

When Recorded Return To:

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

**FIRST SUPPLEMENTAL DECLARATION AND
SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
OLD SORREL TOWNHOMES**

THIS FIRST SUPPLEMENTAL DECLARATION AND SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OLD SORREL TOWNHOMES (this “**First Supplemental Declaration**”) is made as of February 2, 2024, by D.R. HORTON, INC., a Utah Delaware corporation (“**Declarant**”), with reference to the following:

RECITALS

A. On November 19, 2021, Declarant caused to be recorded as Entry No. 00781474 in Book 1583 beginning at Page 489 of the Official Records of the Office of the Recorder of Iron County, Utah (the “**Official Records**”), that certain Declaration of Covenants, Conditions and Restrictions for Old Sorrel Townhomes (the “**Original Declaration**”) pertaining to a residential unit development known as Old Sorrel Townhomes located in Cedar City, Iron County, Utah.

B. On October 13, 2023, Declarant caused to be recorded as Entry No. 00810876 in Book 1657 beginning at Page 871 of the Official Records that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for Old Sorrel Townhomes (the “**First Amendment**”).

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

D. The Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of an amendment, which shall be effective upon recording the amendment in the Official Records.

E. Pursuant to Section 4.1 of the Original Declaration, Declarant desires to subject to the Original Declaration, as previous amended, and as supplemented and amended by this First Supplemental Declaration, that portion of the Additional Land described on Exhibit B, which is attached hereto and incorporated herein by this reference (the “**Subject Property**”).

F. 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.

G. Declarant is executing and delivering this First Supplemental Declaration for the purpose of subjecting the Subject Property to the provisions of the Original Declaration, as previously amended, and as supplemented and amended by this First Supplemental Declaration, and for the purpose of amending certain provisions of the Original Declaration, as hereinafter set forth.

FIRST SUPPLEMENTAL DECLARATION

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

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

2. Subject Property Subjected to the Original Declaration. The Subject Property is hereby subjected to the Original Declaration, as previously amended, and as supplemented and amended by this First Supplemental Declaration, and the Subject Property shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as previously amended, and as supplemented and amended by this First Supplemental Declaration, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof. The Subject Land shall hereafter be deemed to be a part of the Property, as such term is defined in Section 1.48 of the Original Declaration. The provisions of the Original Declaration, as previously amended, and as supplemented and amended by this First Supplemental Declaration, shall run with the Subject Property and shall be binding upon all Persons having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

3. Amendment of Section 3.5(f)(16) of the Original Declaration. Section 3.5(f)(16) of the Original Declaration, as previously amended, 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.

4. No Other Changes. Except as supplemented and amended by the provisions of this First Supplemental Declaration, the Original Declaration, as previously amended, shall remain unmodified and in full force and effect. The Original Declaration, as previously amended, and as supplemented and amended by this First Supplemental Declaration, shall collectively be referred to as the "**Declaration.**"

IN WITNESS WHEREOF, Declarant has caused this First Supplemental Declaration to be executed by a person duly authorized to execute the same.

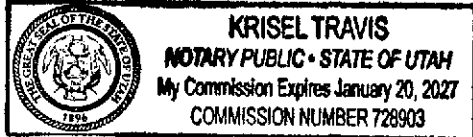
DECLARANT:

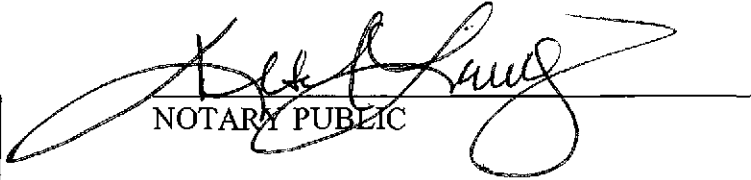
D.R. HORTON, INC.,
a Delaware corporation

By: 
Name: Adam J. Loser
Title: Vice President
Date of Execution: Feb 2nd, 2024

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

The foregoing instrument was acknowledged before me this 2 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.




NOTARY PUBLIC

**EXHIBIT A
TO
FIRST SUPPLEMENTAL DECLARATION AND
SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
OLD SORREL TOWNHOMES**

Legal Description of the Property

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

All of Lots 1001 TO 1115 and all Common Area, Limited Common Areas and Private Roadways as designated on the recorded subdivision plat, OLD SORREL TOWNHOMES P.U.D., PHASE 1, recorded November 19, 2021 as Entry No. 781473 Book 1583 Page 488 Iron County Recorder, Utah, Inclusive.

Tax Identification Numbers: B-1857-1001-0000 to B-1857-1115-0000; B-1857-0039-0000

**EXHIBIT B
TO
FIRST SUPPLEMENTAL DECLARATION AND
SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
OLD SORREL TOWNHOMES**

Legal Description of the Subject Property

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

BEGINNING AT A POINT N00°06'13"W 1631.47' ALONG THE EAST SECTION LINE, AND S89°53'47"W 50.00' FROM THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN; SAID POINT IS ON THE WESTERLY RIGHT-OF-WAY (R.O.W.) LINE OF CROSS HOLLOW ROAD AND IS THE SOUTHEAST CORNER OF OLD SORREL TOWNHOMES P.U.D., PHASE 1; THENCE ALONG SAID R.O.W. LINE S00°06'13"E 418.03'; THENCE DEPARTING SAID R.O.W. LINE S89°54'06"W 700.00'; THENCE N00°06'13"W 481.06' TO THE SOUTHWEST CORNER OF SAID PHASE 1; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PHASE 1 FOR THE FOLLOWING (4) CALLS: THENCE S72°29'17"E 231.59'; THENCE N89°54'06"E 206.35'; THENCE N00°05'54"W 7.00'; THENCE N89°53'47"E 272.92' TO THE POINT-OF-BEGINNING AND CONTAINS 6.83 ACRES.

TOGETHER WITH A 15' WIDE STORM DRAIN EASEMENT {BK 1570 PG 1390), BEING 7.5' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE FOR THE INSTALLATION AND MAINTENANCE OF A STORM DRAIN PIPE: BEGINNING AT A POINT S00°06'13"E 366.26' ALONG THE EAST SECTION LINE AND N90°00'00"W 92.50' FROM THE EAST QUARTER CORNER OF SECTION 17, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN; THENCE N60°19'27"E 57.29' TO THE POINT OF ENDING, SAID POINT OF ENDING IS S07°05'46"W 340.5T FROM SAID EAST QUARTER CORNER.

Tax Parcel Identification Numbers:

00814592 B: 1666 P: 1466

B-1