

1-46

DOC # 20190039230

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
09/26/2019 10:05:30 AM Fee \$ 132.00
By JENKINS & BAGLEY

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Recorded at the request of:
Sun River St. George Community Association, Inc.

**Record against the Property
described in Exhibit A**

After Recording mail to:
JENKINS BAGLEY, PLLC
Attn: Bruce C. Jenkins
285 W. Tabernacle, Ste. 301
St. George, UT 84770

**FIRST AMENDMENT TO THE CORRECTED SECOND RESTATED AND AMENDED
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SUN
RIVER ST. GEORGE**

As more particularly stated herein, this First Amendment to the Corrected Second Restated and Amended Declaration of Covenants, Conditions, and Restrictions for Sun River St. George (hereinafter "Amendment"), amends the following:

- (i) The Corrected Second Restated and Amended Declaration of Covenants, Conditions, and Restrictions for Sun River St. George was recorded in the records of the Washington County Recorder's Office, Washington County, Utah, Doc. # 20160044333, dated November 21, 2016.
- (ii) Any and all supplements or amendments to the Declaration prior to the date of this Amendment, whether or not such were recorded in the records of the Washington County Recorder (the foregoing are collectively referred to herein as the "Declaration").

This Amendment is undertaken pursuant to Article XVI, Section 16.2 of the Declaration which provides that the Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of sixty-seven percent (67%) of the total of those who vote, provided that, at least forty percent (40%) of the total votes in the Association are cast. This Amendment shall take effect upon the date it is recorded in the records of the Washington County Recorder (the "Amendment Date"). All of the Property known as "Sun River" (described in Exhibit A attached hereto and made a part hereof) shall be held, sold, and conveyed subject to the Declaration as amended by this Amendment.

Article III, Section 3.3

The following amends, wholly replaces, and substitutes for Section 3.3 of Article III in the Declaration:

3.3. Voting. The Association shall have one class of membership composed of all Owners. Each Owner shall have one (1) equal vote for each Lot in which it holds the interest required for membership under Section 3.2, provided there shall be only one (1) vote per Lot and

no vote shall be exercised for any property which is exempt from assessment under Section 8.13.

The Special Declarant Rights, including the right to approve, or withhold approval of, actions proposed under the Second Restated and Amended Declaration, the Second Amended and Restated By-Laws and the Articles during the Declarant Board Control Period, are specified in the relevant sections of the Second Restated and Amended Declaration, the Second Amended and Restated By-Laws, and the Articles. The Declarant may appoint a majority of the members of the Board during the Declarant Board Control Period, as specified in Section 3.3 of the By-Laws.

Members may vote directly, by ballot, or by proxy as provided in the By-Laws. The Board shall determine whether votes shall be cast in person or by mail or electronic means. If there is more than one (1) Owner of a particular Lot, a vote cast at any Association meeting by any of such co-owners, whether in Person, by ballot, or by proxy, shall be conclusively presumed to be the vote attributable to the Lot concerned unless written objection is made prior to said meeting, or verbal objection is made at said meeting, by another co-Owner of the same Lot. In the event an objection is made, the vote involved shall not be counted for any purpose except to determine whether a quorum exists.

Article XVI, Section 16.11

The following adds Section 16.11 to Article XVI in the Declaration:

16.11. Notice. When notice is required under the Declaration, notice shall be given as provided in the By-Laws.

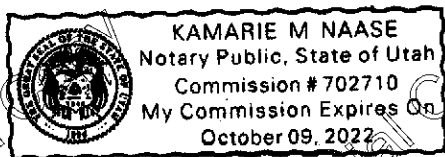
IN WITNESS WHEREOF, the undersigned has executed this Amendment on this 26 day of September, 2019.

SUN RIVER ST. GEORGE COMMUNITY ASSOCIATION, INC., a Utah nonprofit corporation

Gene E Rogers
By: Gene Rogers
Its: President

STATE OF UTAH)
 : ss.
County of Washington)

On the 26 day of September, 2019, personally appeared before me Gene Rogers who being by me duly sworn, did say that she is the President of the Sun River St. George Community Association, Inc., a Utah nonprofit corporation, the authorized individual empowered to sign this Amendment and that the Amendment was signed on behalf of said Association and said person acknowledged to me that said Association authorized the execution of the same.



Kamarie M Naase
NOTARY PUBLIC
First Amendment
Sun River
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EXHIBIT "A"

LEGAL DESCRIPTION

This First Amendment to the Corrected Second Restated and Amended Declaration of Covenants, Conditions, and Restrictions for Sun River St. George affects the following real property, all located in Washington County, State of Utah, including any other property annexed into the Association:

All of Phases 1 through 57, including any and all Common Area, as shown on the Official Plats, according to the official records of the Washington County Recorder:

| Phase | Lots | Tax ID Nos. |
|-------|---|---|
| 1A | 1-12 | SG-SUR-1-1A-1-12 |
| 1B | 14/15; 16-A-17-A 18-24; 25-A 27-80; 81-A 83-84; 85-A 86-87; 88-A-101-A 102-107 | SG-SUR-1-1B-14/15; SG-SUR-1-1B-16-A-17-A SG-SUR-1-1B-18-24; SG-SUR-1-1B-25-A SG-SUR-1-1B-27-80; SG-SUR-1-1B-81-A SG-SUR-1-1B-83-84; SG-SUR-1-1B-85-A SG-SUR-1-1B-86-87; SG-SUR-1-1B-88-A-101-A SG-SUR-1-1B-102-107 |
| 1C | 252-293; 295-296 | SG-SUR-1-1C-252-293; SG-SUR-1-1C-295-296 |
| 1D | 194-251 | SG-SUR-1-1D-194-251 |
| 1E | 108-146 | SG-SUR-1-1E-108-146 |
| 2A | 147-193 | SG-SUR-2A-147-193 |
| 2B | 442-449 | SG-SUR-2B-442-449 |
| 3A | 297-367; 368-A; 370-371 | SG-SUR-3A-297-367; SG-SUR-3A-368-A; SG-SUR-3A-370-371 |
| 3B | 372-441 | SG-SUR-3B-372-441 |
| 4 | 450-497; 808-828 | SG-SUR-4-450-497; SG-SUR-4-808-828 |
| 5A | 498-513 | SG-SUR-5A-498-513 |
| 5B | 514-562 | SG-SUR-5B-514-562 |
| 6 | 563-609 | SG-SUR-6-563-609 |
| 7 | 610-650 | SG-SUR-7-610-650 |
| 8 | 651-695 | SG-SUR-8-651-695 |
| 9 | 696-739 | SG-SUR-9-696-739 |
| 10 | 740-807 | SG-SUR-10-740-807 |
| 11 | 829-875 | SG-SUR-11-829-875 |
| 12 | 876-929 | SG-SUR-12-876-929 |
| 13 | 1129-1155; 1157-1165 1167-1172; 1186-1188 1209-1211; 1226-1227 1232; 1235-1245 | SG-SUR-13-1129-1155; SG-SUR-13-1157-1165 SG-SUR-13-1167-1172; SG-SUR-13-1186-1188 SG-SUR-13-1209-1211; SG-SUR-13-1226-1227 SG-SUR-13-1232; SG-SUR-13-1235-1245 |
| 14 | 1110-1128; 1166 1173-1185; 1189-1208 1212-1225; 1228-1231 1233-1234 | SG-SUR-14-1110-1128; SG-SUR-14-1166 SG-SUR-14-1173-1185; SG-SUR-14-1189-1208 SG-SUR-14-1212-1225; SG-SUR-14-1228-1231 SG-SUR-14-1233-1234 |
| 15 | 930-1013 | SG-SUR-15-930-1013 |

