

After recording mail to:

Jenkins Bagley and Sperry, PLLC  
5295 South Commerce Drive, Ste. 120  
Salt Lake City, UT 84107

**AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SCENIC MOUNTAIN**

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Scenic Mountain recorded on October 24, 2018, as Entry Number 102187, in the Recorder's Office for Utah County (the "Declaration") that established a community known as the Scenic Mountain Homeowners Association (the "Association") is executed on the date set forth below by the Association.

- A. Certain real property in Eagle Mountain City, Utah County, state of Utah, known as the Scenic Mountain Subdivision (the "Project" or "Property") was subjected to certain covenants, conditions, and restrictions pursuant to the Declaration of Covenants, Conditions and Restrictions for Scenic Mountain recorded on October 24, 2018, as Entry Number 102187, in the Recorder's Office for Utah County (the "Declaration");
- B. This Amendment shall be binding against all of the property described in the Declaration; any amendment, annexation or supplement thereto; and as further described in Exhibit A.
- C. This Amendment is intended to remove restrictions on how the Association resolves disputes.
- D. Pursuant to Article 12, Section 12.2 of the Declaration, the undersigned hereby certifies that the affirmative vote of at least sixty-seven percent (67%) of the Members of the Association has been obtained and have approved this Amendment.

**NOW THEREFORE**, the Association hereby amends the Declaration by replacing the existing language of Article 13 of the Declaration, in its entirety, with the following language:

**13.1 Attorney Fees and Costs.** In any legal action brought by the Association or its Members to assert the rights of the Association or its Members or to enforce this Declaration, other Association governing documents, the Community Association Act (Utah Code Ann. 57-8a-101 *et seq.*), or the Utah Revised Nonprofit Corporation Act (Utah Code Ann. 16-6a-1601 *et seq.*), the prevailing party shall be entitled to an award of reasonable costs and attorney fees.

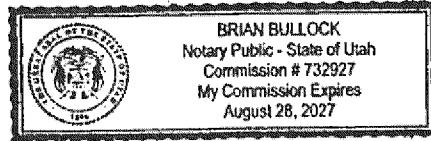
[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, Scenic Mountain Homeowners Association has executed this Amendment to the Declaration as of the 13 day of September, 2024, in accordance with the Declaration.

**SCENIC MOUNTAIN  
HOMEOWNERS ASSOCIATION**

Sign: Doug Freeman  
Print: Doug Freeman  
Its: President

STATE OF UTAH )  
: ss  
COUNTY OF UTAH )



On the 13 day of September, 2024, personally appeared before me  
Doug Freeman, who being by me duly sworn did that say that they are the  
 President of the Association and that said instrument was signed in behalf of said Association by  
 authority of its Board, and acknowledged said instrument to be their voluntary act and deed.

Doug Freeman  
Notary Public

**EXHIBIT A**  
(Legal Descriptions)

**PHASE A PLAT 1:**

A portion of the SW1/4 of Section 16, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Eagle Mountain, Utah, more particularly described as follows:

Beginning on the Easterly line of that Real Property described as Deed Entry No. 37441:2009 of the Official Records of Utah County, located S0°16'29"W along the Section line 1,245.16 feet and East 798.43 feet from the West 1/4 Corner of Section 16, T5S, R1W, S.L.B.& M.; (Basis of Bearing: S88°57'24"E along the Section line between the South 1/4 Corner and the Southeast Corner of said Section 16); thence S89°43'29"E 143.66 feet; thence S00°16'31"W 7.25 feet; thence S89°43'29"E 88.50 feet; thence S76°03'21"E 50.51 feet; thence S57°12'29"E 48.01 feet; thence S55°29'22"E 48.00 feet; thence S53°21'35"E 202.22 feet; thence S56°02'00"E 53.00 feet; thence S33°58'00"W 27.77 feet; thence S56°02'00"E 85.00 feet; thence S33°58'00"W 58.00 feet; thence S29°55'16"W 157.69 feet; thence N57°40'02"W 11.12 feet; thence S33°57'46"W 48.00 feet to the easterly extension of the northerly line of Lot 101 SCENIC MOUNTAIN PLAT "1" SUBDIVISION, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence along said lot and extensions of the north line of said lot the following 5 (five) Courses and distances: thence N56°02'14"W 242.21 feet; thence N43°58'11"W 173.37 feet; thence N89°44'02"W 28.70 feet; thence Northerly along the arc of a non-tangent curve to the right having a radius of 27.00 feet (radius bears: N76°46'50"E) a distance of 6.35 feet through a central angle of 13°29'06" Chord: N06°28'37"W 6.34 feet; thence N00°15'56"E 129.41 feet; thence Southeasterly along the arc of a non-tangent curve to the right having a radius of 244.50 feet (radius bears: S01°25'33"W) a distance of 190.34 feet through a central angle of 44°36'15" Chord: S66°16'19"E 185.57 feet; thence S43°58'11"E 94.33 feet; thence along the arc of a curve to the left with a radius of 175.50 feet a distance of 55.64 feet through a central angle of 18°09'55" Chord: S53°03'09"E 55.41 feet; thence S62°08'06"E 24.17 feet; thence Southeasterly along the arc of a non-tangent curve to the right having a radius of 20.00 feet (radius bears: S27°21'50"W) a distance of 26.40 feet through a central angle of 75°36'37" Chord: S24°49'52"E 24.52 feet; thence Southeasterly along the arc of a non-tangent curve to the left having a radius of 50.00 feet (radius bears: N59°34'32"E) a distance of 57.94 feet through a central angle of 66°24'09" Chord: S63°37'32"E 54.76 feet; thence Northeasterly along the arc of a non-tangent curve to the left having a radius of 276.50 feet (radius bears: N57°08'49"W) a distance of 10.49 feet through a central angle of 02°10'23" Chord: N31°46'07"E 10.49 feet; thence N30°40'55"E 38.02 feet; thence along the arc of a curve to the right with a radius of 223.50 feet a distance of 12.81 feet through a central angle of 03°17'05" Chord: N32°19'28"E 12.81 feet; thence N33°58'00"E 16.82 feet; thence Northwesterly along the arc of a non-tangent curve to the left having a radius of 50.00 feet (radius bears: S70°26'07"W) a distance of 56.04 feet through a central angle of 64°13'08" Chord: N51°40'26"W 53.15 feet; thence S33°58'00"W 6.78 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 21.96 feet through a central angle of 83°53'54" Chord: S75°54'57"W 20.05 feet; thence N62°08'06"W 11.40 feet; thence Westerly along the arc of a non-tangent curve to the right having a radius of 25.00 feet (radius bears: N00°29'33"W) a distance of 12.37 feet through a central angle of 28°21'27" Chord: N76°18'50"W 12.25 feet; thence N62°08'06"W 12.60 feet; thence along the arc of a curve to the right with a radius of 124.50 feet a distance of 39.47 feet through a central angle of 18°09'55" Chord: N53°03'08"W 39.31 feet; thence N43°58'11"W 94.33 feet; thence along the arc of a curve to the left with a radius of 295.50 feet a distance of 232.25 feet through a central angle of 45°01'56" Chord: N66°29'09"W 226.32 feet; thence N89°00'07"W 124.30 feet; thence N00°16'31"E 64.06 feet to the point of beginning.

Contains: 2.89+/-

Parcel Nos. 66:643:0101 thru 66:643:0120

## PHASE A PLAT 2:

A portion of the SW1/4 of Section 16, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Eagle Mountain, Utah, more particularly described as follows:

Beginning at a point on the Southerly Line of that Real Property described in Deed Entry No. 68186:2018 of the Official Records of Utah County, located S0°16'29"W along the Section line 527.91 feet and East 886.34 feet from the West 1/4 Corner of Section 16, T5S, R1W, S.L.B.& M; (Basis of Bearing: S88°57'24"E along the Section line between the South 1/4 Corner and the Southeast Corner of said Section 16); thence East along said deed 53.24 feet; thence S05°25'47"E 80.72 feet; thence along the arc of a curve to the right with a radius of 100.00 feet a distance of 9.96 feet through a central angle of 05°42'18" Chord: S02°34'38"E 9.95 feet; thence S00°16'31"W 27.01 feet; thence along the arc of a curve to the left with a radius of 15.00 feet a distance of 23.63 feet through a central angle of 90°16'31" Chord: S44°51'45"E 21.26 feet; thence S00°33'02"W 30.00 feet; thence Southwesterly along the arc of a non-tangent curve to the left having a radius of 15.00 feet (radius bears: South) a distance of 23.49 feet through a central angle of 89°43'29" Chord: S45°08'15"W 21.16 feet; thence S00°16'31"W 103.09 feet; thence along the arc of a curve to the right having a radius of 261.00 feet a distance of 24.02 feet through a central angle of 05°16'26" Chord: S02°33'10"W 24.02 feet; thence S04°48'49"W 51.88 feet; thence along the arc of a curve to the left having a radius of 298.50 feet a distance of 23.76 feet through a central angle of 04°33'40" Chord: S02°32'40"W 23.76 feet; thence S00°16'31"W 9.37 feet; thence S89°43'29"E 88.50 feet; thence S00°16'31"W 198.40 feet; thence S66°15'52"E 78.22 feet; thence S37°14'30"W 22.03 feet; thence South 82.20 feet; thence S28°07'01"W 21.04 feet to the Northwest corner of Lot 110, SCENIC MOUNTAIN PHASE "A", PLAT 1, according to the Official Plat thereof recorded August 21, 2018 as Entry No. 79244:2018 in the Office of the Utah County Recorder; thence along said plat the following 4 (four) courses: 1) N76°03'21"W 50.51 feet; 2) N89°43'29"W 88.50 feet; 3) N00°16'31"E 7.25 feet; 4) N89°43'29"W 143.66 feet to the Westerly line of that Real Property described in Deed Entry No. 37441:2009 of the Official Records of Utah County; thence N00°16'33"E along said deed 390.00 feet; thence S89°43'23"E 79.81 feet; thence along the arc of a curve to the left with a radius of 15.00 feet a distance of 22.37 feet through a central angle of 85°27'48" Chord: N47°32'43"E 20.36 feet; thence N04°48'49"E 14.18 feet; thence along the arc of a curve to the left having a radius of 208.00 feet a distance of 19.38 feet through a central angle of 05°20'20" Chord: N02°33'56"E 19.37 feet; thence N00°16'31"E 190.36 feet; thence along the arc of a curve to the left having a radius of 47.00 feet a distance of 4.68 feet through a central angle of 05°42'18" Chord: N02°34'38"W 4.68 feet; thence N05°25'47"W 85.76 feet to the point of beginning.

Contains 2.56 acres +/-

Parcel Nos. 66:678:0018 thru 66:678:0130

## PHASE A PLAT 3:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S0°16'24"W ALONG THE SECTION LINE 952.88 FEET AND EAST 1525.81 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N89°42'26"E 118.50 FEET; THENCE ALONG THE ARC OF A 123.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS: N69°49'48"W) 44.11 FEET THROUGH A CENTRAL ANGLE OF 20°27'46" (CHORD: N9°56'19"E 43.87 FEET); THENCE N0°17'34"W 168.82 FEET; THENCE N89°42'26"E 53.00 FEET; THENCE S0°17'34"E 168.82 FEET; THENCE ALONG THE ARC OF A 176.50 FOOT RADIUS CURVE TO THE RIGHT 12.76 FEET THROUGH A CENTRAL ANGLE OF 4°08'28" (CHORD: S1°46'40"W 12.75 FEET); THENCE S56°02'05"E 108.83 FEET; THENCE S33°57'55"W 672.00 FEET; THENCE N56°02'05"W 85.00 FEET; THENCE N33°57'55"E 27.77 FEET; THENCE N56°02'05"W 53.00 FEET; THENCE N33°57'55"E 33.06 FEET; THENCE N56°02'06"W 58.00 FEET; THENCE N33°57'55"E 75.50 FEET; THENCE N56°02'05"W 43.50 FEET; THENCE N33°57'55"E 409.85 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±3.45 ACRES

