

When Recorded Return To:

D.R. Horton, Inc.  
12351 South Gateway Park Place, Suite D-100  
Draper, Utah 84020  
Attention: Adam Loser

**THIRD AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
DRH EAGLE POINT TOWNHOMES**

THIS THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DRH EAGLE POINT TOWNHOMES (this “**Third Amendment**”) is made as of February 5, 2024, by D.R. HORTON, INC., a Delaware corporation (“**Declarant**”), and by EAGLE POINT TOWNS-EAGLE MOUNTAIN, L.P., a Delaware limited partnership (“**Hearthstone**”), with reference to the following:

RECITALS

A. On January 5, 2022, Declarant and Hearthstone caused to be recorded as Entry No. 1557:2022 in the official records of the Office of the Recorder of Utah County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for DRH Eagle Point Townhomes (the “**Original Declaration**”) pertaining to a residential unit development known as DRH Eagle Point Townhomes located in Eagle Mountain City, Utah County, Utah.

B. On August 8, 2022, Declarant and Hearthstone caused to be recorded as Entry No. 88668:2022 in the Official Records that certain First Supplemental Declaration and Amendment to the Declaration of Covenants, Conditions and Restrictions for DRH Eagle Point Townhomes (the “**First Supplemental Declaration**”).

C. On October 13, 2023, Declarant caused to be recorded as Entry No. 67607:2023 in the Official Records that certain Second Amendment to the Declaration of Covenants, Conditions and Restrictions for DRH Eagle Point Townhomes (the “**Second Amendment**”).

D. The Original Declaration, as previously supplemented and amended, pertains to and affects that certain real property located in Utah County, Utah, which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the “**Property**”).

E. Section 3.32(b) of the Original Declaration provides that Declarant shall have the right to amend unilaterally the Original Declaration during the Class B Control Period for any purpose that Declarant deems to be in the best interest of the Project.

F. Pursuant to Section 3.32(b) of the Original Declaration, Declarant is executing and recording this Third Amendment for the purpose of amending certain provisions of the Original Declaration, as previously supplemented and amended, as hereinafter set forth.

### THIRD AMENDMENT

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. Defined Terms. All defined terms as used in this Third Amendment shall have the same meanings as those set forth in the Original Declaration, as previously supplemented and amended, unless otherwise defined in this Third Amendment.

2. Amendment of Section 3.5(f)(16) of the Original Declaration. Section 3.5(f)(16) of the Original Declaration is hereby amended and restated in its entirety to read as follows:

(16) Business Activities. The Property within the Project shall not be used for any Business and/or Trade, garage sale, moving sale, rummage sale, or similar activity, except that an Owner or Permanent Resident may conduct business activities within a Unit so long as: (a) the Owner or Permanent Resident obtains all necessary licenses and permits; (b) the activity conforms to applicable laws, including all zoning requirements for the Project; (c) the Business and/or Trade activity does not involve door-to-door solicitation of residents of the Project; (d) the activity is consistent with the residential character of the Project and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other Owners or Permanent Residents of the Project, as may be determined in the sole discretion of the Board; and (e) the Owner or Permanent Resident obtains the prior written consent of the Board. This Section 3.5(f)(16) shall not apply to any activity conducted by Declarant with respect to its development and sale of the Lots and Units or its use of any Lots or Units which it owns within the Project. Notwithstanding the above, except for the nightly rental of a residence, the leasing of a residence shall not be considered a Business and/or Trade within the meaning of this Section 3.5(f)(16). For purposes of this Declaration, the nightly rental of a residence shall be considered a Business and/or Trade within the meaning of this Section 3.5(f)(16). The nightly rental of a residence within the Project shall only be permitted if: (a) the terms and conditions for the use of such residence for nightly rental purposes complies with all of the City's ordinances, restrictions and regulations pertaining to the permitted and authorized nightly rental of a dwelling within the City, and (b) the Board approves the use of such residence for nightly rental purposes, which approval may be revoked by the Board at any time in the Board's sole discretion.

3. No Other Changes. Except as amended by the provisions of this Third Amendment, the Original Declaration, as previously supplemented and amended, shall remain unmodified and

in full force and effect. The Original Declaration, as previously supplemented and amended, and as amended by this Third Amendment, shall collectively be referred to as the "Declaration."

