

Amended Restrictive Covenants Page 1 of 7
Gary Christensen Washington County Recorder
05/18/2022 03:26:17 PM Fee \$40.00 By MERIDIAN
TITLE COMPANY

WHEN RECORDED RETURN TO:

Matt Scott
Richmond American Homes of Utah, Inc.
849 W. LeVoy Dr. Ste. 220
Salt Lake City, UT 84123

**FIRST AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS
FOR
BLACK RIDGE COVE**

This FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR BLACK RIDGE COVE (the **"First Amendment"**) is executed on the date set forth below, by Richmond American Homes of Utah, Inc., a Colorado corporation (the **"Declarant"**) pursuant to the provisions of the Amended and Restated Declaration described in Recital D below.

RECITALS

A. A Declaration of Covenants, Conditions, Easements and Restrictions for Black Ridge Cove was recorded in the Washington County Recorder's Office on June 18, 2021 as Entry No. 20210042426 (the **"Original Declaration"**) against certain real property located in Washington County, Utah as more particularly described on Exhibit A attached hereto and incorporated by this reference (the **"Property"**).

B. The Original Declaration was amended by that certain First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for Black Ridge Cove (the **"First Amendment to the Original Declaration"**), recorded in the Washington County Recorder's Office on December 22, 2021 as Entry No. 20210080558 in order to de-annex certain real property from the Original Declaration, which property is more specifically described as Black Ridge Cove Phase 5 according to the official plat filed in the office of the Washington County Recorder on April 29, 2021, as Entry Number 20210041881.

C. Subsequent to the recordation of the First Amendment to the Original Declaration, Black Ridge Cove, LLC, a Utah limited liability company, assigned all of its rights as the **"Declarant"** under the Original Declaration to Declarant pursuant to that certain Assignment and Assumption of Declarant Rights for Black Ridge Cove (**"Assignment of Declarant Rights"**) recorded in the Washington County Recorder's Office on December 22, 2021 as Entry No. 20210080599.

D. Subsequent to the recordation of the Assignment of Declarant Rights, Declarant recorded that certain Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions for Black Ridge Cove (the **"Amended and Restated Declaration"**) in the Washington County Recorder's Office on December 22, 2021 as Entry No. 20210080600. The Amended and Restated Declaration amended, restated and superseded the Original Declaration in its entirety.

E. Pursuant to Section 2.5 of the Amended and Restated Declaration, the Declarant has the unilateral right to amend the Amended and Restated Declaration to expand the Property and subject all or portions of the Additional Land to the provisions of the Amended and Restated Declaration.

F. Declarant desires to exercise its rights under Section 2.5 of the Amended and Restated Declaration to annex additional land to the Property and the Community. This First Amendment shall constitute a supplemental declaration as contemplated by Section 2.5, and shall be recorded in connection with the recordation of a supplemental plat incorporating the land being annexed into the Community and the Property. All capitalized terms used and not otherwise defined in this First Amendment shall have the meanings given to them in the Amended and Restated Declaration.

DECLARATION

NOW, THEREFORE, Declarant hereby amends the Amended and Restated Declaration as follows:

1. Annexation of Additional Property. Pursuant to Section 2.5 of the Amended and Restated Declaration, Declarant hereby annexes to the Property, and submits to the covenants, conditions and restrictions of the Amended and Restated Declaration, all of the property described on the attached Exhibit B attached hereto and incorporated by this reference (the “**Annexed Property**”). From and after the recording of this First Amendment and the related amendment to the Plat, the Annexed Property shall be considered part of the Property, together with the property described in the Amended and Restated Declaration, and shall be subject to all of the terms, conditions, covenants and restrictions set forth in the Amended and Restated Declaration. From and after the recording of this First Amendment and the related amendment to the Plat, all current and future owners of the Annexed Property, or any portion thereof, shall be members of Black Ridge Cove Owners Association (the “**Association**”). Up to 36 additional Building Pads may be created and the same number of Detached Townhomes may be constructed on the Annexed Property, with each Building Pad on the Annexed Property having an appurtenant vote in the affairs of the Association.

2. Consent to Annexation by Owner. Black Ridge Cove, LLC, as the owner of the Annexed Property, hereby consents to the annexation of the Annexed Property pursuant to Section 2.5 of the Amended and Restated Declaration and to the submission of the Annexed Property to the covenants, conditions and restrictions of the Amended and Restated Declaration.

3. Incorporation of Recitals and Exhibits. The Recitals set forth at the beginning of this First Amendment, together with the Exhibits attached hereto, are incorporated herein by this reference.

