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DOC # 20160014747

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
04/28/2016 12:34:23 PM Fee \$ 20.00
By FISHER & HUNTER

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**THIRD AMENDMENT TO DISTRICT DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS AND RESERVATION OF EASEMENTS, AND
BYLAWS FOR CASITAS AT SIENNA HILLS
(a part of the Expandable Sienna HILLS Planned Mixed Use Development)**

This Third Amendment to District Declaration Of Covenants, Conditions, And Restrictions And Reservation Of Easements, And Bylaws For Casitas At Sienna Hills (the "Third Amendment") is made this 25th day of April, 2016, by Ivory Southern, LLC, ("District Declarant").

RECITALS

- A. On February 17, 2015, District Declarant caused to be filed for record in the office of the County Recorder of Washington County, Utah, the District Declaration Of Covenants, Conditions, And Restrictions And Reservation Of Easements, And Bylaws For Casitas At Sienna Hills (the "District Declaration"), which was recorded as Doc # 20150005111, of the Official Records of Washington County.
- B. Pursuant to Section 17.5 of the District Declaration, District Declarant may unilaterally amend the Declaration.
- C. On November 12, 2015, District Declarant caused to be filed a First Amendment to the District Declaration which was recorded as Doc # 20150039533.
- D. On April 11, 2016, District Declarant caused to be filed a Second Amendment to the District Declaration which was recorded as Doc # 20160012384.
- E. The District Declarant has determined that to provide for the preservation and enhancement of the property value that said District Declaration be amended as hereinafter set forth.

NOW, THEREFORE, for the foregoing purposes, the District Declarant hereby amends said District Declaration as follows:

ARTICLE I DEFINITIONS shall be amended to remove Paragraph 6(b) in its entirety and replaced with the following:

6.:

(b) All District Common Area and Facilities designated as such in the District Final Plat, which may also include all area surrounding the District Lots but which is owned and/or controlled by a third party that is not the District Declarant or the District Association and notwithstanding that it may be owned by another Association if the area is nearby a District Lot and is capable of reasonable utility and enjoyment by any District Lot Owner and is accepted and treated by the District Declarant as District Common Area.

ARTICLE II SUBMISSION shall be amended to insert the following language as the final paragraph in Article II:

DD ✓ 4/28

The additional property which may be annexed and subjected to the District Declaration, as amended, is illustrated in the preliminary plat for The Casitas At Sienna Hills, which is attached hereto as Exhibit B and made a part hereof by this reference. The Preliminary Plat may be altered from time to time during the development stages.

ARTICLE III COVENANTS, CONDITIONS, AND RESTRICTIONS shall be amended to remove Paragraph 17.1 in its entirety and replaced with the following:

17.1 **By The Owners.** During the District Declarant's Period of Control any amendment to this District Declaration shall require the affirmative written vote or consent of at least sixty-seven percent (67%) of the Total Votes of the District Association cast either in person or by proxy at a meeting duly called for such purpose or otherwise approved in writing by such Owners without a meeting, when the District Declarant has voted in favor of the amendment. During the District Declarant's Period of Control, where the District Declarant does not vote in favor of the amendment, any amendment to this District Declaration shall require the affirmative written vote or consent of at least ninety percent (90%) of the Total Votes of the District Association cast either in person or by proxy at a meeting duly called for such purpose or otherwise approved in writing by such Owners. Following the expiration of the District Declarant's Period of Control any amendment to this District Declaration shall require the affirmative written vote or consent of at least sixty-seven percent (67%) of the Total Votes of the District Association cast either in person or by proxy at a meeting duly called for such purpose or otherwise approved in writing by such Owners without a meeting.

Except as amended by the foregoing provision, all other terms, covenants, conditions and restrictions set forth in the District Declaration, and any amendments thereto, shall remain in full force and effect. The real property subject to this Third Amendment is set forth on Exhibit A, attached hereto.

SIGNATURES BEGIN ON NEXT PAGE

EXECUTED the 25th day of April, 2016.

IVORY SOUTHERN, LLC,

By: *Darin E. Haskell*
Darin E. Haskell, Secretary

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

The foregoing instrument was acknowledged before me this 25 day of April, 2016, by Darin E. Haskell, as Secretary of Ivory Southern, LLC, a Utah limited liability company, and said Darin E. Haskell duly acknowledged to me that said Ivory Southern, LLC executed the same.

Donna Perkins
NOTARY PUBLIC



EXHIBIT A
LEGAL DESCRIPTION OF THE
CASITAS AT SIENNA HILLS PHASE I PROPERTY

The District Land described in the foregoing document as the Casitas at Sienna Hills Phase I is located in Washington County, Utah and is described more particularly as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35 and 36, CASITAS AT SIENNA HILLS PHASE 1, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Tax Serial Number: W-CASS-1-Lot #

EXHIBIT B

**ADDITIONAL PROPERTY THAT MAY BE ANNEXED
INTO THE CASITAS AT SIENNA HILLS PROPERTY**

See Preliminary Plat on the following page:

