



W3294629

WHEN RECORDED, MAIL TO:

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

E# 3294629 PG 1 OF 5
Leann H. Kilts, WEBER COUNTY RECORDER
15-Aug-23 11:45 AM FEE \$40.00 DEP CF
REC FOR: GT TITLE SERVICES
ELECTRONICALLY RECORDED

Tax Parcel Nos: 23-170-0001 and 0002

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**SIXTH AMENDMENT
TO
NEIGHBORHOOD DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
MOUNTAIN HOMES AT POWDER MOUNTAIN
(Addition of Lots 1 and 2, Overlook East at Powder Mountain)**

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THIS SIXTH AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MOUNTAIN HOMES AT POWDER MOUNTAIN ("**Amendment**"), dated as of August 2, 2023, is made and executed by SMHG Phase I LLC, a Delaware limited liability company, and acknowledged by SMHG Landco 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**"), which was further amended by that certain Second 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 March 17, 2017 as Entry No. 2847680 (the "**Second Amendment**") which was further amended by that certain Third 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 April 13, 2017 as Entry No. 2852197 (the "**Third Amendment**") which was further amended by that certain Fourth 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 August 27, 2019 as Entry No. 2999365 (the "**Fourth Amendment**") which was further amended by that certain Fifth 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 26, 2021 as Entry No. 3193035 (the "**Fifth Amendment**") and together with the Original

Neighborhood Declaration, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and the Fifth Amendment, the “**Neighborhood Declaration.**”)

B. 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 more than one Lot.

C. Neighborhood Developer desires to amend the Neighborhood Declaration to annex into the Project Lots 1-2, inclusive, according to the Overlook East at Powder Mountain subdivision plat as more particularly described on Exhibit A, attached and incorporated into this Amendment.

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. Amendment of Exhibit A. Exhibit A to the Neighborhood Declaration is hereby amended and restated in its entirety 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]

AGREEMENT AND CONSENT OF PROPERTY OWNER:

SMHG Landco LLC, as the owner of Lots 1-2, inclusive, according to the Overlook East at Powder Mountain subdivision plat, as described in the Amendment, hereby agrees and consents to the foregoing Amendment.

SMHG Landco LLC, a Utah limited liability company

By Summit Mountain Holding Group LLC, a Utah limited liability company
Its: sole member

By Summit Revolution LLC, a Delaware limited liability company
Its: sole member

By: Anne C Winston
Name: Anne C Winston
Its: Authorized Signatory

STATE OF Texas)
:SS.
COUNTY OF Harris)

On this 11th day of August, 2023, personally appeared **Anne C. Winston** Authorized Signatory of Summit Revolution LLC, the sole member of Summit Mountain Holding Group LLC, the sole member of SMHG Landco 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)

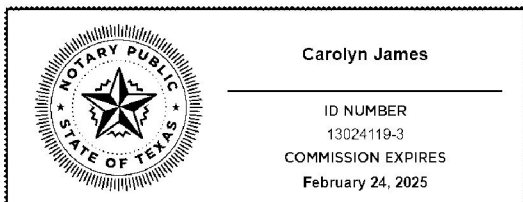


EXHIBIT ADescription of the Project

(Lots Added by this Sixth Amendment): 23-170-0001 & 0002 NP

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Lots 1 and 2 according to the Overlook East at Powder Mountain subdivision plat recorded in the Official Records of Weber County, Utah on March 31, 2023 as entry number 3278204.

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(Lots already included or previously added to CCR Declaration for Mountain Homes at Powder Mountain):

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. 23-128-0001, 0002, 0027, 0005, 0008-0013, 0016, 0026 NP

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. 23-135-0001-0002 NP

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. 23-143-0001 NP

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. 23-129-0001-0003, 0005-0008 NP

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. 23-149-0001 NP

Lots 36, 37R, 38R, 39R, 40R, 41R, 42R, 43R, 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. 23-130-0001-0008, 0010-0011, 0044-0047 NP

Lot 143R according to the Summit Eden Phase 1C Amendment 6 subdivision plat recorded in the Official Records of Weber County, Utah on April 25, 2018 as entry number 2917039. 23-154-0001 NP

Lots 1-23 according to the Overlook at Powder Mountain Phase 1 subdivision plat recorded in the Official Records of Weber County, Utah on August 27, 2019 as entry number 3999361. 23-159-0001-0023 NP

Lots 24-40 according to the Overlook at Powder Mountain Phase 2 subdivision plat recorded in the Official Records of Weber County, Utah on August 27, 2019 as entry number 3999362.

Lots 1R-2R according to the Horizon Run Ranches at Powder Mountain Phase 1 subdivision plat recorded in the Official Records of Weber County, Utah on March 2, 2021 as entry number 3130941. 23-160-0001-0017 NP

23-163-0001 & 0002 NP

Lots 41-57 according to the Overlook at Powder Mountain Phase 3 subdivision plat recorded in the Official Records of Weber County, Utah on October 26, 2021 as entry number 3193034.

23-167-0001-0017 NP