[Signatures set forth on the following pages]

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to be executed
this 18 day of May, 2022.

**RICHMOND AMERICAN HOMES OF
UTAH, INC.,**
a Colorado corporation

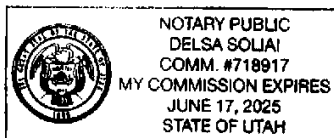
By: [Signature]

Name: Scott Turner

Its: EVPO

STATE OF UTAH)
COUNTY OF Utah) ss.

On the 18 day of May, 2022, personally appeared before me
Scott Turner who by me being duly sworn, did say that she/he is the
EVPO of RICHMOND AMERICAN HOEMS OF UTAH, INC., and that the
foregoing instrument is signed on behalf of said company and executed with all necessary authority.



[Signature]

Notary Public

My commission expires: June 17, 2025

Residing at: Utah Canyon

[Signatures continue on the following page]

IN WITNESS WHEREOF, Black Ridge Cove, LLC, as the owner of the Annexed Property, has caused this First Amendment to be executed this 18 day of May, 2022.

BLACK RIDGE COVE, LLC,
a Utah limited liability company

By: [Signature]
Name: David M. Nilsson
Its: Authorized Person

STATE OF UTAH)
COUNTY OF Washington) ss.

On the 18 day of May, 2022, personally appeared before me David M. Nilsson who by me being duly sworn, did say that she/he is the authorized Person of BLACK RIDGE COVE, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



[Signature]
Notary Public
My commission expires: 4-12-23
Residing at: St. George, UT

EXHIBIT A

Property

All of **BLACK RIDGE COVE PHASE 1**, according to the official plat filed in the office of the Washington County Recorder on April 29, 2021 as Entry Number 20210041881, including Lots 101 through 126, Parcel Numbers: **SG-BRC-1-101** through **SG-BRC-1-126**, and **SG-BRC-1-COMMON**
and
PARCEL SG-6-2-36-412

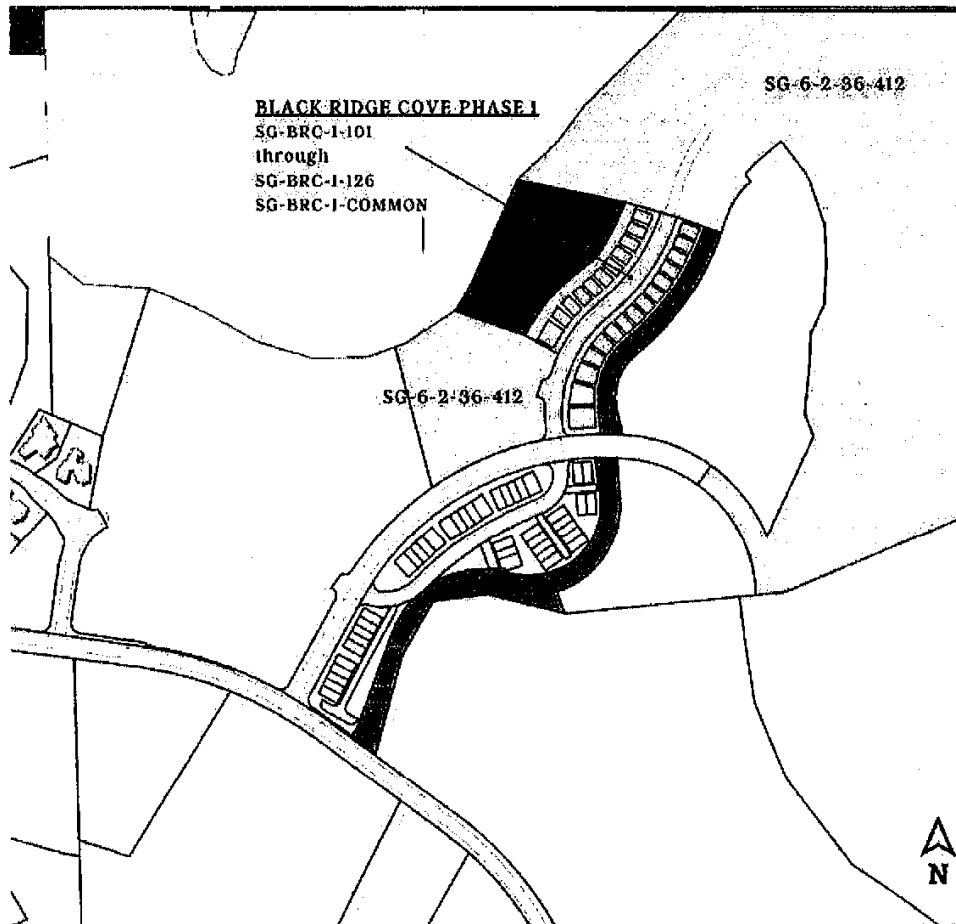


EXHIBIT B

Annexed Property

All of BLACK RIDGE COVE PHASE 3, according to the official plat filed in the office of the Washington County Recorder on April 27, 2022, as Document No. 20220023372 and described as follows:

Black Ridge Cove Phase 3

Beginning at a point which is North 88°42'05" West 427.07 feet along the North section line from the North 1/4 corner of Section 36 Township 42 South Range 16 West of the Salt Lake Base and Meridian and running thence South 00°02'53" West 127.70 feet to the point of curvature of a curve to the right having a radius of 320.00 feet; thence Southwesterly 314.53 feet along the arc of said curve through a central angle of 56°18'57" to the point of reverse curvature of a curve to the left having a radius 455.00 feet; thence Southwesterly 82.86 feet along the arc of said curve through a central angle of 10°26'03" to a point of non-tangency; thence South 43°03'45" West 45.52 feet to a point on the arc of a non-tangent curve to the right having a radius of 377.50 feet; thence Southeasterly 26.47 feet along the arc of said curve through a central angle of 04°01'03", the radial direction bears South 52°13'55" West, to a point on the arc of a non-tangent curve to the left having a radius of 243.00 feet; thence Southwesterly 110.15 feet along the arc of said curve through a central angle of 25°58'14", the radial direction bears South 39°02'50" East, to the point of compound curvature of a curve to left having a radius of 440.57 feet; thence Southwesterly 49.15 feet along the arc of said curve through a central angle 06°23'30" to a point on the arc of a non-tangent curve to the right having a radius of 792.42 feet; thence Southwesterly 19.81 feet along the arc of said curve through a central angle of 01°25'56", the radial direction bears North 71°13'44" West, to a point of non-tangency; thence North 69°01'10" West 139.47 feet; thence North 73°42'30" West 50.11 feet; thence North 72°52'24" West 111.20 feet; thence North 77°04'30" West 329.61 feet; thence North 48°14'56" East 164.96 feet; thence North 38°14'53" East 130.39 feet; thence North 46°40'04" East 404.74 feet to a point on said North section line; thence South 88°42'05" East 422.70 feet along said North section line to the point of beginning.

Contains 8.10 acres.

All of BLACK RIDGE COVE PHASE 7, according to the official plat filed in the office of the Washington County Recorder on April 27, 2022, as Document No. 20220023373 and described as follows:

Black Ridge Cove Phase 7

Beginning at a point which is North 88°42'05" West 1539.80 feet along the North section line and South 00°00'00" East 888.04 feet from the North 1/4 corner of Section 36 Township 42 South Range 16 West of the Salt Lake Base and Meridian and running thence South 69°01'34" East 219.99 feet; thence South 59°47'16" East 113.90 feet to a point on the arc of a non-tangent curve to the left having a radius of 420.00 feet; thence Southwesterly 64.00 feet along the arc of said curve through a central angle of 08°43'52", the radial direction bears South 63°24'17" East, to the point of reverse curvature of a curve to the right having a radius of 25.00 feet; thence Southwesterly 33.66 feet along the arc of said curve through a central angle of 77°08'13" to a

point of non-tangency; thence South $19^{\circ}12'24''$ West 52.00 feet to a point on the arc of a non-tangent curve to the right having a radius of 25.00 feet; thence Southeasterly 40.79 feet along the arc of said curve through a central angle of $93^{\circ}29'31''$, the radial direction bears South $01^{\circ}20'35''$ West, to the point of reverse curvature of a curve to left having a radius of 420.00 feet; thence Southeasterly 76.04 feet along the arc of said curve through a central angle of $10^{\circ}22'24''$ to a point on the arc of a non-tangent curve to the right having a radius of 25.00 feet; thence Southwesterly 36.95 feet along the arc of said curve through a central angle of $84^{\circ}40'26''$, the radial direction bears South $84^{\circ}27'49''$ West, to the point of reverse curvature of a curve to the left having a radius of 885.00 feet; thence Southwesterly 350.15 feet along the arc of said curve through a central angle of $22^{\circ}40'09''$ to a point of non-tangency; thence North $13^{\circ}33'10''$ West 431.17 feet; thence North $71^{\circ}06'16''$ East 36.45 feet; thence North $58^{\circ}01'42''$ East 173.82 feet to the point of beginning.

Contains 3.69 acres.