

WHEN RECORDED, RETURN TO:  
Timothy B. Anderson  
JONES, WALDO, HOLBROOK & McDONOUGH  
249 E TABERNACLE  
ST GEORGE UT 84770

**AMENDMENT TO  
MASTER DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS  
FOR THE  
SKY MOUNTAIN PROJECT, A PLANNED COMMUNITY**

On September 7, 1994 the Master Declaration of Covenants, Conditions and Restrictions for the Sky Mountain Project, a Planned Community ("Master Declaration") was recorded at Book 0848, Page 0625-0687, Document No. 00478053 in the office of the Washington county Recorder. The Master Declaration affects certain real property situated in Washington County, Utah and more specifically described as follows:

SEE REAL PROPERTY  
DESCRIPTION, ATTACHMENTS A & B

The Declaration hereby amends and modifies the Master Declaration as follows:

At Page 34, Section 3 (a) (v) is amended to read as follows:

(v) Landscaping shall not be considered completed as required in Article VIII, Section 10, unless at least sixty percent (60%) of the required landscaping described in the Sky Mountain Design Guidelines and standards consists of grass and lawn areas.

At page 35, Section 6 (a) is amended to read as follows:

(a) Vehicle use within the Properties is restricted to streets and parking areas (with the exception of golf carts on the golf course) and is further restricted to automobiles, golf carts, motor driven recreational and business vehicles of four or more wheels, and Association maintenance and construction equipment. Use of other types of motor driven vehicles including but not limited to off-street motorcycles, mopeds, all terrain vehicles (ATV's) and such other vehicles similar in nature (as may be defined by Association Rules and Regulation) is prohibited. In the interests of safety, use of non-motor driven recreational vehicles, with the exception of bicycles, is prohibited on streets and parking areas within the properties.

At page 39, Section (a) and (b) is amended to read as follows:

00483396 Bk0863 Pg0099

-1-

RUSSELL SHIRTS \* WASHINGTON CO RECORDER  
1994 NOV 04 16:37 PM FEE \$28.00 BY CB  
FOR: JONES WALDO HOLBROOK ETAL

(a) Stray Ball Easement. Each Owner hereby expressly assumes the risk relating to the proximity of their Lot to the Golf Course and each Owner agrees that it shall take their Lot subject to the following stray ball license and/or easements:

(i) License to Enter Upon Golf Course Lot Prior to Construction of a Dwelling Unit. Until such time as a Dwelling Unit is constructed upon a Lot, the Golf Course Owner shall have a license to permit and authorize its agents, and registered golf course players and their caddies to enter upon said Lot to recover a ball or play a ball, subject to the official rules of the golf Course, without such entering an playing being deemed to be at trespass thereon.

(ii) Stray Ball Easement Upon Lot Subsequent to Construction of Dwelling Unit. After a Dwelling Unit has been constructed upon a Lot, the Owner of said Lot acknowledges and agrees that, due to the proximity of the Lot to the Golf Course, stray golf balls might enter upon the Lot and some of the players playing upon the golf Course might enter upon said Lot to retrieve said stray golf balls. In the event that a golf ball enters upon said Lot or any player enters upon said Lot to retrieve of play a stray golf ball, the Owner of said Lot agrees that neither the Declarant nor the Association shall be responsible or liable for (a) any damages caused by the stray balls or players; or (b) any claim of trespass that the Owner of said Lot may assert or be entitled to assert resulting therefrom.

(b) Assumption of Risk by Owner and Indemnification. Each Owner hereby expressly assumes the risk relating to the proximity of their Lot to the Golf course and each Owner agrees that neither the Association, shall be liable to Owner or any other person claiming any loss or damage, including, without limitation, indirect, special or consequential loss or damage arising from personal injury, destruction or property, loss or view, noise pollution, or other visual or audible offenses, or trespass or any other alleged wrong or entitlement to remedy based upon, due to, arising from or otherwise related to the proximity of the Lot to the Golf Course, including, without limitation, any claim arising in whole or in part from the negligence of the Declarant, Association or any entity responsible for the design construction, ownership, management or operation of the Golf Course. Owner hereby agrees to indemnify and hold harmless the Declarant, the Association and any entity responsible for the design, construction, ownership, management or operation of the Golf course, including the Golf Course Owner, against any and all claims by Owner of Owner's Invitees or Guests.

