



**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS & RESTRICTIONS AND NOTICE OF BULK RATE CONTRACT**

For

Village at Prominence Point Townhomes

(A Neighborhood Sub-association within the Village at Prominence Point Master Community)

In Weber County, Utah

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for Village at Prominence Point Townhomes, A Neighborhood Sub-association within the Village at Prominence Point Master Community (this "First Amendment") is hereby adopted by Meritage Companies, LLC and NOC 1700, LLC Utah limited liability companies (successor to Mountain Vista Trails, LLC), the Declarant, pursuant to that certain Declaration of Covenants, Conditions & Restrictions of Village at Prominence Point Townhomes, a Sub-association with the Village at Prominence Point Townhomes recorded on March 4, 2021 in Weber County Recorder's Office, as Entry No. 3131641 ("Declaration") and made effective as of the date recorded in the Weber County Recorder's Office.

RECITALS:

(A) This First Amendment affects and concerns real property located in Weber County, Utah and more particularly described on **Exhibit "A"** attached hereto ("Property").

(B) The Project remains within the Class B Control Period, as defined in Article VII of the Declaration. Also, in accordance with Article 19.8 of the Declaration, the Declarant may amend the Declaration at any time during the Class B Control Period at the sole discretion of the Declarant

(C) On or about January 22, 2015, a Plat Map depicting certain real property located in Weber County, Utah ("Property", "Master Community" or "Project") was recorded in the Weber County Recorder's Office as Entry No. 2718843 ("Master Plat").

(D) On or about November 9, 2017, a Declaration of Covenants, Conditions, and Restrictions of Village at Prominence Point, as amended ("Enabling Declaration") was recorded in the Weber County Recorder's Office as Entry No. 2889108

(E) On or about October 15, 2019, a First Amended & Restated Master Declaration of Covenants, Conditions, and Restrictions of Village at Prominence Point, as amended ("Master Declaration") was recorded in the Weber County Recorder's Office as Entry No. 3009574.

(F) On or about March 4, 2021, the Declaration for Village at Prominence Point Townhomes subassociation was recorded in the Weber County Recorder's Office as Entry No.

3131641.

(G) On or about March 4, 2021, the Bylaws for Village at Prominence Point Townhomes subassociation was recorded in the Weber County Recorder’s Office as Entry No. 3131641.

(H) On or about August 13, 2021, the First Amendment to the Declaration of Covenants, Conditions & Restrictions and Notice of Bulk Rate Contract for Village at Prominence Point Townhomes subassociation was recorded in the Weber County Recorder’s Office as Entry No. 3175614. This Second Amendment is intended to correct certain errors contained in the First Amendment.

(I) The Declaration currently allows Declarant to enter into bulk rate service contracts for all Phases of the Townhome Subdivision pursuant to Article II Section 2.10.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. **Recitals.** The above Recitals are incorporated herein by reference and made a part hereof.

2. **No Other Changes.** Except as otherwise expressly provided in this Second Amendment, the Declaration remains in full force and effect without modification.

3. **Conflicts.** In the case of any conflict between the provisions of this First Amendment and the provisions of the Declaration, the provisions of this First Amendment shall in all respects govern and control. In the case of any existing provision with the Declaration that could be interpreted as prohibiting the modifications set forth in this First Amendment, such provision is hereby modified to accomplish the purpose and intent of this First Amendment.

AMENDMENT

4. Article 2.10, is hereby deleted in its entirety and replaced with the following:

2.10 Income Generated from Service Providers. Declarant, as owner of the real property at the time it is annexed into the Master Community through recordation of a plat, which includes the dedication of certain utility easements to the City or County, may negotiate terms with service providers that desire to install infrastructure (e.g. internet, cable, fiber, phone, satellite, solar power, etc.) to provide services to owners in the Master Community or Sub-Association.

(a) Any income gained from these negotiations with service providers by Declarant may be retained by the Declarant or assigns, even after the Control Period. Further, the Master Association, Sub-Association or

DECLARANT:
NOC 1700, LLC


By: Dawn Barrett
Its: Manager

STATE OF *Arizona*)
COUNTY OF *Maricopa* :SS

On this *7th* day of September 2021, personally appeared before me, Dawn Barrett, known to me to be the Manager of NOC 1700, LLC, and known to me to be the person who executed the within instrument on behalf of said entity.


