

Amended Restrictive Covenants Page 1 of 9
Russell Shirts Washington County Recorder
04/29/2016 12:03:17 PM Fee \$26.00 By
SOUTHERN UTAH TITLE

When Recorded mail to:
Nathan K. Fisher
444 East Tabernacle B-201
St. George Utah 84770

**FOURTH AMENDMENT AND ANNEXATION 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 Fourth Amendment and Annexation Amendment to District Declaration Of Covenants, Conditions, And Restrictions And Reservation Of Easements, And Bylaws For Casitas At Sienna Hills (the "Fourth 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. Prior to recording this Fourth Amendment, District Declarant will cause to be filed a Third Amendment to the District Declaration.
- F. The District Declarant has determined that to provide for the preservation and enhancement of the property value that said District Declaration be amended to annex certain real property to expand the property subject to the District Declaration as hereinafter set forth.

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

ANNEXATION

This is a Declaration of Annexation prepared pursuant to Article II Submission of the District Declaration.

Casitas At Sienna Hills Phase 2, consists of Lots 22, 23, 24, 25, 26, 27, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 77 and 78, CASITAS AT SIENNA HILLS PHASE 2, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah (the "Phase 2 Lots") as originally

anticipated and illustrated on the Preliminary Plat attached to the Third Amendment to District Declaration.

District Declarant intends and hereby subjects the Phase 2 Lots and the associated District Common Area and District Limited Common Area to the terms of the District Declaration, as amended from time to time, which property is set forth in Exhibit A. The Phase 2 Lots and the District Common Area and District Limited Common Area are located on the following described property in Washington County, State of Utah, including Lots, District Common Area and District Limited Common Area as set forth on the Plat filed for Phase 2:

See Exhibit A attached hereto and incorporated herein for legal description
(hereinafter referred to as the "Phase 2 Property")

The District Declarant hereby consents to the annexation of the Phase 2 Property into the Casitas at Sienna Hills and further declares that the Phase 2 Property shall hereafter be held, sold, conveyed, encumbered, leased, used, occupied and improved as part of the District Land (as that term is used in the District Declaration) and subject to the District Declaration, as amended, and all protective covenants, conditions, restrictions and equitable servitudes set forth in the District Declaration, as amended from time to time, the terms of which are deemed incorporated herein by this reference, and to the jurisdiction of the Association and entitled to all rights and privileges afforded therein. The covenants, conditions and restrictions of the District Declaration are intended to, and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Phase 2 Property, and shall inure to the benefit of all other lots that are subject to the District Declaration, as amended from time to time. The covenants, conditions and restrictions of the District Declaration, as amended, shall be binding upon the Casitas at Sienna Hills District Association and the District Declarant as well as their successors in interest, and may be enforced by them or by an owner of a District Lot to the extent provided in the District Declaration.

District Declarant and the District Association hereby declare that the Phase 2 Property is added to and made a part of the District Land subject to the District Declaration. The Phase 2 Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to the District Declaration, as amended from time to time.

The District Declaration is amended to annex the following described real property to expand the property which shall be hereafter subject to the District Declaration, as amended from time to time.

Exhibit A to the District Declaration shall be amended by removing the original language and replacing it with the following:

**EXHIBIT A
LEGAL DESCRIPTION OF THE**

CASITAS AT SIENNA HILLS PROPERTY

The District Land described in the foregoing document as the Casitas at Sienna Hills Phase 1 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.

The District Land described in the foregoing document as the Casitas at Sienna Hills Phase 2 is located in Washington County, Utah and is described more particularly as follows:

Lots 22, 23, 24, 25, 26, 27, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 77 and 78, CASITAS AT SIENNA HILLS PHASE 2, 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 # and W-CASS-2-Lot #

