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DOC # 20180005819

Restrictive Page 1 of 8  
Russell Shirts Washington County Recorder  
02/08/2018 03:23:01 PM Fee \$ 24.00  
By INWEST TITLE SERVICES INC

WHEN RECORDED, MAIL TO:

Merrill Properties, LLC  
c/o Brad & Sara Merrill  
470 Country Lane Unit 11  
Santa Clara, UT 84765

SUPPLEMENT AND AMENDMENT NO. 5 TO  
DECLARATION OF COVENANTS, CONDITIONS,  
EASEMENTS AND PROTECTIVE COVENANTS  
FOR  
PARADISE VILLAGE AT ZION

THIS SUPPLEMENT AND AMENDMENT NO. 5 TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND PROTECTIVE COVENANTS FOR PARADISE VILLAGE AT ZION (the "**Amendment**") is executed this 23 day of January, 2017, by Merrill Properties, LLC, a Utah limited liability company (the "**Declarant**").

RECITALS

A. Declarant caused to be recorded a Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of June 27, 2014, and recorded on July 2, 2014, in the official records of Washington County, Utah as document number 20140020242, as modified and/or supplemented by that certain Amendment No. 1 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of March 23, 2016, and recorded on April 25, 2016, in the official records of Washington County, Utah as document number 20160014432, by that certain Amendment No. 2 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of June 20, 2016 and recorded on June 24, 2016, in the official records of Washington County, Utah as document number 20160022622, by that certain Amendment No. 3 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of April 3, 2017 and recorded on April 6, 2017, in the official records of Washington County, Utah as document number 20170014119, and by that certain Amendment No. 4 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of August 24, 2017 and recorded on November 9, 2017, in the official records of Washington County, Utah as document number 20170045516 (collectively, the "**Declaration**") concerning the real property located in Washington County, State of Utah, as more particularly described in Exhibit "A," attached hereto and incorporated herein (the "**Property**") and as more particularly described in Exhibit "A-1," attached hereto and incorporated herein (the "**Additional Property**").

B. During the Period of Administrative Control, Declarant, acting without the consent or approval of the Association or any other Owner, shall have the right to amend the Declaration pursuant to Section 15.2 of the Declaration and to bring within the scheme of the Declaration additional land within the area defined as Additional Land within the Declaration.

C. The Period of Administrative Control is still in effect as of the date hereof and Declarant desires to amend the Declaration by modifying provisions within the Declaration and subjecting additional land to the Declaration.

NOW, THEREFORE, Declarant amends the Declaration as follows:


1. Modification of Section 14.20. Section 14.20 of the Declaration is hereby deleted in its entirety and replaced by the following:

**14.20 Playground.** No jungle gyms, trampolines, basketball standards, sport courts, tennis courts, swing sets, club houses, or similar playground equipment shall be erected or installed on the Common Area adjacent to any Unit, except as installed by Declarant and incorporated as part of the Common Area of the Community, or except (a) placed on real property owned by an Owner that is not subject to the terms and conditions of this Declaration, or (b) placed on Exclusive Common Area designated for a particular Unit that is improve separately as a stand-alone Improvement (i.e., not part of a driveway or other Common Area improvements) and approved by the Board in accordance with the terms and conditions of this Declaration; provided, however, that any such improvements shall be placed to the side or rear of any Residence and in no event shall such improvements be placed in front of any Residence, including, but not limited to, affixed to a Residences, such as over a garage, or adjacent to or on any driveway. The front of a Residence shall extend from the furthest set back part of the front of any Residence.

2. Miscellaneous. The recitals are hereby incorporated into this Amendment. Except as provided herein, the terms and conditions of the Declaration shall remain the same and in full force and effect and are incorporated herein as amended hereby.

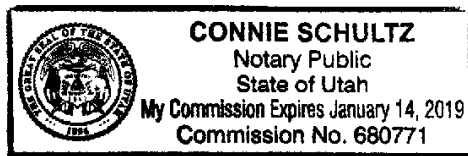
IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date first above written.

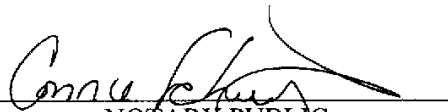
MERRILL PROPERTIES, LLC,  
a Utah limited liability company

By:   
Brad E. Merrill, Manager

STATE OF UTAH                    )  
  ) ss.  
County of Washington        )

On the 23<sup>rd</sup> day of January, 2018, personally appeared before me Brad E. Merrill, known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument on behalf of Merrill Properties, LLC, a Utah limited liability company, and who acknowledged to me that said entity executed it.



