

WHEN RECORDED, MAIL TO:

Anne C. Winston  
Summit Mountain Holding Group, L.L.C.  
3923 N. Wolf Creek Drive  
Eden, Utah 84310

**SECOND AMENDMENT  
TO  
NEIGHBORHOOD DECLARATION OF  
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS  
FOR  
COPPER CREST EAST AT POWDER MOUNTAIN  
(Formerly known as Village Townhomes at Powder Mountain)**

THIS SECOND AMENDMENT TO NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR COPPER CREST EAST AT POWDER MOUNTAIN ("**Amendment**"), dated as of \_\_\_\_\_, 2017, is made and executed by SMHG Phase I LLC, a Delaware limited liability company ("**Neighborhood Developer**") for itself, its successors and assigns.

**RECITALS**

A. Neighborhood Developer executed that certain Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Village Townhomes at Summit Powder Mountain, recorded in the Official Records of Weber County on August 14, 2014 as Entry No. 2696974 ("**Original Neighborhood Declaration**"), which was amended by that certain First Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Village Townhomes at Powder Mountain, recorded in the Official Records of Weber County on October 31, 2014 as Entry No. 2708834 (the "**First Amendment**," and together with the Original Neighborhood Declaration, the "**Neighborhood Declaration**.")

B. The name of the Project has changed and Neighborhood Developer desires to revise the Neighborhood Declaration to indicate the new name of the Project, "Copper Crest East at Powder Mountain."

C. Lots 57A, 57B, 58, 59, 60A, 61A, 61B, 62R are being reconfigured and renumbered and, therefore, the legal description attached to the Neighborhood Declaration is being amended to accurately describe the new legal description for the Project.

D. Pursuant to Section 12.3.3 of the Neighborhood Declaration, Neighborhood Developer has the unilateral right to amend the Neighborhood Declaration for any purpose prior so long as Neighborhood Developer owns any Lot or other portion of the Property. As of the date of this Amendment, Neighborhood Developer owns all of the Lots.

NOW, THEREFORE, NEIGHBORHOOD DEVELOPER hereby declares, covenants and agrees as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Amendment shall have the meaning or meanings given to them in the Neighborhood Declaration. The Recitals set forth above shall constitute a portion of the terms of this Amendment and are incorporated by this reference.

2. Project Name Change. The name of the Project is changed to "Copper Crest East at Powder Mountain." All references in the Neighborhood Declaration to "Village Townhomes at Summit Powder Mountain" and "Village Townhomes at Powder Mountain" are replaced with "Copper Crest East at Powder Mountain." The Neighborhood Association shall be known as Copper Crest East at Powder Mountain Association, Inc., and the Articles and Bylaws have or will be amended to reflect this name.

3. Amendment of Exhibit A. Exhibit A to the Neighborhood Declaration is hereby amended and restated in its entirety and replaced with Exhibit A attached and incorporated into this Amendment by this reference.

4. Neighborhood Declaration Remains in Effect. This Amendment shall be considered supplemental to the Neighborhood Declaration. Except as expressly amended by the foregoing, the Neighborhood Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Amendment.

5. Neighborhood Developer Rights. Neighborhood Developer shall retain all rights of Neighborhood Developer as set forth in the Neighborhood Declaration, and this Amendment shall neither amend nor abrogate such rights, except as specifically provided in this Amendment.

*[Signatures on Following Page]*

IN WITNESS WHEREOF, the Neighborhood Developer has executed this Second Amendment to Neighborhood Declaration of Covenants, Conditions, Easements and Restrictions for Copper Crest East at Powder Mountain as of the day first above written.

**NEIGHBORHOOD DEVELOPER:**

SMHG Phase I LLC, a Delaware limited liability company

By: \_\_\_\_\_

Name: Jeff Werbelow

Its: Authorized Signatory

STATE OF UTAH )

:ss.

COUNTY OF WEBER )

On this \_\_\_\_\_ date of \_\_\_\_\_, in the year 2017, before me, \_\_\_\_\_ a notary public, personally appeared Jeff Werbelow, Authorized Signatory of SMHG Phase I LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

\_\_\_\_\_

Notary Signature

(seal)

**EXHIBIT A**

Description of the Project

Lots 134, 135, 136, 137, 138, 139, 140, 141, 142, and Common Area "C" according to the Summit Eden Phase 1C Amendment 4 subdivision plat recorded in the Official Records of Weber County, Utah on \_\_\_\_\_ as Entry Number \_\_\_\_\_.