

WHEN RECORDED, RETURN TO:

RS21 MAYFLOWER LLC
160 West Canyon Crest Road
Alpine, Utah 84004

SEND TAX NOTICES TO:

RS21 MAYFLOWER LLC
160 West Canyon Crest Road
Alpine, Utah 84004

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR MARCELLA**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR MARCELLA (this "**Amendment**") is made effective as of the 15th day of November 2022 by **RS21 MAYFLOWER LLC**, a Delaware limited liability company ("**Declarant**") and **BLX MAYFLOWER LLC**, a Delaware limited liability company ("**Master Declarant**").

RECITALS:

A. This Amendment constitutes an amendment to that certain Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Marcella dated February 28, 2022, entered into by Declarant, and recorded on February 28, 2022, as Entry No. 515783, in Book 1399, at Page 418, in the official records of the Wasatch County Recorder (the "**Declaration**"), which Declaration encumbers the Development Property (as defined in the Declaration). Capitalized terms used in this Amendment but not otherwise defined herein shall have the same meanings, scope and definitions assigned to such terms in the Declaration.

B. The Declaration grants to Declarant the right, with the approval of Master Declarant, to amend the Declaration to withdraw property from the Development.

C. Declarant and Master Declarant now desire to amend the Declaration to withdraw the real property identified on Exhibit B attached hereto ("**Lot 14A**") from the Development and from the effect of the Declaration.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends the Declaration as follows:

1. Withdrawal of Lot 14A. Pursuant to Section 2.3 of the Declaration, as of the date of this Amendment, Declarant hereby exercises its right withdraw Lot 14A from the Development and release Lot 14A from the effect of the Declaration.
2. Approval of Master Declarant. By its execution of this Amendment, Master Declarant hereby approves of the withdrawal of Lot 14A from the Development.
3. Development Property. As of the date of this Amendment, the real property subject to the Declaration shall be limited to only the real property described on Exhibit A attached hereto.
4. Miscellaneous. The Recitals in this Amendment are incorporated herein by this reference. In the event of any conflict between the provisions of the Declaration and the provisions of this Amendment, the provisions of this Amendment shall control. Except as set forth in this Amendment, the Declaration is ratified and affirmed in its entirety. This Amendment shall inure to the benefit of, and be binding on, all persons holding any interest in the Property and their respective successors, assigns, heirs and lien holders. This Amendment shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

[Signature and Acknowledgement Page Follows]

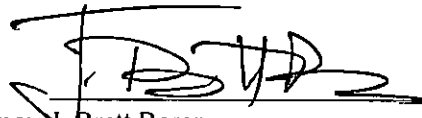
IN WITNESS WHEREOF, Declarant and Master Declarant have executed this Amendment as of the date set forth above.

DECLARANT:

RS21 MAYFLOWER LLC,
a Delaware limited liability company

By its Manager RS21 Mayflower Manager LLC
a Utah limited liability company;

By its Manager Stillwater Equity Partners LLC,
a Utah limited liability company;

By: 
Name: J. Brett Boren
Its: Manager

MASTER DECLARANT:

BLX MAYFLOWER LLC,
a Delaware limited liability company

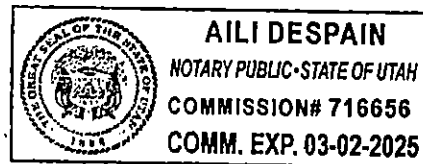
By: _____
Gary Barnett, President

STATE OF Utah)
COUNTY OF Utah) ss.

On November 4, 2022 before me, Aili DeSpain, Notary Public, personally appeared J. Brett Boren, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Aili DeSpain
Notary Public



STATE OF NEW YORK)
COUNTY OF _____) ss.

On _____, 2022 before me, _____, Notary Public, personally appeared Gary Barnett, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

IN WITNESS WHEREOF, Declarant and Master Declarant have executed this Amendment as of the date set forth above.

DECLARANT:

RS21 MAYFLOWER LLC,
a Delaware limited liability company

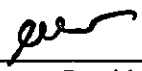
By its Manager RS21 Mayflower Manager LLC
a Utah limited liability company;

By its Manager Stillwater Equity Partners LLC,
a Utah limited liability company;

By: _____
Name: J. Brett Boren
Its: Manager

MASTER DECLARANT:

BLX MAYFLOWER LLC,
a Delaware limited liability company

By: 
Gary Barnett, President

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, 2022 before me, _____, Notary Public, personally appeared J. Brett Boren, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

STATE OF NEW YORK)
) ss.
COUNTY OF New York)

On Nov 10, 2022 before me, GARY BARNETT, Notary Public, personally appeared Gary Barnett, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Hepzi Schechter
Notary Public



EXHIBIT A

Description of the Development Property

The surface rights in and to all of:

Lots 15A, 16 and 17 of the MIDA MASTER DEVELOPMENT PLAT, recorded June 30, 2020 as Entry No. 480155 on file and of record in Wasatch County Recorder's Office, as such lots are depicted and described by metes and bounds on the MIDA Master Development Plat.