(c) Restricted Access to Golf Course. Notwithstanding the proximity of any Subdivision to the Golf Course, each Owner acknowledges that ownership of any Lot, does not convey to said Owner or create in favor of said Owner, any interest in or rights to the use of the Golf Course. Use of the Golf Course shall be strictly limited and controlled by the Golf Course Owner, at its sole and absolute discretion.

SKY MOUNTAIN JOINT VENTURE,  
a Utah Joint Venture

By Edward L. Kay  
EDWARD L. KAY, PRESIDENT  
Sky Mountain Golf Villas, Inc.  
a Utah Corporation and Managing Joint  
Venturer of the Sky Mountain Joint Venture

STATE OF NEVADA     )  
                              :  
County of Clark     )

On the 17 day of October, 1994, personally appeared before me Edward L. Kay, who, being by me duly sworn, did say that he is the President of Sky Mountain Golf Villas, Inc., that said instrument was signed in behalf of said corporation by authority of its by-laws or a resolution of its board of directors, and said Edward L. Kay acknowledged to me that said corporation executed the same.

Jackie L. Gillerman  
NOTARY PUBLIC  
Residing at: Las Vegas, NV

My Commission Expires:

MARCH 27, 1996  
C:\notjv\m.m



JACKIE L. GILLERMAN  
Notary Public - Nevada  
Clark County  
My appt. exp. Mar. 27, 1996

**ATTACHMENT A**

00483396 Bk0863 Pg0102

~~00478053 Bk0848 Pg0682~~

ATTACHMENT A

SKY MOUNTAIN GOLF COURSE  
August 17, 1994

ALL THAT PORTION SECTION 29, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SLB&M,  
WASHINGTON COUNTY, UTAH DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29;  
SAID SOUTHEAST CORNER ALSO BEING **POINT OF BEGINNING**;  
THENCE N 89°40'47" W, 5,286.60 FEET ALONG THE SOUTH LINE OF SAID SECTION  
29 TO THE SOUTHWEST CORNER OF SAID SECTION 29;  
THENCE N 0°02'20" E, 1319.71 FEET ALONG THE SECTION LINE;  
THENCE N 0°02'07" E, 1319.05 FEET ALONG THE SECTION LINE TO THE WEST  
QUARTER CORNER OF SAID SECTION 29;  
THENCE N 0°02'07" E, 418.59 FEET ALONG THE SECTION LINE;  
THENCE S 76°19'57" E, 537.82 FEET;  
THENCE N 77°38'32" E, 247.95 FEET;  
THENCE N 45°11'13" E, 301.96 FEET;  
THENCE N 38°10'04" E, 122.66 FEET;  
THENCE N 79°52'37" E, 183.48 FEET;  
THENCE S 75°01'26" E, 202.99 FEET;  
THENCE S 85°16'25" E, 209.92 FEET;  
THENCE S 76°01'33" E, 714.25 FEET;  
THENCE N 63°52'22" E, 315.95 FEET;  
THENCE S 58°15'06" E, 207.01 FEET;  
THENCE S 41°51'44" E, 306.82 FEET;  
THENCE N 86°11'02" E, 183.43 FEET;  
THENCE S 80°37'49" E, 341.66 FEET;  
THENCE S 36°54'26" E, 425.27 FEET;  
THENCE S 66°23'58" E, 543.83 FEET;  
THENCE S 32°30'13" E, 232.26 FEET;  
THENCE S 72°45'41" E, 363.99 FEET;  
THENCE N 86°05'58" E, 259.21 FEET;  
THENCE S 63°21'42" E, 316.98 FEET TO THE EAST LINE OF SAID SECTION 29;  
THENCE S 0°03'39" W, 1884.43 FEET ALONG SAID EAST LINE TO THE **POINT OF  
BEGINNING**.