  
NOTARY PUBLIC

**EXHIBIT "A"**

**(Legal Description of Property)**

Beginning at a point on the southerly line of North Town Road, said point being North 89°26'54" East 1,324.41 feet along the section line and South 00°42'28" West 31.33 feet from the North Quarter Corner of Section 8, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence northeasterly the following (3) courses along said North Town Road;  
thence northeasterly 135.65 feet along an arc of a 390.00 foot radius curve to the left (center bears North 12°39'31" West, long chord bears North 67°22'38" East 134.97 feet with a central angle of 19°55'42");  
thence North 57°24'47" East 292.91 feet;  
thence easterly 39.27 feet along an arc of a 25.00 foot radius curve to the right (center bears South 32°35'13" East, long chord bears South 77°35'25" East 35.35 feet with a central angle of 89°59'36") to the westerly line of Rachel Drive;  
thence southeasterly the following (5) courses along said easterly line of Rachel Drive;  
thence South 32°35'37" East 205.00 feet;  
thence southeasterly 337.53 feet along an arc of a 390.00 foot radius curve to the left (center bears North 57°24'23" East, long chord bears South 57°23'14" East 327.09 feet with a central angle of 49°35'14");  
thence South 82°10'51" East 268.54 feet;  
thence southeasterly 376.07 feet along an arc of a 260.00 foot radius curve to the right (center bears South 07°49'09" West, long chord bears South 40°44'39" East 344.13 feet with a central angle of 82°52'25");  
thence South 00°41'33" West 181.51 feet to the south line of Lot 6, Block 29, St. George and Santa Clara Bench Irrigation Company Survey;  
thence South 89°37'38" West 1,263.42 feet along the southerly line of Lots 6 and 5 to the southwest corner of Lot 5, Block 29, St. George and Santa Clara Bench Irrigation Company Survey;  
thence North 89°17'32" West 24.75 feet;  
thence North 00°42'28" East 633.65 feet to the Point of Beginning.

Containing 741,910 square feet or 17.03 acres.

Also described as follows:

PARCEL 1: SC-6-2-8-11031

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF NORTH TOWN ROAD, SAID POINT BEING NORTH 89°26'54" EAST 1,324.41 FEET ALONG THE SECTION LINE AND SOUTH 00°42'28" WEST 31.33 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING; THENCE NORTHEASTERLY THE FOLLOWING (3) COURSES ALONG SAID NORTH TOWN ROAD; THENCE NORTHEASTERLY 135.65

FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 12°39'31" WEST, LONG CHORD BEARS NORTH 67°22'38" EAST 134.97 FEET WITH A CENTRAL ANGLE OF 19°55'42"); THENCE NORTH 57°24'47" EAST 292.91 FEET; THENCE EASTERLY 39.27 FEET ALONG AN ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 32°35'13" EAST, LONG CHORD BEARS SOUTH 77°35'25" EAST 35.35 FEET WITH A CENTRAL ANGLE OF 89°59'36") TO THE WESTERLY LINE OF RACHEL DRIVE; THENCE SOUTHEASTERLY THE FOLLOWING (5) COURSES ALONG SAID EASTERLY LINE OF RACHEL DRIVE; THENCE SOUTH 32°35'37" EAST 205.00 FEET; THENCE SOUTHEASTERLY 337.53 FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 57°24'23" EAST, LONG CHORD BEARS SOUTH 57°23'14" EAST 327.09 FEET WITH A CENTRAL ANGLE OF 49°35'14"); THENCE SOUTH 82°10'51" EAST 268.54 FEET; THENCE SOUTHEASTERLY 376.07 FEET ALONG AN ARC OF A 260.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 07°49'09" WEST, LONG CHORD BEARS SOUTH 40°44'39" EAST 344.13 FEET WITH A CENTRAL ANGLE OF 82°52'25"); THENCE SOUTH 00°41'33" WEST 181.51 FEET TO THE SOUTH LINE OF LOT 6, BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE SOUTH 89°37'38" WEST 1,263.42 FEET ALONG THE SOUTHERLY LINE OF LOTS 6 AND 5 TO THE SOUTHWEST CORNER OF LOT 5 BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE NORTH 89°17'32" WEST 24.75 FEET; THENCE NORTH 00°42'28" EAST 633.65 FEET TO THE POINT OF BEGINNING.

LESS LAND IN PARADISE VILLAGE AT ZION PHASE 1 AMENDED  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 2  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 3 AMENDED  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 4  
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 5

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 2: (SC-PVZ-1-1,2,3,4,5,6,7,37,38,39,40,41,42,43)  
ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 37, 38, 39, 40, 41, 42 AND 43, PARADISE VILLAGE AT ZION PHASE 1, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF; ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 3 (SC-PVZ-2-51,55,56,57,58,59,63,65,67,69,70)  
ALL OF LOTS 51, 55, 56, 57, 58, 59, 63, 65, 67, 69, 70, PARADISE VILLAGE AT ZION PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 4: (SC-PVZ-3-22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,44,45,46,47,48,49,50)  
ALL OF LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 44, 45, 46, 47, 48, 49  
AND 50, PARADISE VILLAGE AT ZION PHASE 3, ACCORDING TO THE OFFICIAL  
PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON  
COUNTY, STATE OF UTAH.

PARCEL 5: (SC-PVZ-4-8,9,10,11,12,13,14,15,16,17,18,19,20,21)  
ALL OF LOTS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, PARADISE VILLAGE AT  
ZION PHASE 4, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE  
OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 6: (SC-PVX-5-71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,89)  
ALL OF LOTS 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89 PARADISE  
VILLAGE AT ZION PHASE 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON  
FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY STATE OF  
UTAH.

**EXHIBIT "A-1"**

**(Legal Description of Additional Property)**

ALL OF LOT 6, BLOCK 30, OF THE ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY, BEING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN.

LESS AND EXCEPTING THE FOLLOWING TWO PARCELS:

(1) ALL OF SNOW CANYON KH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

(2) THAT PORTION DEDICATED TO SANTA CLARA CITY FOR NORTH TOWN ROAD AND HAMBLIN PARKWAY, BY DEED OF DEDICATION RECORDED FEBRUARY 9, 2012 AS ENTRY NO. 20120004301 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF SNOW CANYON KH SUBDIVISION, SAID POINT BEING NORTH 89°26'48" EAST 736.16 FEET ALONG THE SECTION LINE AND SOUTH 38.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTHERLY 38.70 FEET ALONG AN ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 0°33'37" EAST, LONG CHORD BEARS SOUTH 45°05'34" WEST 34.95 FEET WITH A CENTRAL ANGLE OF 88°42'05") ALONG THE NORTHWESTERLY LINE OF SAID SNOW CANYON KH SUBDIVISION; THENCE SOUTH 00°44'45" WEST 171.70 FEET ALONG THE WESTERLY LINE OF SAID SNOW CANYON KH SUBDIVISION; THENCE SOUTHERLY 267.33 FEET ALONG AN ARC OF A 706.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 89°15'15" WEST LONG CHORD BEARS SOUTH 11°35'37" WEST 265.74 FEET WITH A CENTRAL ANGLE OF 21°41'43") ALONG AND BEYOND SAID SUBDIVISION TO THE WESTERLY LINE OF LOT 6, BLOCK 30, ST. GEORGE SANTA CLARA IRRIGATION BENCH SURVEY, SAID POINT ALSO BEING THE EASTERLY LINE OF TUSCANY AT CLIFFROSE PHASE 1; THENCE NORTH 00°44'49" EAST 455.99 FEET ALONG SAID EASTERLY LINE OF TUSCANY AT CLIFFROSE PHASE 1; THENCE NORTH 89°26'48" EAST 74.45 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "C"**

**(Legal Description of Annexed Property)**

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF NORTH TOWN ROAD, SAID POINT BEING NORTH 89°26'54" EAST 911.74 FEET ALONG THE SECTION LINE AND SOUTH 40.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE EASTERLY ALONG THE FOLLOWING (2) COURSES ALONG SAID SOUTHERLY LINE OF NORTH TOWN ROAD; THENCE NORTH 89°26'54" EAST 330.56 FEET; THENCE EASTERLY 82.41 FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 00°33'06" WEST, LONG CHORD BEARS NORTH 83°23'42" EAST 82.26 FEET WITH A CENTRAL ANGLE OF 12°06'24") TO THE NORTHWEST CORNER OF PARADISE VILLAGE AT ZION PHASE 2; THENCE SOUTH 00°42'28" WEST 647.10 FEET ALONG AND BEYOND SAID WEST LINE OF PARADISE VILLAGE AT ZION PHASE 2; THENCE SOUTH 89°37'34" WEST 662.62 FEET TO AND ALONG THE SOUTHERLY LINE OF LOT 6, BLOCK 30, OF THE ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY TO THE SOUTHWEST CORNER OF SAID LOT 6, SAID POINT ALSO BEING THE EASTERLY LINE OF TUSCANY AT CLIFFROSE PHASE 2; THENCE NORTH 00°44'49" EAST 182.38 FEET ALONG THE WESTERLY LINE OF SAID LOT 6 AND SAID LINE BEING THE EASTERLY LINE OF SAID TUSCANY AT CLIFFROSE PHASE 2 TO THE SOUTHERLY LINE OF HAMBLIN PARKWAY; THENCE NORTHERLY 188.25 FEET ALONG AN ARC OF A 706.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 67°33'30" WEST, LONG CHORD BEARS NORTH 14°48'11" EAST 187.69 FEET WITH A CENTRAL ANGLE OF 15°16'38") ALONG THE SOUTHWESTERLY LINE OF HAMBLIN PARKWAY TO THE SOUTHWEST CORNER OF SNOW CANYON KH SUBDIVISION; THENCE EASTERLY AND NORTHERLY THE FOLLOWING (3) COURSES ALONG SAID SNOW CANYON KH SUBDIVISION; THENCE SOUTH 51°46'51" EAST 42.78 FEET; THENCE NORTH 89°26'48" EAST 170.51 FEET; THENCE NORTH 00°44'45" EAST 299.75 FEET TO THE POINT OF BEGINNING.

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH.

(PROPOSED PARADISE VILLAGE AT ZION PHASE 6)