And

**CASITAS AT SIENNA HILLS PHASE 2
BOUNDARY LEGAL**

BEGINNING AT A POINT N 1°02'42" E 1691.85 FEET ALONG THE EAST SECTION LINE OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, FROM THE SOUTHEAST CORNER OF SAID SECTION, POINT BEING ON THE NORTHERLY BOUNDARY OF CASITAS AT SIENNA HILLS PHASE 1 AMENDED, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDER'S OFFICE, STATE OF UTAH, AND RUNNING THENCE ALONG SAID BOUNDARY EIGHT (8) COURSES, (1) THENCE N 78°46'06" W 49.01 FEET TO A POINT ON A 187.66 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N 78°46'06" W; (2) THENCE ALONG THE ARC OF SAID CURVE 35.94 FEET THROUGH A CENTRAL ANGLE OF 10°58'27" TO A POINT ON A 1232.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; (3) THENCE ALONG THE ARC OF SAID CURVE 98.47 FEET THROUGH A CENTRAL ANGLE OF 4°34'46"; (4) THENCE N 84°34'08" W 318.91 FEET; (5) THENCE N 75°21'13" W 34.00 FEET; (6) THENCE S 14°38'47" W 91.82 FEET TO A POINT ON A 187.66 FOOT RADIUS CURVE TO THE LEFT; (7) THENCE ALONG THE ARC OF SAID CURVE 28.08 FEET THROUGH A CENTRAL ANGLE OF 8°34'22"; (8) THENCE N 80°49'22" W 163.12 FEET TO A POINT ON THE EASTERLY BOUNDARY OF COPPER LEAF AT SIENNA HILLS SUBDIVISION, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDER'S OFFICE, STATE OF UTAH, POINT ALSO BEING ON A 75.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S 61°11'09" E; THENCE ALONG SAID BOUNDARY THE FOLLOWING SEVEN (7) COURSES (1) THENCE ALONG THE ARC OF SAID CURVE 9.14 FEET THROUGH A CENTRAL ANGLE OF 6°59'00"; (2) THENCE N 35°47'51" E 93.42 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE TO THE LEFT; (3) THENCE ALONG THE ARC OF SAID CURVE 27.62 FEET THROUGH A CENTRAL ANGLE OF 63°18'26" TO A POINT ON A

85.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; (4) THENCE ALONG THE ARC OF SAID CURVE 48.18 FEET THROUGH A CENTRAL ANGLE OF 32°28'45"; (5) THENCE N 4°58'13" E 44.24 FEET; (6) THENCE N 39°25'22" E 82.43 FEET; (7) THENCE N 8°07'03" W 99.01 FEET; THENCE N 83°48'14" E 138.53 FEET; THENCE N 6°11'46" W 15.35 FEET; THENCE N 83°48'14" E 34.00 FEET; THENCE N 76°18'12" E 35.04 FEET; THENCE N 86°30'32" E 197.91 FEET; THENCE S 84°26'00" E 34.94 FEET; THENCE N 86°30'32" E 34.00 FEET; THENCE S 3°29'28" E 23.00 FEET; THENCE N 87°24'20" E 104.35 FEET; THENCE S 1°57'04" E 206.34 FEET; THENCE S 14°11'40" W 162.96 FEET; THENCE S 2°59'30" W 126.70 FEET; THENCE S 15°59'31" W 7.94 FEET TO THE NORTHEAST CORNER OF SAID CASITAS AT SIENNA HILLS PHASE 1 AMENDED; THENCE N 78°46'06" W 49.56 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING.

CONTAINS 222,149 SQ FT OR 5.10 ACRES MORE OR LESS

LESS AND EXCEPTING the un-irrigated open space areas which shall be maintained by the Sienna Hills Master Home Owner Association, being more particularly described as follows:

EAST AREA:

BEGINNING AT A POINT N 1°02'42" E 1691.85 FEET ALONG THE EAST SECTION LINE OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, AND S 78°46'06" E 37.46 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION, POINT BEING ON THE NORTHERLY BOUNDARY OF CASITAS AT SIENNA HILLS PHASE 1, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDER'S OFFICE, STATE OF UTAH, AND RUNNING THENCE N 1°50'01" E 97.87 FEET; THENCE N 3°01'37" E 14.46 FEET; THENCE N 4°57'17" E 80.00 FEET; THENCE N 9°47'11" E 14.32 FEET; THENCE N 9°12'39" E 80.00 FEET; THENCE N 12°03'38" E 20.14 FEET; THENCE N 4°34'40" E 88.07 FEET; THENCE N 2°23'00" W 102.64 FEET; THENCE N 87°24'20" E 20.61 FEET; THENCE S 1°57'04" E 206.34 FEET; THENCE S 14°11'40" W 162.96 FEET; THENCE S 2°59'30" W 126.70 FEET; THENCE S 15°59'31" W 7.94 FEET TO THE NORTHEAST CORNER OF SAID CASITAS AT SIENNA HILLS PHASE 1; THENCE N 78°46'06" W 12.10 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING.