SUBJECT TO ANY RIGHTS-OF-WAY OF RECORD.

A PARCEL OF 341.29 ACRES MORE OR LESS.

00483396 Bk0863 Pg0103

~~00478853 Bk0848 Pg0683~~

ATTACHMENT B

00483396 Bk0863 Pg0104

~~00478053 Bk0848 Pg0484~~

ATTACHMENT B  
ADDITIONAL LAND

SKY MOUNTAIN GOLF COURSE

August 17, 1994

ALL THAT PORTION SECTION 29, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SLB&M,  
WASHINGTON COUNTY, UTAH DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29;  
SAID SOUTHEAST CORNER ALSO BEING POINT OF BEGINNING;  
THENCE N 89°40'47" W, 5,286.60 FEET ALONG THE SOUTH LINE OF SAID SECTION  
29 TO THE SOUTHWEST CORNER OF SAID SECTION 29;  
THENCE N 0°02'20" E, 1319.71 FEET ALONG THE SECTION LINE;  
THENCE N 0°02'07" E, 1319.05 FEET ALONG THE SECTION LINE TO THE WEST  
QUARTER CORNER OF SAID SECTION 29;  
THENCE N 0°02'07" E, 418.59 FEET ALONG THE SECTION LINE;  
THENCE S 76°19'57" E, 537.82 FEET;  
THENCE N 77°38'32" E, 247.95 FEET;  
THENCE N 45°11'13" E, 301.96 FEET;  
THENCE N 38°10'04" E, 122.66 FEET;  
THENCE N 79°52'37" E, 183.48 FEET;  
THENCE S 75°01'26" E, 202.99 FEET;  
THENCE S 85°16'25" E, 209.92 FEET;  
THENCE S 76°01'33" E, 714.25 FEET;  
THENCE N 63°52'22" E, 315.95 FEET;  
THENCE S 58°15'06" E, 207.01 FEET;  
THENCE S 41°51'44" E, 306.82 FEET;  
THENCE N 86°11'02" E, 183.43 FEET;  
THENCE S 80°37'49" E, 341.66 FEET;  
THENCE S 36°54'26" E, 425.27 FEET;  
THENCE S 66°23'58" E, 543.83 FEET;  
THENCE S 32°30'13" E, 232.26 FEET;  
THENCE S 72°45'41" E, 363.99 FEET;  
THENCE N 86°05'58" E, 259.21 FEET;  
THENCE S 63°21'42" E, 316.98 FEET TO THE EAST LINE OF SAID SECTION 29;  
THENCE S 0°03'39" W, 1884.43 FEET ALONG SAID EAST LINE TO THE POINT OF  
BEGINNING.

LESS AND EXCEPTION THE FOLLOWING:

(Pages 2 and 3 herein)