| | | |
|-----|---|---|
| 16 | 1014-1109; 1019-B; 1913 | SG-SUR-16-1014-1109; SG-SUR-16-1019-B; SG-SUR-16-1913 |
| 17A | 1251-1285 | SG-SUR-17A-1251-1285 |
| 17B | 1286-1313 | SG-SUR-17B-1286-1313 |
| 18 | 1314-1346 | SG-SUR-18-1314-1346 |
| 19 | 1896-1912; 2035 | SG-SUR-19-1896-1912; SG-SUR-19-2035 |
| 20 | 1396-1437 | SG-SUR-20-1396-1437 |
| 21 | 1347-1395 | SG-SUR-21-1347-1395 |
| 22 | 1516-1519; 1520-A; 1520-C; 1521-1530; 1531-A; 1532-1555 | SG-SUR-22-1516-1519; SG-SUR-22-1520-A; SG-SUR-22-1520-C; SG-SUR-22-1521-1530; SG-SUR-22-1531-A; SG-SUR-22-1532-1555 |
| 23 | 1556-1586 | SG-SUR-23-1556-1586 |
| 24 | 1587-1627 | SG-SUR-24-1587-1627 |
| 25 | A; 1667-1687 | SG-SUR-25-A; SG-SUR-25-1667-1687 |
| 26 | 1628-1666 | SG-SUR-26-1628-1666 |
| 27 | 1246-1250 | SG-SUR-27-1246-1250 |
| 28 | 1438-1479 | SG-SUR-28-1438-1479 |
| 29 | 1726-1741 | SG-SUR-29-1726-1741 |
| 30 | A; 1480-1515; 1711- 1725 | SG-SUR-30-A; SG-SUR-30-1480-1515; SG-SUR-30-1711-1725 |
| 31 | 1742-1787 | SG-SUR-31-1742-1787 |
| 32 | 1862-1895 | SG-SUR-32-1862-1895 |
| 33 | 1788-1808 | SG-SUR-33-1788-1808 |
| 34 | 1809-1826 | SG-SUR-34-1809-1826 |
| 35 | A; 1688-1708 | SG-SUR-35-A; SG-SUR-35-1688-1708 |
| 36 | 1827-1861 | SG-SUR-36-1827-1861 |
| 37 | 1914-1920 1935-1941 | SG-SUR-37-1914-1920 SG-SUR-37-1935-1941 |
| 38 | 1921-1934 | SG-SUR-38-1921-1934 |
| 39 | 1942-1952 | SG-SUR-39-1942-1952; |
| 40 | 1953-1961; 1984-1993 | SG-SUR-40-1953-1961; SG-SUR-40-1984-1993 |
| 41 | A; 1962-1983 | SG-SUR-41-A; SG-SUR-41-1962-1983 |
| 42 | 1994-2015 | SG-SUR-42-1994-2015 |
| 43A | 2016-2020 | SG-SUR-43A-2016-2020 |
| 43B | 2021-2034 | SG-SUR-43B-2021-2034 |
| 44 | A; 2036-2058 | SG-SUR-44-A; SG-SUR-44-2036-2058 |
| 45 | A; 2059-2082 | SG-SUR-45-A; SG-SUR-45-2059-2082 |
| 46 | A; 2083-2108 | SG-SUR-46-A; SG-SUR-46-2083-2108 |
| 47 | A; 2109-2128 | SG-SUR-47-A; SG-SUR-47-2109-2128 |
| 48 | 2295-2322 | SG-SUR-48-2295-2322 |
| 49 | 2129-2149 | SG-SUR-49-2129-2149 |
| 50 | 2150-2171 | SG-SUR-50-2150-2171 |
| 51 | A; 2172-2193 | SG-SUR-51-A; SG-SUR-51-2172-2193 |
| 52 | 2194-2209 | SG-SUR-52-2194-2209 |
| 53 | 2210-2220 | SG-SUR-53-2210-2220 |
| 54 | 2221-2236 | SG-SUR-54-2221-2236 |