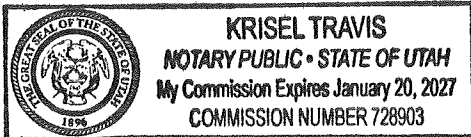
IN WITNESS WHEREOF, Declarant and Hearthstone have caused this Third Amendment, to be executed by persons duly authorized to execute the same.

D.R. HORTON, INC.,  
a Delaware corporation

By: *Adam R. Loser*  
Name: Adam R. Loser  
Title: Vice President  
Date of Execution: Feb 5<sup>th</sup>, 2024

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged to me this 5 day of February, 2024, by Adam R. Loser, in such person's capacity as the Vice President of D.R. Horton, Inc., a Delaware corporation.



*Krisel Travis*  
NOTARY PUBLIC  
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**EXHIBIT A  
TO  
THIRD AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
DRH EAGLE POINT TOWNHOMES**

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**Legal Description of the Property**

The Property consists of that certain real property located in Utah County, Utah more particularly described as follows:

**DRH Eagle Point TH Plat C**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE EAGLE POINT TOWNHOMES PLAT "A" SUBDIVISION BOUNDARY AS RECORDED AS ENTRY 76286:2013 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING ALSO ON THE WESTERLY RIGHT-OF-WAY LINE OF COSMOS DRIVE AS SHOWN IN THE EAGLE POINT ROAD DEDICATION PLAT AS RECORDED AS ENTRY 69966:2015 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING NORTH 89°31'09" WEST 748.84 FEET AND SOUTH 448.23 FEET FROM THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING ALONG SAID RIGHT-OF-WAY OF SAID COSMOS DRIVE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY 278.19 FEET ALONG THE ARC OF A 1517.68 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 02°49'52" EAST 277.80 FEET); 2) SOUTHWESTERLY 31.55 FEET ALONG THE ARC OF A 20.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 37°06'13" WEST 28.38 FEET); THENCE SOUTH 07°42'38" EAST 191.66 FEET; THENCE NORTH 82°02'57" WEST 1049.75 FEET; THENCE NORTH 07°57'02" EAST 10.00 FEET; THENCE NORTH 82°02'58" WEST 13.15 FEET; THENCE NORTH 09°21'25" EAST 513.70 FEET; THENCE SOUTH 82°02'57" EAST 316.86 FEET TO THE WESTERLY RIGHT-OF-WAY OF SKYLINE DRIVE, AND RUNNING ALONG SAID RIGHT-OF-WAY SOUTHWESTERLY 15.51 FEET ALONG THE ARC OF A 3739.09 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 06°38'54" WEST 15.51 FEET); THENCE SOUTH 83°13'59" EAST 50.00 FEET; THENCE ALONG SAID SKYLINE DRIVE RIGHT-OF-WAY NORTHEASTERLY 7.74 FEET ALONG THE ARC OF A 3789.09 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 06°42'31" EAST 7.74 FEET); THENCE SOUTH 81°11'22" EAST 126.86 FEET; THENCE SOUTHEASTERLY 98.97 FEET ALONG THE ARC OF A 100.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 52°50'06" EAST 94.98 FEET); THENCE SOUTHEASTERLY 38.02 FEET ALONG THE ARC OF A 40.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 51°39'44" EAST 36.61 FEET); THENCE NORTHEASTERLY 80.21 FEET ALONG THE ARC OF A 120.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 82°01'40" EAST 78.73 FEET); THENCE SOUTH 24°29'37" EAST 12.88 FEET; THENCE NORTH 65°36'13" EAST 29.27 FEET; THENCE SOUTH 83°24'33" EAST 7.59 FEET; THENCE SOUTH 32°30'39" EAST 8.44 FEET; THENCE SOUTHEASTERLY 25.81 FEET ALONG THE ARC OF A 28.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 58°55'08" EAST 24.91 FEET); THENCE SOUTH 85°19'38" EAST 193.35 FEET; THENCE NORTHEASTERLY 12.43 FEET ALONG THE ARC OF A 13.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 67°16'48" EAST 11.96 FEET); THENCE NORTH 39°53'14" EAST 5.44 FEET; THENCE SOUTH 83°24'33" EAST 2.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.44 ACRES, MORE OR LESS.

