

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

**SUN RIVER ST. GEORGE**

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Sun River St. George is made and executed this 1<sup>st</sup> day of MAY, 2000, by SUN RIVER ST. GEORGE DEVELOPMENT, LLC. (hereinafter referred to as "Declarant").

**RECITALS**

A. Declarant caused to be recorded the Declaration of Covenants, Conditions and Restrictions of Sun River St. George on March 10, 1998, as Entry No. 594446, in Book 1187, at Pages 294-365, of the Official records of the Washington County Recorder (the "Declaration").

B. Article XVI, Section 16.2(i) of the Declaration vests Declarant with certain rights to unilaterally amend and clarify the Declaration:

(i) to bring any provision into compliance with any applicable governmental statutes, rule, regulation, or judicial determination.

C. Pursuant to Article XVI, Section 16.2(i) of the Declaration, Declarant exercises such unilateral right of amendment and clarification and adopts the amendments to the Declaration set forth below. This Amendment is consistent with the requirements of the Housing for Older Persons Act (HOPA).

D. This Amendment shall apply to and be recorded against the Sun River St. George properties as more particularly described in Exhibit A attached hereto and incorporated herein.

**FACE SHEET AND SECTION 2.6**

The Face Sheet and Section 2.6 of the Declaration are hereby amended as follows:

**Age Restriction - Housing for Persons 55 Years of Age or Older Under HOPA.**  
**SUN RIVER ST. GEORGE PROVIDES HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER AS DEFINED UNDER THE FEDERAL HOUSING FOR OLDER PERSONS ACT AND EIGHTY PERCENT (80%) OF THE OCCUPIED DWELLING UNITS SHALL BE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER. NO PERSON UNDER AGE 18, AS WELL AS OTHERS FALLING WITHIN THE**

DEFINED TERM OF FAMILIAL STATUS UNDER FEDERAL LAW, SHALL OCCUPY ANY DWELLING UNIT. HOWEVER, PERSONS UNDER AGE 18 MAY RESIDE AS A VISITOR IN ANY DWELLING UNIT FOR A PERIOD NOT EXCEEDING 30 CONSECUTIVE DAYS NOR MORE THAN 90 DAYS IN ANY CALENDAR YEAR.

THE BOARD SHALL ESTABLISH POLICIES AND PROCEDURES FROM TIME TO TIME AS NECESSARY TO MAINTAIN THE PROPERTIES AS AN AGE RESTRICTED COMMUNITY INTENDED FOR HOUSING PERSONS 55 YEARS OF AGE OR OLDER UNDER STATE AND FEDERAL LAW.

EXECUTED the day and year first above written.

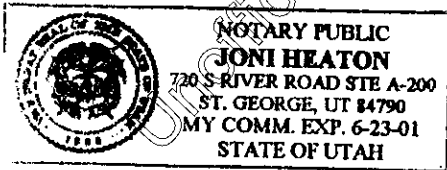
DECLARANT:

SUN RIVER ST. GEORGE DEVELOPMENT, L.C.  
A Utah Limited Liability Company

*Darcy Stewart*  
By: Darcy Stewart  
Its: Manager

STATE OF UTAH,  
:ss.  
County of Washington. )

On this 1st day of May, 2000, personally appeared before me, Darcy Stewart, who being by me duly sworn did say that he is the Manager of Sun River St. George Development, L.C., a Utah limited liability company, and that he executed the foregoing Amendment on behalf said Company being authorized and empowered to do so by the Operating Agreement of said Company, and he did acknowledge to me that such Company executed the same for the uses and purposes stated therein.



*Joni Heaton*  
Notary Public

**EXHIBIT A**

The following real property is located in Washington County, Utah

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF SECTION 22, THE WEST 1/2 AND THE NORTHEAST 1/4 OF SECTION 23, THE SOUTHWEST 1/4 OF SECTION 14 AND THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 16 WEST SALT LAKE BASE & MERIDIAN BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22 (BRASS CAP) AND RUNNING THENCE N00\*06'57"W, 1,319.49 FEET ALONG THE SECTION LINE TO THE SOUTH 1/16 CORNER; THENCE S89\*49'39"W, 2,646.84 FEET ALONG THE 1/16 LINE TO THE CENTER SOUTH 1/16 CORNER; THENCE N00\*09'14"W, 1,320.25 FEET ALONG THE CENTER SECTION LINE TO THE CENTER 1/4 CORNER OF SAID SECTION 22; THENCE N89\*50'38"E, 744.33 FEET ALONG THE CENTER SECTION LINE; THENCE N24\*52'57"E, 2,822.99 FEET TO A POINT MORE OR LESS ON THE SOUTHERLY BANK OF THE VIRGIN RIVER (PRESENT MEANDER LINE); THENCE ALONG THE SOUTHERLY BANK OF THE VIRGIN RIVER AS FOLLOWS S86\*30'00"E, 97.90 FEET; THENCE N75\*12'00"E, 497.77 FEET; THENCE N64\*07'32"E, 395.10 FEET; THENCE N67\*34'00"E, 284.71 FEET, THENCE N72\*42'00"E, 254.15 FEET; THENCE N70\*12'00"E, 128.15 FEET; THENCE LEAVING SAID BANK OF THE VIRGIN RIVER S17\*30'00"W, 209.78 FEET, THENCE S33\*30'00"E, 274.56 FEET; THENCE N77\*15'00"E 382.80 FEET MORE OR LESS TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 14, THEN S00\*00'00"E, 91.74 FEET ALONG THE 1/16 LINE TO THE EAST 1/16 CORNER OF SAID SECTION 23; THENCE SOUTH 00\*06'59"E, 1,319.62 FEET ALONG THE CENTER SECTION LINE TO THE CENTER NORTH 1/16 CORNER; THENCE N89\*55'10"E, 1,317.18 FEET ALONG THE 1/16 LINE TO THE NORTHEAST 1/16 CORNER; THENCE S00\*02'19"E, 1,319.93 FEET ALONG THE 1/16 LINE TO THE CORNER EAST 1/16 CORNER; THENCE S89\*55'58"W, 1,315.38 FEET ALONG THE 1/16 LINE TO THE CENTER 1/4 CORNER OF SAID SECTION 23, THENCE S00\*06'59"E, 2,641.42 FEET ALONG THE CENTER SECTION LINE TO THE SOUTH 1/4 CORNER OF SAID SECTION 23; THENCE S89\*59'09"W, 2,637.56 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 523.401 ACRES MORE OR LESS;

AND

THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN. THE ABOVE DESCRIBED PARCEL CONTAINS 40.087 ACRES MORE OR LESS.