And

Lots 15B-1, 15B-2, 15B-3, 15B-4, 15B-5 of MIDA Master Development Plat Lots 1 & 15B and Parcels 1&2 Amended recorded Feb 10, 2021 as Entry No. 493880 on file and of record in Wasatch County Recorder's Office, as such lots are depicted and described by metes and bounds on the MIDA Master Development Plat Lots 1 & 15B and Parcels 1&2 Amended.

LESS AND EXCEPTING from Lot 16 the following real property:

A parcel of and located in the North half of Sections 25 & 26, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel of land being described as follows:

Beginning at a point that is South 26°11'47" East 450.38 feet and South 63°48'13" West 2750.69 feet from a brass cap at the north quarter corner of Section 25, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearings for the herein described parcel being South 26°91'47" East 5917.16 feet from said North Quarter Corner of Section 25, to the Southeast Corner of said Section 25, said North Quarter Corner also being North 89°57'12" West 2633.77 feet from the Northeast Corner of said Section 25, See Record of Survey Maps 2647 & 3058 on file with the Wasatch County Surveyor's office for said Section 25 retracement and the Mayflower LDP coordinate system projection parameters); and running thence South 13°38'02" West 40.00 feet; thence South 40°15'39" West 320.27 feet; thence South 77°02'11" West 160.99 feet to a point on the West line of said section 25; thence South 77°02'11" West 32.89 feet; thence South 19°56'38" West 190.58 feet; thence South 12°57'49" East 171.74 feet; thence South 77°32'47" West 384.49 feet; thence North 12°27'13" West 423.27 feet; thence North 64°45'46" East 191.55 feet; thence North 86°54'11" East 352.60 feet to a point on West line of said section 25; thence North 86°54'11" East 29.17 feet; thence North 40°15'39" East 125.82 feet; thence North 34°58'31" East 131.22 feet; thence North 78°49'27" East a distance of 191.15 feet to the point of beginning.

Description contains 5.51 acres.

LESS AND EXCEPTING from Lot 17 the following real property:

A parcel of land located in the south half of Section 24, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel of land being described as follows:

Beginning at a point that is North 00°00'41" West 437.97 feet from a brass cap at the north quarter corner of Section 25, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Bass of Bearings for the heron described parcel being South 26°11'47" East 5917.16 feet from said North Quarter Corner of Section 25 to the Southeast Corner of said Section 25 said North Quarter Corner also being North 89°57'12" West 2633.77 feet from the Northeast Corner of said Section 25, See Record of Survey Mops 2647 & 3058 on file with the Wasatch County Surveyor's office for said Section 25 retracement and the Mayflower LOP coordinate system projection parameters) and running thence North 00°00'41" West 345.13 feet to a point on a non tangent curve to the right having a radius of 904.09 feet of which the radius point bears South 49°32'05" West said point being on the westerly right of way of US Highway 40 thence coincident with the right of way of said US Highway 40 the following two (2) courses 1) along the arc of said curve 221.00 feet through a central angle of 14°00'20" thence 2) South 26°31'07" East 90.19 feet; thence South 63°33'14" West 180.81 feet to the POINT OF BEGINNING.

Description contains 0.69 acres.

LESS AND EXCEPTING any mineral rights of whatever type, water rights, water shares, and any other water interests associated with the above-described real property.

<u>Lot</u>	<u>Description</u>	<u>Serial Number</u>	<u>Tax Parcel</u>
Lot 15A	Estate Lots	0IX-L015A-0-025-024	00-0021-4984
15B-1	Estate Lots	0IX-L15B-1-025-024	00-0021-5692
15B-2	Estate Lots	0IX-L15B-2-025-024	00-0021-5693
15B-3	Estate Lots	0IX-L15B-3-025-024	00-0021-5694
15B-4	Estate Lots	0IX-L15B-4-025-024	00-0021-5695
15B-5	Estate Lots	0IX-L15B-5-025-024	00-0021-5696
Lot 16	Estate Lots	0IX-L016-0-025-024	00-0021-4986
Lot 17	Estate Lots	0IX-L017-0-024-024	00-0021-4987

EXHIBIT B

Description of Lot 14A

The surface rights in and to all of:

Lot 14A, **MIDA Master Development Plat Amended 2022**, according to the official plat thereof recorded July 27, 2022 as Entry No. 522596 in Book 1447 at Page 852 of the official records in the office of the Wasatch County Recorder.

LESS AND EXCEPTING any mineral rights of whatever type, water rights, water shares, and any other water interests associated with the above-described real property.

Wasatch County Tax Parcel Number: 00-0021-7769

Wasatch County Tax Serial Number: 0IX-L14A-A

4859-3602-8476