DRH Eagle Point TH Plat D

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE EAGLE POINT ROAD DEDICATION PLAT BOUNDARY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE AS MAP FILING NO. 14711, SAID POINT BEING NORTH 89°31'09" WEST ALONG THE SECTION LINE 1262.75 FEET AND NORTH 132.70 FEET FROM THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID EAGLE POINT ROAD DEDICATION PLAT THE FOLLOWING THREE (3) COURSES: 1) SOUTH 10°59'59" WEST 126.35 FEET; 2) SOUTHWESTERLY 171.32 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 27°38'33" WEST 166.38 FEET); 2) SOUTHWESTERLY 184.65 FEET ALONG THE ARC OF A 3739.09 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 05°06'53" WEST 184.63 FEET) TO A POINT ON THE NORTHERLY BOUNDARY OF EAGLE POINT TOWNHOMES PLAT "C" ON FILE WITH THE UTAH COUNTY RECORDER'S OFFICE (NOT YET RECORDED), THENCE ALONG THE BOUNDARY OF SAID EAGLE POINT PHASE "C" NORTH 82°02'57" WEST 316.86 FEET; THENCE NORTH 09°21'25" EAST 492.90 FEET TO THE SOUTH RIGHT-OF-WAY OF EAGLE MOUNTAIN BOULEVARD; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 359.34 FEET ALONG THE ARC OF A 10046.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 77°58'34" EAST 359.32 FEET) TO THE POINT OF BEGINNING.

CONTAINING 3.59 ACRES, MORE OR LESS.

DRH Eagle Point TH Plat E

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHESTERLY BOUNDARY OF EAGLE POINT ROAD DEDICATION PLAT, ON FILE WITH THE UTAH COUNTY RECORDER AS ENTRY 69966:2015, SAID POINT BEING SOUTH 89°31'09" WEST ALONG THE SECTION LINE 706.51 FEET AND SOUTH 77.76 FEET FROM THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING ALONG THE BOUNDARY OF SAID EAGLE POINT ROAD DEDICATION PLAT, NORTH 07°41'24" EAST 122.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF EAGLE MOUNTAIN BOULEVARD, THENCE ALONG SAID RIGHT OF WAY SOUTHEASTERLY 315.78 FEET ALONG THE ARC OF A 10046.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; (CHORD BEARS SOUTH 83°12'39" EAST 315.76 FEET); THENCE SOUTH 00°00'01" EAST 771.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF FALL STREET; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) NORTHWESTERLY 40.41 FEET ALONG THE ARC OF A 1450.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 79°38'31" WEST 40.41 FEET); 2) NORTHWESTERLY 249.10 FEET ALONG THE ARC OF A 1025.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 85°48'21" WEST 248.49 FEET); THENCE NORTHWESTERLY 29.50 FEET ALONG THE ARC OF A 20.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 50°30'49" WEST 46.90 FEET) TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF COSMOS DRIVE, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) NORTHEASTERLY 491.59 FEET ALONG THE ARC OF A 1467.78 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 01°20'12" EAST 489.30 FEET); 2) NORTHWESTERLY 163.62 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 11°56'20" WEST 159.31 FEET) TO THE POINT OF BEGINNING.

(CONTAINING 5.55 ACRES, MORE OR LESS)

ALSO:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF EAGLE POINT PLAT "C" ON FILE WITH THE UTAH COUNTY RECORDER'S OFFICE AS ENTRY (NOT YET RECORDED), SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF FALL STREET, SAID POINT BEING NORTH 89°31'09" WEST ALONG THE SECTION LINE, 745.53 FEET AND SOUTH 797.85 FEET FROM THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG SAID FALL STREET RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY 321.06 FEET ALONG THE ARC OF A 975.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 88°16'38" EAST 319.61 FEET); 2) SOUTHEASTERLY 50.22 FEET ALONG THE ARC OF A 1500.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 79°48'10" EAST 50.22 FEET); THENCE SOUTH 170.75 FEET; THENCE NORTH 82°02'57" WEST 353.28 FEET TO THE EASTERLY BOUNDARY OF SAID EAGLE POINT PLAT "C", THENCE ALONG SAID BOUNDARY, NORTH 07°42'38" WEST 141.66 FEET TO THE POINT OF BEGINNING.

(CONTAINING 1.37 ACRES, MORE OR LESS)

CONTAINING A SUM OF 6.92 ACRES, MORE OR LESS