00483396 Bk0863 Pg0105

~~00478053 Bk0848 Pg0685~~

**LEGAL DESCRIPTION**

August 17, 1994

ALL THAT PORTION OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN, WASHINGTON COUNTY, UTAH LYING SOUTH OF THE SOUTH RIM OF THE VIRGIN RIVER LESS AND EXCEPTING THE FOLLOWING:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29;  
THENCE S 89°40'47" E, 391.23 FEET ALONG THE SOUTH LINE OF SAID SECTION 29  
TO THE **POINT OF BEGINNING**;  
THENCE N 00°19'13" E, 40.00 FEET TO A CURVE CONCAVE NORTHWESTERLY AND  
HAVING A 30.00 FOOT RADIUS;  
THENCE NORTHEASTERLY, 47.08 FEET ALONG THE ARC OF SAID CURVE FROM A  
RADIAL LINE WHICH BEARS N 00°19'13" E THROUGH A CENTRAL ANGLE OF  
89°55'17";  
THENCE N 00°23'56" E, 40.09 FEET TO A CURVE CONCAVE SOUTHEASTERLY AND  
HAVING A 283.00 FOOT RADIUS;  
THENCE NORTHEASTERLY, 132.45 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 26°48'57";  
THENCE N 27°12'53" E, 16.83 FEET TO A CURVE CONCAVE NORTHWESTERLY AND  
HAVING A 167.00 FOOT RADIUS;  
THENCE NORTHERLY, 60.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A  
CENTRAL ANGLE OF 20°37'48";  
THENCE N 89°40'47" W, 149.05 FEET;  
THENCE N 00°04'06" W, 61.63 FEET;  
THENCE N 20°57'20" E, 163.91 FEET TO A CURVE CONCAVE WESTERLY AND  
HAVING A 37.24 FOOT RADIUS;  
THENCE NORTHWESTERLY, 49.16 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 75°38'25";  
THENCE N 56°18'03" W, 54.86 FEET;  
THENCE N 00°04'06" W, 61.51 FEET;  
THENCE N 89°41'33" W, 140.70 FEET;  
THENCE N 62°37'58" W, 213.15 FEET;  
THENCE N 00°05'13" W, 79.01 FEET;  
THENCE N 37°58'00" E, 121.11 FEET;  
THENCE N 47°19'09" W, 153.48 FEET TO A CURVE CONCAVE NORTHEASTERLY AND  
HAVING A 533.00 FOOT RADIUS;  
THENCE NORTHWESTERLY, 75.78 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 08°08'46";  
THENCE S 47°42'29" W, 160.34 FEET TO A CURVE CONCAVE SOUTHEASTERLY AND  
HAVING A 229.00 FOOT RADIUS;  
THENCE SOUTHWESTERLY, 25.98 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 06°29'58";  
THENCE N 53°05'01" W, 130.37 FEET;



THENCE N 00°04'17" W, 358.31 FEET;  
THENCE N 76°17'45" E, 109.31 FEET;  
THENCE N 13°42'15" W, 364.35 FEET TO A CURVE CONCAVE NORTHEASTERLY AND  
HAVING A 233.00 FOOT RADIUS CURVE;  
THENCE NORTHWESTERLY, 32.95 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 08°06'07";  
THENCE N 05°36'09" W, 148.68 FEET;  
THENCE N 84°23'51" E, 428.11 FEET;  
THENCE S 21°08'21" E, 178.37 FEET;  
THENCE S 15°08'32" E, 332.66 FEET;  
THENCE S 04°31'17" E, 400.61 FEET TO A CURVE CONCAVE NORTHEASTERLY AND  
HAVING A 91.53 FOOT RADIUS;  
THENCE SOUTHEASTERLY, 96.66 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 60°30'21";  
THENCE S 00°04'06" E, 51.92 FEET;  
THENCE S 89°41'56" E, 118.23 FEET;  
THENCE S 64°12'28" E, 58.00 FEET;  
THENCE S 25°47'32" W, 28.36 FEET;  
THENCE S 89°40'47" E, 189.18 FEET;  
THENCE S 02°22'19" E, 270.30 FEET;  
THENCE N 89°40'47" W, 28.25 FEET;  
THENCE S 00°03'00" E, 540.01 FEET;  
THENCE N 89°40'47" W, 170.18 FEET TO A CURVE CONCAVE SOUTHEASTERLY AND  
HAVING A 217.00 FOOT RADIUS;  
THENCE SOUTHWESTERLY, 20.08 FEET ALONG THE ARC OF SAID CURVE FROM A  
RADIAL LINE WHICH BEARS S 84°18'02" E THROUGH A CENTRAL ANGLE OF  
05°18'02";  
THENCE S 00°23'56" W, 39.91 FEET TO A CURVE CONCAVE NORTHEASTERLY AND  
HAVING A 30.00 FOOT RADIUS;  
THENCE SOUTHEASTERLY, 47.17 FEET ALONG THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 90°04'43";  
THENCE S 00°19'13" W, 40.00 FEET TO THE SOUTH LINE OF SAID SECTION 29;  
THENCE N 89°40'47" W, 126.00 FEET ALONG SAID SOUTH LINE TO **THE POINT OF  
BEGINNING.**