

Recorded at Request of:
Lava Bluff HOA

After Recording Mail to:
Bruce C. Jenkins
Jenkins Ronnow Jensen & Bayles, LLP
1240 E 100 S #9
St. George, UT 84790

DCC # 20070009156

Amended Restrictive Covenants, Conditions, and Restrictions of 4
Russell Shirts Washington County Recorder
02/22/2007 02:23:30 PM \$ 16.00 by JENKINS & JENSEN



**AMENDMENT TO THE
RESTATED AND AMENDED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
OF**

**LAVA BLUFF MANUFACTURED HOME PARK
(formerly known as Lava Bluff Mobile Home Park)
(Exclusive 55 and Over Community)**

Age Restriction - Housing for Persons 55 Years of Age or Older. THE LAVA BLUFF MANUFACTURED HOME PARK IS INTENDED TO, AND SHALL BE MANAGED TO, EXCLUSIVELY PROVIDE HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER, AND SHALL PROHIBIT OCCUPANCY BY PERSONS UNDER AGE 18 AND PERSONS AGES 18 THROUGH AGE 54 YEARS, AS WELL AS ALL OTHERS FALLING WITHIN THE DEFINED TERM OF FAMILIAL STATUS UNDER FEDERAL LAW, EXCEPT THAT PERSONS UNDER AGE 18 MAY RESIDE IN ANY MANUFACTURED HOME ON A LOT, BUT NOT FOR MORE THAN TWO WEEKS CONSECUTIVELY NOR MORE THAN THIRTY(30) DAYS IN ANY CALENDAR YEAR. FURTHER, EXCEPT AS PROVIDED IN THE POLICIES AND PROCEDURES CONCERNING HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER, ADOPTED BY THE BOARD, EACH AND EVERY MANUFACTURED HOME WITHIN THE PROPERTY, IF OCCUPIED, SHALL BE OCCUPIED BY PERSONS 55 YEARS OF AGE OR OLDER (QUALIFYING OCCUPANT).

THE BOARD SHALL ESTABLISH POLICIES AND PROCEDURES FROM TIME TO TIME AS NECESSARY TO MAINTAIN THE PROPERTY AS AN AGE RESTRICTED COMMUNITY INTENDED FOR HOUSING PERSONS 55 YEARS OF AGE OR OLDER UNDER STATE AND FEDERAL LAW.

This Amendment to the Restated and Amended Declaration of Covenants, Conditions and Restrictions of Lava Bluff Manufactured Home Park was approved on the 27th day of JANUARY, 2007, by the LAVA BLUFF OWNERS ASSOCIATION, a Utah nonprofit corporation.

RECITALS

A. Lava Bluff Owners Association, a Utah nonprofit corporation, caused to be recorded the Restated and Amended Declaration of Covenants, Conditions and Restrictions of Lava Bluff Manufactured Home Park on March 23, 1999, as Entry No. 640851, in Book 1327, at Page 325-351, in the Official records of the Washington County Recorder (the "Restated and Amended Declaration").

B. Article XI, Section 3, of the Restated and Amended Declaration vests the Members with the right to amend the Restated and Amended Declaration as may be reasonably necessary or desirable. The amendment procedure is as follows:

Any amendment to this Declaration shall require the affirmative vote of at least two-thirds (2/3) of the membership votes which Members present in person or represented by proxy are entitled to cast at a meeting duly called for such purpose.

Written notice setting forth the purpose of the meeting and the substance of the amendment proposed shall be sent to all Members at least ten (10) but not more than thirty (30) days prior to the meeting date. The quorum required for any such meeting shall be as follows: At the first meeting called the presence of Members or of proxies entitled to cast sixty percent (60%) of all the votes of the Class A membership shall constitute a quorum. If a quorum is not present at the first meeting or any subsequent meeting, another meeting may be called (subject to the notice requirement set forth in the foregoing portion of this Section 3) at which a quorum shall be one-half of the quorum which was required at the immediately preceding meeting.

C. On or about JANUARY 27th, 2007, the Lava Bluff Owners Association held such a meeting, of which the Members had been given proper notice, and on the first meeting, sixty percent (60%) of the Members were present in person or by proxy and at least two-thirds (2/3) of those so present voted affirmatively in favor of the following amendment to the Restated and Amended Declaration, as well as to the preamble on the previous page. (Deletions are marked with strike-outs and additions are in italics).