CONTAINS 10,808 SQ FT OR 0.25 ACRE MORE OR LESS

WEST AREA:

BEGINNING AT A POINT N 89°14'37" W 495.45 FEET ALONG THE SOUTH LINE OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, N 0°45'23" E 1764.74 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION, POINT BEING ON THE NORTHERLY BOUNDARY OF CASITAS AT SIENNA HILLS PHASE 1, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDER'S OFFICE, STATE OF UTAH, AND RUNNING THENCE N 80°49'22" W 77.81 FEET TO A POINT ON THE EASTERLY BOUNDARY OF COPPER LEAF AT SIENNA HILLS SUBDIVISION, RECORDED AND ON FILE AT WASHINGTON COUNTY

RECORDER'S OFFICE, STATE OF UTAH, POINT ALSO BEING ON A 75.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S 61°11'09" E; THENCE ALONG SAID BOUNDARY THE FOLLOWING SEVEN (7) COURSES (1) THENCE ALONG THE ARC OF SAID CURVE 9.14 FEET THROUGH A CENTRAL ANGLE OF 6°59'00"; (2) THENCE N 35°47'51" E 93.42 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE TO THE LEFT; (3) THENCE ALONG THE ARC OF SAID CURVE 27.62 FEET THROUGH A CENTRAL ANGLE OF 63°18'26" TO A POINT ON A 85.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; (4) THENCE ALONG THE ARC OF SAID CURVE 48.18 FEET THROUGH A CENTRAL ANGLE OF 32°28'45"; (5) THENCE N 4°58'13" E 44.24 FEET; (6) THENCE N 39°25'22" E 82.43 FEET; (7) THENCE N 8°07'03" W 99.01 FEET; THENCE N 83°48'14" E 57.40 FEET; THENCE S 0°22'10" E 92.99 FEET; THENCE S 14°38'47" W 297.34 FEET TO THE POINT OF BEINGING.

CONTAINS 21,590 SQ FT OR 0.50 ACRE MORE OR LESS

The foregoing property which is also described on Exhibit A, which is attached hereto and incorporated herein, is hereby submitted to the District Declaration, as amended, and shall be subject to the covenants, conditions and restrictions of the District Declaration, as amended.

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 Fourth Amendment and Annexation 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

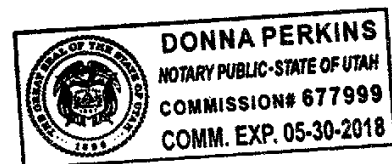


EXHIBIT A
LEGAL DESCRIPTION OF THE
CASITAS AT SIENNA HILLS PROPERTY
(Phase 1 and Phase 2)

The District Land described in the foregoing document as the Casitas at Sienna Hills Phase 1 is located in Washington County, Utah and is described more particularly as follows:

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The District Land described in the foregoing document as the Casitas at Sienna Hills Phase 2 is located in Washington County, Utah and is described more particularly as follows:

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Tax Serial Number: W-CASS-1-Lot # and W-CASS-2-Lot#

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POINT ON A 25.00 FOOT RADIUS CURVE TO THE LEFT; (3) THENCE ALONG THE ARC OF SAID CURVE 27.62 FEET THROUGH A CENTRAL ANGLE OF 63°18'26" TO A POINT ON A 85.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT; (4) THENCE ALONG THE ARC OF SAID CURVE 48.18 FEET THROUGH A CENTRAL ANGLE OF 32°28'45"; (5) THENCE N 4°58'13" E 44.24 FEET; (6) THENCE N 39°25'22" E 82.43 FEET; (7) THENCE N 8°07'03" W 99.01 FEET; THENCE N 83°48'14" E 138.53 FEET; THENCE N 6°11'46" W 15.35 FEET; THENCE N 83°48'14" E 34.00 FEET; THENCE N 76°18'12" E 35.04 FEET; THENCE N 86°30'32" E 197.91 FEET; THENCE S 84°26'00" E 34.94 FEET; THENCE N 86°30'32" E 34.00 FEET; THENCE S 3°29'28" E 23.00 FEET; THENCE N 87°24'20" E 104.35 FEET; THENCE S 1°57'04" E 206.34 FEET; THENCE S 14°11'40" W 162.96 FEET; THENCE S 2°59'30" W 126.70 FEET; THENCE S 15°59'31" W 7.94 FEET TO THE NORTHEAST CORNER OF SAID CASITAS AT SIENNA HILLS PHASE 1 AMENDED; THENCE N 78°46'06" W 49.56 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING.

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