Parcel Nos. 66:720:0131 thru 66:720:0152

**PHASE B PLAT 1**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S0°16'24"W ALONG THE SECTION LINE 527.88 FEET AND EAST 1380.84 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N89°59'55"E 432.68 FEET; THENCE S56°02'05"E 298.85 FEET; THENCE S33°57'27"W 388.55 FEET; THENCE N56°02'05"W 171.09 FEET; THENCE ALONG THE ARC OF A 176.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS BEARS N86°09'06"W) 12.76 FEET THROUGH A CENTRAL ANGLE OF 4°08'28" (CHORD: N1°46'40"E 12.75 FEET); THENCE N0°17'34"W 168.82 FEET; THENCE S89°42'26"W 298.58 FEET; THENCE N1°50'59"E 43.98 FEET; THENCE N29°41'30"W 47.23 FEET; THENCE N0°15'52"W 128.62 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±4.13 ACRES

Parcel Nos. 66:728:0201 thru 66:728:0241

**PHASE A PLAT 4:**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S0°16'24"W ALONG THE SECTION LINE 741.49 FEET AND EAST 1404.42 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, T5S, R1W, S.L.B.& M.; THENCE N89°42'26"E 245.58 FEET; THENCE S0°17'34"E 168.82 FEET; THENCE ALONG THE ARC OF A 123.50 FOOT RADIUS CURVE TO THE RIGHT 44.11 FEET THROUGH A CENTRAL ANGLE OF 20°27'46" (CHORD: S9°56'19"W 43.87 FEET); THENCE S89°42'26"W 118.50 FEET; THENCE S33°57'55"W 409.85 FEET; THENCE S56°02'05"E 43.50 FEET; THENCE S33°57'55"W 75.50 FEET; THENCE S56°02'05"E 58.00 FEET; THENCE S33°57'55"W 33.06 FEET; THENCE N53°21'40"W 202.22 FEET; THENCE N55°29'27"W 48.00 FEET; THENCE N57°12'34"W 48.01 FEET; THENCE N28°06'40"E 21.04 FEET; THENCE N0°00'05"W 82.19 FEET; THENCE N37°14'25"E 22.03 FEET; THENCE N37°14'01"E 85.28 FEET; THENCE N43°19'39"E 131.86 FEET; THENCE N33°48'47"E 291.25 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±3.95 ACRES

Parcel Nos. 66:784:0153 thru 66:784:0180

**PHASE C PLAT 1:**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THAT REAL PROPERTY FOUND AT ENTRY NO. 68186:2018 IN THE OFFICIAL RECORDS OF UTAH COUNTY, SAID POINT BEING LOCATED S0°16'24"W ALONG THE SECTION LINE 527.89 FEET AND EAST 798.44 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, T5S, R1W, S.L.B.& M.; THENCE N89°59'55"E ALONG SAID LINE 87.90 FEET TO THE WEST LINE OF VERNHAM LANE; THENCE ALONG SAID LINE THE FOLLOWING FIVE (5) COURSES: S5°25'52"E 85.78 FEET; THENCE ALONG THE ARC OF A 47.00 FOOT RADIUS CURVE TO THE RIGHT 4.68 FEET THROUGH A CENTRAL ANGLE OF 5°42'18" (CHORD: S2°34'44"E 4.68 FEET); THENCE S0°16'25"W 190.36 FEET; THENCE ALONG THE ARC OF A 208.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS BEARS S89°53'41"W) 19.38 FEET THROUGH A CENTRAL ANGLE OF 5°20'20" (CHORD: S2°33'51"W 19.37 FEET); THENCE S4°48'44"W 14.18 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 22.37 FEET THROUGH A CENTRAL ANGLE OF 85°27'48" (CHORD: S47°32'38"W 20.36 FEET) TO THE NORTH LINE OF VERNHAM COURT; THENCE N89°43'28"W ALONG SAID LINE 79.81 FEET TO THE EAST LINE OF THAT REAL PROPERTY DESCRIBED AT ENTRY NO. 37441:2009 IN THE OFFICIAL RECORDS OF UTAH COUNTY; THENCE N0°16'26"E ALONG SAID LINE 327.27 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±0.72 ACRES

