

THIRD AMENDMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
OF SUNSET PLATEAU SUBDIVISION

WHEREAS, Dean T. Terry Investments, a Utah corporation, hereinafter referred to as "Developer" established the Declaration of Protective Covenants, Conditions and Restrictions of Sunset Plateau Subdivision and recorded the same on March 7, 1990, in Book 552, at Pages 762-786, as Entry No. 361817 in the official records of the Washington County Recorder, State of Utah, and recorded its First Amendment to the Declaration of Protective Covenants, Conditions and Restrictions of Sunset Plateau Subdivision on June 22, 1990, in Book 564, at Pages 617-619, as Entry No. 367228, and recorded its Second Amendment to the Declaration of Protective Covenants, Conditions and Restrictions of Sunset Plateau Subdivision on March 18, 1991, in Book 594, at Pages 169-173, as Entry No. 380501, and it being the Developer's intention to amend said Declaration of Protective Covenants, Conditions and Restrictions to include Phase III and further modify provisions in said Declaration.

NOW THEREFORE, the Developer, Dean T. Terry Investments, does hereby amend the Declaration of Protective Covenants, Conditions and Restrictions of Sunset Plateau Subdivision as follows:

1. "The Property" as described in the first paragraph on page 1 of the Declaration is amended to read as follows:

All of Sunset Plateau Subdivision, Phases I-A and I-B, Phase II, and Phase III, according to the official plats thereof on file in the office of the Washington County Recorder.

2. Paragraph 3, Article III, page 11, is amended to read as follows:

3. MULTI-LEVEL RESTRICTIONS: The following lots shall be restricted to single level structures or single level with a basement: Lots 1 through 5, 25 through 41, 60 through 63, 104, 115 through 117, and 123 through 126, inclusive. Single level shall be defined as a residential dwelling in which the living area on the first level above ground is not more than 12 inches from the natural ground level of the lot and shall exclude "split-level" structures.

3. Paragraph 31, Article III, as amended by the First Amendment to the Declaration, is amended to read as follows:

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REQUEST: SOUTHERN UTAH TITLE CO.

31. WALLS AND OTHER BARRIERS: Walls, fences and barriers shall be constructed of materials manufactured for such purposes and erected in a proper and safe manner. Prior to construction, plans for walls, fences, and barriers shall be submitted to the Architectural Control Committee for approval. Permitted materials shall be cinder block, brick, stone, concrete, concrete block, poured concrete, wrought iron, chain link, or stucco of a color which blends with the exterior of the structure on the lot, said materials only to be used in compliance with the conditions herein contained. No wire mesh is allowed as a fencing material and poured concrete or concrete sections are allowed only if such materials are constructed with a finished surface. Chain link fencing shall be opaque and shall only be allowed in the back yard, as defined in Article I, and shall only be allowed on ground with a slope of 2 horizontal to 1 vertical (.50 grade), or greater. Walls and fences shall not exceed two (2) feet in height in the front yard, with the exception of the wall or fence along the side lot lines in the front yard which shall not exceed three (3) feet in height. Walls and fences in the side and back yards shall not exceed six (6) feet in height. All walls and fences must comply in all respects with St. George City ordinances. All walls, fences and barriers shall be kept and maintained in a visually pleasing manner and a state of good repair, and the owner's failure to do so may result in action by the Architectural Control Committee to enforce the conditions herein contained.

4. Paragraph 42 is added to Article III, at page 18, to read as follows:

42. ELEVATION CERTIFICATES: Owners of Lots 105 through 112, inclusive, shall be required to provide elevation certificates to the City of St. George prior to the issuance of a building permit for said lots.

Except as otherwise provided in this Third Amendment to the Declaration of Protective Covenants, Conditions and Restrictions of Sunset Plateau Subdivision, all covenants, conditions and restrictions contained in the original Declaration, the First Amendment to the Declaration, and the Second Amendment to the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto executed this document this 9th day of JAN, 1992.

DEAN T. TERRY INVESTMENTS,
a Utah corporation, Developer

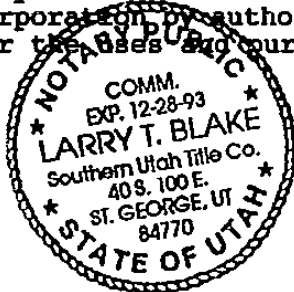
[Signature]
By: Dean T. Terry, President

ATTEST:

[Signature]
Carol F. Terry, Secretary

STATE OF UTAH)
) SS.
COUNTY OF WASHINGTON)

On the 9th day of JAN, 1992, personally appeared before me Dean T. Terry, President of Dean T. Terry Investments, a Utah Corporation, and Carol F. Terry, Secretary of said Corporation, who being first by me duly sworn did say that they executed the foregoing instrument for and on behalf of said Corporation by authority of a resolution of its Board of Directors for the uses and purposes set forth therein.



[Signature]
NOTARY PUBLIC
Residing at:
My Commission Expires: