

**NOTICE OF FIFTY-FIVE (55) YEARS OF AGE OR OLDER RESTRICTION
OF
RIO VIRGIN RV PARK
(A COMMUNITY PROVIDING HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER)**

THIS NOTICE OF FIFTY-FIVE (55) YEARS OF AGE OR OLDER RESTRICTION ("Notice") is made and executed this 16 day of June, 2000, and affects the property described in Exhibit A (the "Property"), attached hereto and incorporated herein by this reference, which is located in Washington County, Utah.

Unless otherwise expressly provided herein, the defined terms contained within this Notice shall be consistent with the definitions set forth in the Revised and Restated Declaration of Protective Covenants, Conditions and Restrictions of Rio Virgin RV Park (the "Declaration"). In the event that any provision of this Notice is inconsistent with the provisions of the Declaration, then the provisions of the Declaration shall be controlling.

1. **Fifty-Five (55) Years of Age or Older Facility.** The Rio Virgin RV Park (the "Park") is a 55 years of age or older housing facility and anyone who, by virtue of acquiring any property in the community, is bound by the provisions of the Revised and Restated Declaration of Protective Covenants, Conditions and Restrictions of Rio Virgin RV Park (the "Declaration") and shall be obligated, by law, to adhere to all requirements that the Developer and or Association has set forth in the Declaration, the Bylaws, and the Rules and Regulations adopted with respect to the Park.

2. **Occupancy by at Least One Person Fifty-Five (55) Years of Age or Older per Living Unit.** At least eighty percent (80%) of the Living Units must be occupied by at least one person fifty-five (55) years of age or older. The primary purpose for permitting twenty percent (20%) of the units to be occupied by persons younger than fifty-five (55) is: (1) the individual is the surviving spouse or cohabitant of a former occupant; (2) the individual inherited the property from a former occupant; (3) the individual has relatives in the community who would benefit from their residence nearby; (4) the individual is a nurse or other medical professional whose presence would be beneficial to residents of the community. It is expressly provided that the Association shall not set aside a certain number of Living Units for persons under fifty-five (55) years of age. Persons under fifty-five (55) years of age who were residing in any Living Unit when the 55-and-older declaration was made may continue to reside in the community, but shall be required to comply with the fifty-five (55) years and older occupancy requirement if the property is sold, leased, or otherwise conveyed in any respect.

3. **Visitors.** Persons who are not "Approved Occupants" shall not be permitted to permanently occupy any Living Unit within the community, however, such persons may be considered as visitors. As set forth in the Act, the community is exempt from prohibition against discrimination on the basis of "Familial Status", as defined in Article 1, Section 1.14, thereby permitting the following restriction within the community: "NO LIVING UNIT MAY BE OCCUPIED BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE", except that such persons under eighteen may be permitted to visit for reasonable periods as the Association shall set forth in its Bylaws and/or Rules and Regulations. Adult visitors shall be allowed to visit for a reasonable amount of time. Rules and Regulations adopted by the Association shall not discriminate between adults and children.

4. **Advertising, Marketing and Sale of Lots.** Any advertising, marketing or sales materials relating to a Lot within the community must contain language that reflects that the community is intended as "housing for persons age 55 or older".

5. **Resale or Rental: Obligation of Owner: Contents of Agreements.** All Owners desiring to rent, lease or sell their Lot(s), including "For Sale by Owners" are required to have any prospective tenants or buyers complete an age verification document, as provided by the Association, and to verify their ages with some form of formal proof of age document.

Any sale and lease or rental agreement shall be in writing and shall be compatible with the intent of the community to be operated as a 55-and-older facility. Any lease or rental agreement shall be in

writing and shall provide that (1) the terms of the lease shall be subject in all respects to the provisions of the Declaration, the Articles of Incorporation, Bylaws and Rules and Regulations of the Association, (2) that any failure by a tenant to comply with the terms of such documents shall be a default under the lease, and (3) shall contain a statement which is substantially similar to the following:

"The Rio Virgin RV Park is a fifty-five (55) and older community, developed to provide Housing For Persons 55 Years of Age or Older, as that housing is defined by federal law, including the Fair Housing Act (the "Act"). As such, it is the policy of the Rio Virgin Homeowners Association (the "Association") to prohibit permanent residence of persons under eighteen (18) years of age, as is permitted under an exemption of the Act. Each grantee of a deed for a lot within the properties acknowledges by acceptance of that deed that this purpose of the development, and the facilities within the development designed for fifty-five (55) and older, are a significant consideration in the purchase of the lot. A dwelling on a lot must be occupied by at least one person over the age of fifty-five (55), or by the surviving spouse of a person over the age of fifty-five (55) who has occupied the dwelling. Each resident or occupant must provide such information as may be required by the Association for verification of age and to otherwise comply with applicable Association and governmental regulations which preserve this status for the community."

Sales contracts, by Utah State law, have to be on state approved forms. Notwithstanding this use of an approved form, some means of FULL DISCLOSURE must be made to a prospective buyer as to the status of the community as a 55 years of age or older facility and sales persons shall have age verification forms completed with some form of proof of age or affidavit attached at the time an offer to purchase is made.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this 14th day of JUNE, 2000.

Rio Virgin Homeowners' Association:

By: [Signature]
Its: Pres.

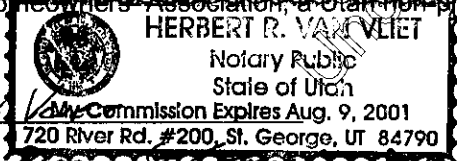
Attest:

By: [Signature]
Its: Vice-Pres.

STATE OF UTAH
COUNTY OF WASHINGTON

ss.

The foregoing instrument was acknowledged before me this 14th day of JUNE, 2000, by JACK S. PUTMAN and JEAN TROTTEN, the President and Vice President respectively, of Rio Virgin Homeowners' Association, a Utah non-profit corporation.



HERBERT R. VAN VLEET
NOTARY PUBLIC
Address: 720 River Rd. #200, St. George, UT 84790
My Commission Expires: 9 Aug 2001

MD: R Rio Virgin 10198.00 notice 061400 md