

AMENDMENT TO COVENANTS AND RESTRICTIONS OF EAGLE RIDGE SUBDIVISION PHASE 2

THE UNDERSIGNED Coles and Associates, L.C., and Denley J. Fowlke, as the Declarant of the above Subdivision do hereby Amend the original CC&R's Recorded August 8, 1994 as Entry 475324 in Book 841, Pages 94-100, as follows:

The following Paragraph shall be added to and appended to said Covenants, Conditions, and Restrictions, and said Paragraph shall run with and inure to the owners of the property just as the original CC&R's:

"B. SUBORDINATION OF THE HOMEOWNERS LIEN TO MORTGAGES/DEEDS OF TRUST: Notwithstanding any language contained herein to the contrary, the lien of the Homeowners Assessments provided for herein shall be subordinate to the lien of any first mortgage if the mortgage was recorded prior to the date the assessment became due. Sale or transfer of any lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to foreclosure of the First Mortgage or First Deed of Trust or any proceeding in lieu thereof, shall extinguish the lien of such assessment as to payments which became due prior to such sale or transfer. No such sale or transfer shall relieve such lot or owner from liability for assessments thereafter becoming due or from the lien thereof."

Dated this 1st day of September, 1994.

COLES & ASSOCIATES, L. C.

O. Kent Coles, Manager

Denley J. Fowlke

State of Utah )
County of Washington )

On this 1st day of September, 1994, personally appeared before me Denley J. Fowlke, and O. Kent Coles, Manager of COLES & ASSOCIATES, L. C., who duly acknowledged before me that they executed said document for the purposes thus intended.

Residing: St. George, UT 84770

Comm. Exp.: 2/22/1992

H. Allan Carter, Notary Public

