

When recorded, return to:

MNG Highland Development LLC  
5428 West 11000 North  
Highland, Utah 84003

Parcel ID Nos. 41:690:0011; 41:690:0010; 41:690:0009  
41:690:0008; 41:690:0015; 41:690:0014  
41:690:0005; 41:690:0004; 41:690:0003  
67:155:0001; 67:155:0002; 67:155:0003  
67:155:0004; 67:155:0005; 67:155:0006  
67:155:0007

**FIRST AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS  
AND RESTRICTIONS FOR HIGHLAND MARKETPLACE**

THIS FIRST AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HIGHLAND MARKETPLACE ("**First Amendment**") is made to be effective as of this 14 day of April, 2023 by MNG Highland Development, LLC, a California limited liability company ("**MNG**").

WHEREAS, Solana Beach Holdings, L.C., a Utah limited liability company ("**Solana Beach**"), High Noon, L.C., a Utah limited liability company ("**High Noon**"), and Highland Marketplace, L.C., a Utah limited liability company ("**Highland Marketplace**") recorded that certain Declaration of Easements, Covenants and Restrictions for Highland Marketplace, dated May 22, 2007, and which was recorded on June 4, 2007 as Entry No. 82152:2007, in the official records of Utah County, Utah (the "**Declaration**"), with respect to that certain real property more particularly described in the Declaration as the Lots and as set forth in Exhibit "A" attached hereto.

WHEREAS, subsequent to the entry of the Declaration, MNG succeeded to the right, title and interest in the Lots owned by High Noon and Highland Marketplace;

WHEREAS, subsequent to the entry of the Declaration, Solana Beach has conveyed all of its rights, title and interest in its Lots;

WHEREAS, MNG desires to make certain amendments to the Declaration as allowed for under the Declaration;

NOW THEREFORE, for and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. **Capitalized Terms.** Capitalized terms not otherwise defined herein shall have the same meanings as described in the Declaration.

2. **Manager.** Pursuant to Section 1.14 of the Declaration, at the time Solana Beach conveyed all of its interest in its Lot(s) it failed to designate any subsequent Manager. Therefore, as Owner of Lot 1, MNG is hereby declared Manager. MNG's contact information is as follows:

MNG Highland Development LLC  
5428 West 11000 North  
Highland, Utah 84003

3. **Committee.** The names of Thomas A. Hulbert and Bret B. Fox as potential committee members as described in Section 2.1 of the Declaration is hereby deleted and replaced with Daron Young and John Bosman.

4. **Counterparts.** This First Amendment may be executed by .pdf or facsimile and in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

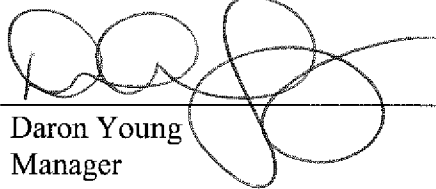
5. **No Other Changes.** Except as amended in this First Amendment, all of the terms, conditions, and provisions set forth in the Declaration remain unaffected, and they hereby are reaffirmed, ratified, confirmed and approved in their entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date set forth above.

MNG Highland Development, LLC,  
a California limited liability company

By: MNG Management, LLC  
a California limited liability company

Its: Manager

By:   
Daron Young  
Its: Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On April 14, 2023, before me, Shirley Monroy, Notary Public, personally appeared Daron Young, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

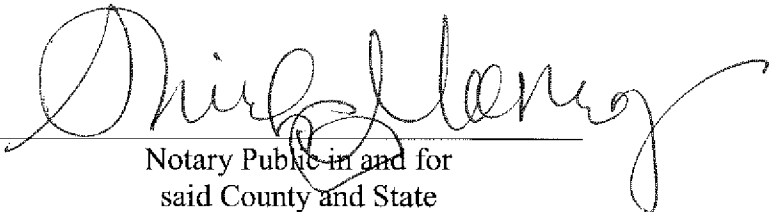
  
Notary Public in and for  
said County and State



EXHIBIT "A"  
LEGAL DESCRIPTION OF LOTS

Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the Highland Marketplace Subdivision, according to the Official Plat thereof on file and recorded on June 4, 2007 as Entry No. 82152:2007, in the official records of Utah County, Utah

Lots 1, 2, 3, 4, 5, 6, and 7 of the Mid-Town Highland Marketplace Subdivision, according to the Official Plat thereof on file and recorded on June 14, 2021 as Entry No. 108370:2021, in the official records of Utah County, Utah