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AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF PADRE LAKES TOWNHOMES

THIS AMENDMENT TO THE DECLARATION of Covenants Conditions and Restrictions of Padre Lakes Townhomes is made pursuant to Article XI, Section 4, and executed this 22nd day of September, 1994, AND AMENDS THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF PADRE LAKES TOWNHOMES, recorded April 14, 1994, as Entry No. 463799, in Book 811, at Pages 024-040, records of Washington County, and affects the property attached in Exhibit A, attached hereto.

Article II Section 6 is hereby amended to read as follows:

ARTICLE II -- PROPERTY RIGHTS

Section 6. Lot. Each lot is owned in fee simple by the owner. However, area within the surveyed lot boundaries but outside the townhome walls shall be treated as limited common area for use purposes, and as exterior area for maintenance purposes. The purpose of laying out a lot larger than the townhome is to allow flexibility in the original townhome construction. After the initial construction on a lot, subsequent construction, if any, may occupy any portion of the surveyed lot, subject to all other provisions of this Declaration. An owner may construct appurtenant structures and personal landscaping outside the boundaries of the townhome and within the rear area of the surveyed boundaries of the lot, subject to approval of the Architectural Control Committee, as outlined in Article VI herein.

Article VI is hereby amended to read as follows:

ARTICLE VI -- ARCHITECTURAL CONTROL COMMITTEE

The Trustees may appoint an Architectural Control Committee composed of three (3) or more representatives and until such appointment is made in writing the Trustees shall function in that capacity. No structure, building, fence, wall or addition, extension or expansion of any of the foregoing nor any exterior addition or change or alteration, including color changes, of any lot or townhome shall be made until the plans and specifications showing the nature, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee. In the event said committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and compliance with this article will be deemed to have been made. The Architectural Control Committee shall consider the harmony of external design and location in relation to surrounding structures and topography. However, an owner's request to construct appurtenant structures and personal landscaping outside the boundaries of the townhome and within the rear area of the surveyed boundaries of the lot shall be approved unless the action constitutes a violation of law or the use restrictions of this Declaration, or the rules and regulations of the Association.

Notwithstanding the foregoing, without the prior written approval of at least sixty-seven percent (67%) of the owners, neither the Association nor the Architectural Control Committee shall have the power, by act or omission, to change, waive or abandon any plan, scheme or regulations pertaining to the architectural design or the exterior appearance or maintenance of townhomes and lots, and the maintenance of the common and limited common areas, including walls, fences, driveways, lawns and plantings.

The Declarant shall not be required to comply with the provisions of this paragraph in the initial construction of the Properties.

00480001 Bk0854 Pg0008
RUSSELL SHIRTS * WASHINGTON CO RECORDER
1994 SEP 29 09:51 AM FEE $16.00 BY CB
FOR: SOUTHERN UTAH TITLE CO

DATED THIS 22nd day of September, 1994.

ENCE EXCAVATION & GENERAL ENGINEERING, INC.

By _____
Jay Ence, President

_____
PAUL S. JENSEN

_____
LAYTON P. OTT

_____
CORINNE O. JENSEN

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 22nd day of September, 1994, before me personally appeared **Jay Ence**, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the president of Ence Excavation & General Engineering, Inc., a corporation, and that the foregoing document was signed by him on behalf of that corporation by authority of its bylaws or of a resolution of its board of directors, and he acknowledged before me that the corporation executed the document and the document was the act of the corporation for its stated purpose.

_____
NOTARY PUBLIC
Address: St. George, Utah
My Commission Expires: 11-04-96

PAULA J. HALL
Notary Public
STATE OF UTAH
My Comm. Expires NOV 4,1996
1031 N 1900 WEST ST. GEORGE UT 84770

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 22nd day of September, 1994, before me personally appeared **Layton P. Ott**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that he signed it voluntarily for its stated purpose.

_____
NOTARY PUBLIC
Address: St. George, Utah
My Commission Expires: 11-04-96

PAULA J. HALL
Notary Public
STATE OF UTAH
My Comm. Expires NOV 4,1996
1031 N 1900 WEST ST. GEORGE UT 84770

Unofficial Copy

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 22nd day of September, 1994, before me personally appeared **Paul S. Jensen and Corinne O. Jensen**, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are signed on the preceding document, and acknowledged before me that they signed it voluntarily for its stated purpose.

Paula J. Hall
NOTARY PUBLIC
Address: St. George, Utah
My Commission Expires: 11-04-96

PAULA J. HALL
Notary Public
STATE OF UTAH
My Comm. Expires NOV 4,1996
1031 N 1900 WEST ST. GEORGE UT 84770

MC/DC/DN:E:Ence Ex 724406 Padre Lakes:amendcc&r 072794 724406 dc

EXHIBIT "A"

BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF "CANYON CLIFF SUBDIVISION --PHASE II", SAID POINT BEING N 88°34'11" E 2724.12 FEET ALONG THE CENTER SECTION LINE TO THE CENTER OF SECTION 5 AND S 00°10'03" W 175.73 FEET ALONG THE CENTER SECTION LINE FROM THE WEST 1/4 CORNER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN & RUNNING THENCE N 88°34'11" E 503.19 FEET; THENCE S 01°25'49" E 90.08 FEET; THENCE S 14°14'11" W 31.16 FEET; THENCE S 01°25'49" E 82.00 FEET; THENCE N 88°34'11" E 21.95 FEET; THENCE S 00°10'03" W 264.86 FEET; THENCE S 32°22'11" W 39.71 FEET; THENCE S 00°10'03" W 78.98 FEET; THENCE N 89°49'57" W 109.00 FEET; THENCE N 60°51'30" W 180.09 FEET; THENCE N 89°49'57" W 65.25 FEET; THENCE N 67°51'37" W 31.24 FEET; THENCE N 89°49'57" W 140.23 FEET TO A POINT ON THE CENTER SECTION LINE, SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY OF SAID CANYON CLIFFS SUBDIVISION - PHASE II; THENCE ALONG SAID CENTER SECTION LINE N 00°10'03" E 466.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.051 ACRES

NOT LEGIBLE FOR MICROFILM

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