

WHEN RECORDED, MAIL TO:

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Summit Mountain Holding Group, L.L.C.
3923 N. Wolf Creek Drive
Eden, Utah 84310



W2847680

EH 2847680 PG 1 OF 4
LEANN H KILTS, WEBER COUNTY RECORDER
17-MAR-17 952 AM FEE \$53.00 DEP JKC
REC FOR: SMHG PH 1 LLC

**SECOND AMENDMENT
TO
NEIGHBORHOOD DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
MOUNTAIN HOMES AT POWDER MOUNTAIN
(Withdrawing and Amending Lots)**

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THIS SECOND AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES AT POWDER MOUNTAIN ("**Amendment**"), dated as of MARCH 17, 2017, is made and executed by SMHG Phase I LLC, a Delaware limited liability company ("**Neighborhood Developer**") for itself, its successors and assigns.

RECITALS

A. Neighborhood Developer executed that certain Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Summit Eden Mountain Homes, recorded in the Official Records of Weber County on January 27, 2014 as Entry No. 2672947 ("**Original Neighborhood Declaration**"), which was amended by that certain First Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Mountain Homes at Powder Mountain, recorded in the Official Records of Weber County on October 16, 2014 as Entry No. 2706799 (the "**First Amendment**," and together with the Original Neighborhood Declaration, the "**Neighborhood Declaration**.")

B. Many of the Lots have been reconfigured and renumbered or withdrawn from the Project and, therefore, the legal description attached to the Neighborhood Declaration is being amended to accurately describe the new legal description for the Project. Specifically, Lot 11R was renamed to Lot 177R, Lot 12R was renamed to Lot 118R, Lot 27 was renamed to Lot 123, Lots 7A and 7B were combined into Lot 119, and Lots 19, 20, 22R, and 23R are being withdrawn from the Project.

C. Pursuant to Section 12.3.3 of the Neighborhood Declaration, Neighborhood Developer has the unilateral right to amend the Neighborhood Declaration for any purpose prior so long as Neighborhood Developer owns any Lot or other portion of the Property. As of the date of this Amendment, Neighborhood Developer owns ten (10) of the Lots.

NOW, THEREFORE, NEIGHBORHOOD DEVELOPER hereby declares, covenants and agrees as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Amendment shall have the meaning or meanings given to them in the Neighborhood Declaration. The Recitals set forth above shall constitute a portion of the terms of this Amendment and are incorporated by this reference.

2. Withdrawal and Reconfiguration of Lots; Amendment of Exhibit A. Neighborhood Developer exercises its right to withdraw land from the Project pursuant to Section 2.3 of the Neighborhood Declaration and hereby unilaterally withdraws 19, 20, 22R, and 23R (collectively, the "**Withdrawn Lots**") as designated on the Summit Eden Phase 1A subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as Entry No. 2672943. Neighborhood Developer declares that from and after the date this Amendment is recorded in the Official Records of Weber County, Utah (the "**Effective Date**"), the Withdrawn Lots are no longer submitted to, nor governed by, the provisions of the Neighborhood Declaration or any amendments or supplements thereto. From and after the Effective Date, the Withdrawn Lots shall be treated as if the Neighborhood Declaration had never encumbered such Lots and shall not be subject to Assessments or any other obligations under the Neighborhood Declaration. The Project hereafter includes twenty-four (24) single-family residential lots, including the reconfiguration of Lot 11R into Lot 177R, Lot 12R into Lot 118R, Lot 27 into Lot 123, and the combination of Lots 7A and 7B into Lot 119. Exhibit A to the Neighborhood Declaration is hereby amended and restated in its entirety to reflect the foregoing withdrawal and reconfigurations and replaced with Exhibit A attached and incorporated into this Amendment by this reference.

3. Neighborhood Declaration Remains in Effect. This Amendment shall be considered supplemental to the Neighborhood Declaration. Except as expressly amended by the foregoing, the Neighborhood Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Amendment.

4. Neighborhood Developer Rights. Neighborhood Developer shall retain all rights of Neighborhood Developer as set forth in the Neighborhood Declaration, and this Amendment shall neither amend nor abrogate such rights, except as specifically provided in this Amendment.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Neighborhood Developer has executed this Second Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Mountain Homes at Powder Mountain as of the day first above written.

NEIGHBORHOOD DEVELOPER:

SMHG Phase I LLC, a Delaware limited liability company

By: [Signature]
Name: Jeff Werbelow
Its: Authorized Signatory

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

On this 17 date of March, in the year 2017, before me, Olga Mariasini a notary public, personally appeared Jeff Werbelow, Authorized Signatory of SMHG Phase I LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

[Signature]
Notary Signature



(seal)

EXHIBIT A

Description of the Project

Lots 5R, 6R, 8, 13R, 14R, 15R, 16R, 17, 18, and 21 according to the Summit Eden Phase 1A subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as entry number 2672943.

Lots 117R and 118R according to the Summit Eden Phase 1A Amendment 2 subdivision plat recorded in the Official Records of Weber County, Utah on December 16, 2015 as entry number 2769849.

Lot 119 according to the Summit Eden Phase 1A Amendment 3 subdivision plat recorded in the Official Records of Weber County, Utah on September 1, 2016 as entry number 2812751.

Lots 24, 25, 26, 28, 29, 30, 31, 32, 33, and 34R according to the Summit Eden Phase 1B subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as entry number 2672944.

Lot 123 according to the Summit Eden Phase 1B Amendment 1 subdivision plat recorded in the Official Records of Weber County, Utah on MARCH 17, 2017 as entry number 2847679

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Lots 36, 37R, 38R, 40R, 41R, 42R, 43R, 44R, 45R, 46R, 77, 78, 79, and 80 according to the Summit Eden Phase 1C subdivision plat recorded in the Official Records of Weber County, Utah on January 27, 2014 as entry number 2672945.

23-128-0001

23-135-0001

23-128-0008

23-135-0002

23-128-0009

23-143-0001

23-128-0010

23-129-0001 thru 23-129-0003

23-128-0011

23-129-0005 thru 0007

23-128-0012

23-128-0013

20-092-0001 thru 0003

23-128-0016