Parcel Nos. 66:895:0101 thru 66:895:0113

**PHASE C PLAT 2:**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S0°16'24"W ALONG THE SECTION LINE 669.82 FEET AND EAST 948.10 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 16.20 FEET WITH A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 37°08'15", CHORD: S71°25'57"E 15.92 FEET; THENCE N89°59'55"E 360.87 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 12.41 FEET WITH A RADIUS OF 27.00 FEET THROUGH A CENTRAL ANGLE OF 26°20'16", CHORD: N31°33'11"E 12.30 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 66.39 FEET WITH A RADIUS OF 57.50 FEET THROUGH A CENTRAL ANGLE OF 66°09'11", CHORD: N51°27'38"E 62.76 FEET; THENCE N84°32'13"E 2.38 FEET TO THE WEST LINE OF PHASE B, PLAT 1, SCENIC MOUNTAIN SUBDIVISION; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES: S0°15'52"E 31.43 FEET; THENCE S29°41'30"E 47.23 FEET; THENCE S1°50'59"W 43.98 FEET; THENCE ALONG THE WEST LINE OF PHASE A, PLAT 4, SCENIC MOUNTAIN SUBDIVISION THE FOLLOWING THREE (3) COURSES: S33°46'46"W 291.25 FEET; THENCE S43°19'39"W 131.86 FEET; THENCE S37°14'01"W 85.28 FEET; THENCE ALONG THE EAST LINE OF PHASE A, PLAT 2, SCENIC MOUNTAIN SUBDIVISION THE FOLLOWING TEN (10) COURSES: N66°15'57"W 78.22 FEET; THENCE N0°16'26"E 198.40 FEET; THENCE N89°43'34"W 88.50 FEET; THENCE N0°16'26"E 9.37 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 23.76 FEET WITH A RADIUS OF 298.50 FEET THROUGH A CENTRAL ANGLE OF 4°33'40", CHORD: N2°32'35"E 23.76 FEET; THENCE N4°48'44"E 51.88 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 24.02 FEET WITH A RADIUS OF 261.00 FEET THROUGH A CENTRAL ANGLE OF 5°16'28", CHORD: N2°33'05"E 24.02 FEET; THENCE N0°16'26"E 138.47 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±3.21 ACRES

Parcel Nos. 66:891:0201 thru 66:891:0239

**PHASE C PLAT 3:**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF VERNHAM LANE, SAID POINT BEING LOCATED S0°16'24"W ALONG THE SECTION LINE 669.82 FEET AND EAST 948.10 FEET FROM THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES: N0°16'26"E 51.63 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 9.96 FEET WITH A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 05°42'24", CHORD: N02°34'43"W 9.96 FEET; THENCE N5°25'52"W 80.72 FEET TO THE SOUTH LINE OF THAT REAL PROPERTY DESCRIBED AT ENTRY NO. 68186:2018 IN THE OFFICIAL RECORDS OF UTAH COUNTY; THENCE N89°59'55"E ALONG SAID LINE 441.26 FEET; THENCE S0°15'52"E 97.19 FEET; THENCE S84°32'13"W 2.38 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 66.39 FEET WITH A RADIUS OF 57.50 FEET THROUGH A CENTRAL ANGLE OF 66°09'11", CHORD: S51°27'38"W 62.76 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 12.41 FEET WITH A RADIUS OF 27.00 FEET THROUGH A CENTRAL ANGLE OF 26°20'16", CHORD: S31°33'11"W 12.30 FEET; THENCE S89°59'55"W 360.87 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 16.20 FEET WITH A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 37°08'15", CHORD: N71°25'57"W 15.92 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±1.42 ACRES

Parcel Nos. 66:897:0301 thru 66:897:0332