NOTARY PUBLIC



Exhibit "A"
Legal Description

PATIO HOMES PARCEL

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 1 WEST, AND PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°20'01"W ALONG THE SECTION LINE, 281.36 FEET AND S89°39'59"E 2866.43 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 72.15 FEET; THENCE N85°09'01"E 12.61 FEET; THENCE N08°23'50"E 118.26 FEET; THENCE N55°25'02"E 197.79 FEET; THENCE N20°28'01"E 75.84 FEET; THENCE N89°04'38"E 230.59 FEET; THENCE N88°01'08"E 377.46 FEET; THENCE N88°36'08"E 195.13 FEET; THENCE S02°51'22"W 46.58 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 264.00 FEET, AN ARC LENGTH OF 26.25 FEET, A DELTA ANGLE OF 05°41'49", A CHORD BEARING OF S05°42'17"W, AND A CHORD LENGTH OF 26.24 FEET; THENCE ALONG A COMPOUND CURVE TURNING TO THE RIGHT WITH A RADIUS OF 861.10 FEET, AN ARC LENGTH OF 21.31 FEET, A DELTA ANGLE OF 01°25'04", A CHORD BEARING OF S09°15'43"W, AND A CHORD LENGTH OF 21.31 FEET; THENCE S12°59'47"W 26.68 FEET; THENCE N89°17'42"W 38.42 FEET; THENCE N87°01'08"W 57.49 FEET; THENCE WEST 290.89 FEET; THENCE S87°51'30"W 156.94 FEET; THENCE S83°00'14"W 157.25 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 12.76 FEET, A DELTA ANGLE OF 43°00'00", A CHORD BEARING OF S61°30'00"W, AND A CHORD LENGTH OF 12.46 FEET; THENCE S40°00'00"W 106.80 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 11.87 FEET, A DELTA ANGLE OF 40°00'00", A CHORD BEARING OF S20°00'00"W, AND A CHORD LENGTH OF 11.63 FEET; THENCE SOUTH 19.96 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 15.76 FEET, A DELTA ANGLE OF 53°07'46", A CHORD BEARING OF S26°33'53"E, AND A CHORD LENGTH OF 15.21 FEET; THENCE S53°07'46"E 6.98 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 6.09 FEET, A DELTA ANGLE OF 20°30'51", A CHORD BEARING OF S63°23'12"E, AND A CHORD LENGTH OF 6.05 FEET; THENCE S73°38'37"E 38.01 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 4.85 FEET, A DELTA ANGLE OF 16°21'23", A CHORD BEARING OF S81°49'19"E, AND A CHORD LENGTH OF 4.84 FEET; THENCE EAST 73.75 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 1.59 FEET, A DELTA ANGLE OF 05°21'57", A CHORD BEARING OF N87°19'01"E, AND A CHORD LENGTH OF 1.59 FEET; THENCE N84°38'03"E 17.84 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 43.00 FEET, AN ARC LENGTH OF 4.03 FEET, A DELTA ANGLE OF 05°21'57", A CHORD BEARING OF N87°19'01"E, AND A CHORD LENGTH OF 4.03 FEET; THENCE EAST 33.54 FEET; THENCE SOUTH 117.39 FEET; THENCE WEST 543.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 181,081 SQUARE FEET OR 4.157 ACRES MORE OR LESS.

INCLUDING THE FOLLOWING:

PHASE 1:

ALL OF UNITS 23 THRU 35, PROMINENCE POINT SUBDIVISION PHASE 1, NORTH OGDEN CITY, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TAX ID: 11-426-0023 – 11-426-0035

PHASE 2:

ALL OF UNITS 82 THRU 93, PROMINENCE POINT SUBDIVISION PHASE 2, NORTH OGDEN CITY, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TAX ID: ~~11-427-0082 – 11-427-0093~~

11-427-0033 THRU 0044

Exhibit "B"
NOTICE OF BULK RATE CONTRACT

To all Owners and future owners of Lots in the Villages at Prominence Point Patio Homes:

Notice is hereby provided that Declarants, Meritage Companies, LLC, and NOC 1700, LLC, have entered into a bulk rate service contract with SONICNET, LLC to provide high speed internet access for the owners of the Villages at Prominence Point Patio Homes. The terms of the contract as they apply to individual Lot Owners is as follows:

- Initial set up fee of \$125 due at closing or transfer of the Lot.
- Monthly service charge of \$99 per month, plus taxes and fees, which will be added to and incorporated into the monthly association assessments. Pricing may be subject to change.
- Services include: one (1) gigabyte(s) of fiber optic data.

Payment for these services shall be included with, all other monthly assessments, special assessments, fines, facility fees, or other charges of the Association.