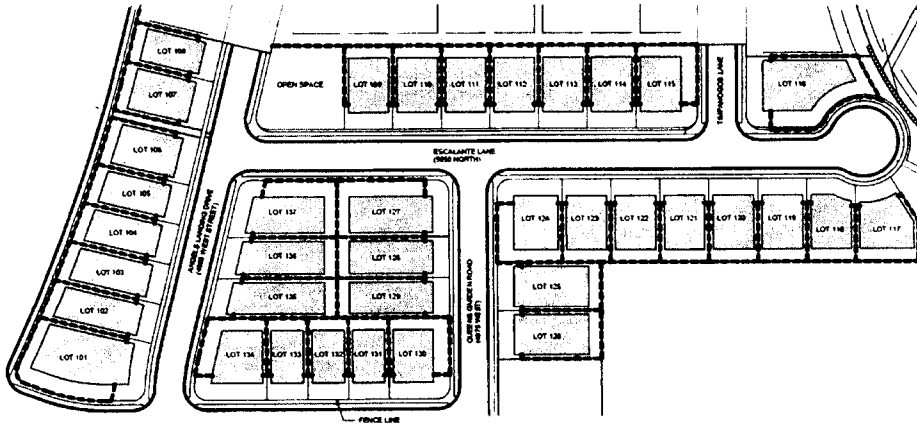
Beginning at a point South 89°43'35" East 872.03 feet along the section line and South 00°16'25" West 42.61 feet from the Northwest corner of said Section 25, and running thence South 00°06'33" East 111.40 feet; thence North 89°53'27" East 201.64 feet; thence Easterly 183.72 feet along the arc of a 55.00-foot radius non-tangent curve to the right (center bears North 66°23'17" East and the long chord bears North 72°04'57" East 109.46 feet with a central angle of 191°23'20"); thence Southeasterly 7.73 feet along the arc of a 15.00-foot radius curve to the left (center bears North 77°46'37" East and the long chord bears South 26°59'23" East 7.65 feet with a central angle of 29°32'00"); thence South 41°45'23" East 25.41 feet; thence Southerly 130.84 feet along the arc of a 180.00-foot radius tangent curve to the right (center bears South 48°14'37" West and the long chord bears South 20°55'58" East 127.98 feet with a central angle of 41°38'50"); thence South 00°06'33" East 463.06 feet to a point on the Northerly line of Roam Single Family Phase 1 Subdivision; thence along the Northerly and Easterly lines of Roam Single Family Phase 1 Subdivision the following six (6) courses and distances: (1) South 89°53'25" West 582.74 feet; (2) South 13°17'54" West 9.68 feet; (3) North 76°42'06" West 168.38 feet; (4) North 13°17'54" East 71.36 feet; (5) Northerly 115.98 feet along the arc of a 331.61-foot radius non-tangent curve to the left (center bears North 76°42'07" West and the long chord bears North 03°16'42" East 115.39 feet with a central angle of 20°02'22"); and (6) North 06°44'28" West 116.93 feet; thence Northeasterly 23.56 feet along the arc of a 15.00-foot radius tangent curve to the right (center bears North 83°15'32" East and the long chord bears North 38°15'32" East 21.21 feet with a central angle of 90°00'00"); thence North 06°44'28" West 60.00 feet; thence North 83°15'32" East 21.14 feet; thence North 00°06'33" West 147.55 feet; thence North 68°59'42" East 363.94 feet to the point of beginning.

Parcel No(s): 00-0089-0924 and 00-0089-0955

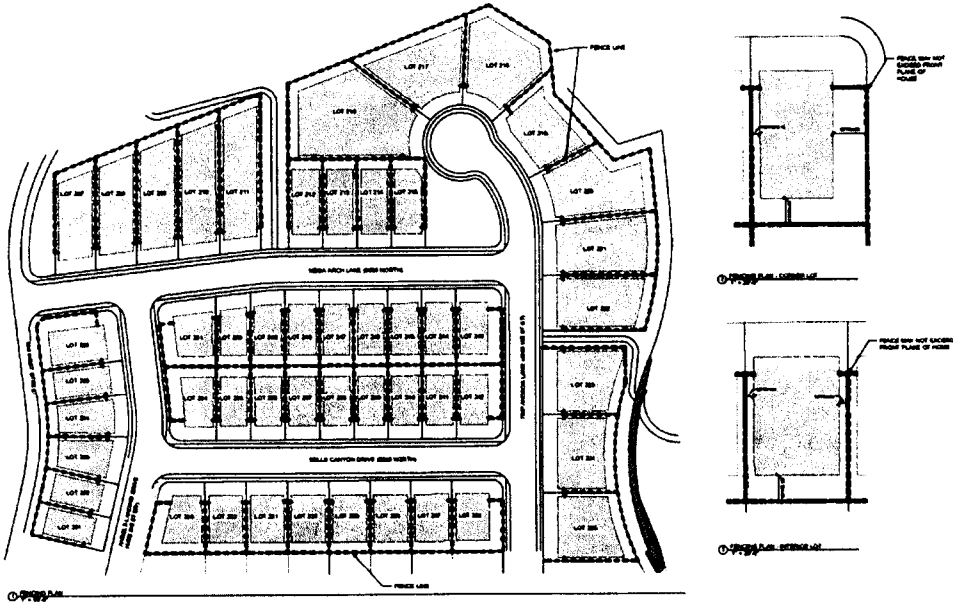
Serial No(s): 09-005-044-02-1-3-3 and 09-005-044-02-1-4-2 (for reference purposes only)

**EXHIBIT "E-1"**  
**(Fencing Plans)**

Phase 1A SF Property

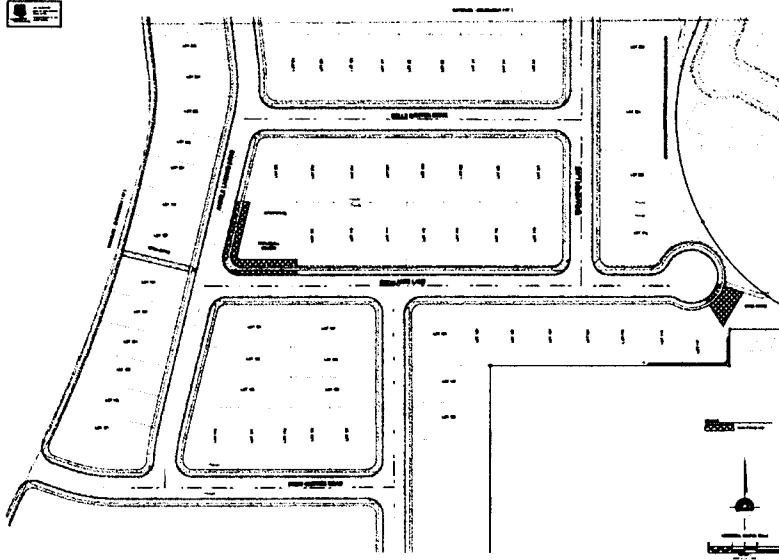


Additional Property



**EXHIBIT "F-1"**  
**(Snow Storage Plans)**

Phase 1A SF Property



Additional Property