D. The following amendment shall apply to and be recorded against the real property described in Exhibit A, all located in Washington County, State of Utah:

VII. USE RESTRICTIONS

7. Age Restriction/Quiet Enjoyment. The Lava Bluff Mobile Home Park is intended to, and shall be managed to, provide housing for persons 55 years of age or older, and shall prohibit occupancy by persons under age eighteen (18) and by persons ages eighteen (18) through fifty-four (54) years, as well as all others falling within the defined term of familial status under Federal law; except that persons under age eighteen (18) may reside in any manufactured home on a Lot, but not for more than two weeks consecutively nor more than thirty (30) days in any calendar year. Further, except as provided in the Policies and Procedures concerning housing for persons 55 years of age or older, adopted by the Board, each and every manufactured homes within the Property, if occupied, shall be occupied by persons 55 years of age or older (qualifying occupant).

The provisions of the Policies, Procedures and Rules shall not apply to occupants of a manufactured home who occupied the home prior to adoption of that certain Restated and Amended Declaration of Covenants, Conditions, and Restrictions of Lava Bluff Manufactured Home Park (formerly known as Lava Bluff Mobile Home Park, dated March 13, 1999), to prohibit the occupancy of (i) persons under age 18 and (ii) a child born

The following real property, all located in Washington County, State of Utah:

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All of Lots 1 through 181, including any and all Common Area, as shown on the Official Plat for the Lava Bluff Mobile Home Park, recorded on the official records of the Washington County Recorder as Entry No. 298789, in Book 420, at Page 634; and

All of Lots A-D and Lots 49 and 50, as shown on the "Addendum to Lava Bluff Mobile Home Park" plat map, recorded on the records of the Washington County Recorder as Entry No. 434743, in Book 7331, at Page 132.

PARCEL #'s

H-LB-1	H-LB-2	H-LB-4-A	H-LB-4-DC	H-LB-5-A	H-LB-6	H-LB-7
H-LB-8	H-LB-9-A	H-LB-10-A	H-LB-11	H-LB-12-A	H-LB-13-A	H-LB-14-A-1
H-LB-15-A-DC	H-LB-16-A	H-LB-17-A-DC	H-LB-18-A	H-LB-19	H-LB-20	H-LB-21
H-LB-22-A	H-LB-23-A	H-LB-24-B-DC	H-LB-25-A	H-LB-26-B	H-LB-27-A	H-LB-28-A
H-LB-29-A-DC	H-LB-30-A	H-LB-31-A	H-LB-32-A	H-LB-33	H-LB-34-B	H-LB-35-A
H-LB-36-DC	H-LB-37-DC	H-LB-38-DC	H-LB-39-A	H-LB-40-A	H-LB-41-A-1	H-LB-42
H-LB-43-B	H-LB-44-A	H-LB-45	H-LB-46	H-LB-47	H-LB-48	H-LB-49
H-LB-50-A	H-LB-51-A	H-LB-52-A-DC	H-LB-53-A-DC	H-LB-54-A	H-LB-55-A	H-LB-56-A
H-LB-57	H-LB-58-A	H-LB-59-A	H-LB-60	H-LB-61	H-LB-62	H-LB-63
H-LB-64	H-LB-65	H-LB-66	H-LB-67	H-LB-68	H-LB-69	H-LB-70
H-LB-71	H-LB-72	H-LB-73	H-LB-74	H-LB-75	H-LB-76	H-LB-77
H-LB-78	H-LB-79	H-LB-80	H-LB-81	H-LB-82	H-LB-83	H-LB-84
H-LB-85	H-LB-86	H-LB-87	H-LB-88	H-LB-89	H-LB-90	H-LB-91
H-LB-92	H-LB-93	H-LB-94	H-LB-95	H-LB-96	H-LB-97	H-LB-98
H-LB-99	H-LB-100	H-LB-101	H-LB-102	H-LB-103	H-LB-104	H-LB-105
H-LB-106	H-LB-107	H-LB-108	H-LB-109	H-LB-110	H-LB-111	H-LB-112
H-LB-113	H-LB-114	H-LB-115	H-LB-116	H-LB-117	H-LB-118	H-LB-119
H-LB-120	H-LB-121-A	H-LB-122	H-LB-123	H-LB-124	H-LB-125	H-LB-126
H-LB-127	H-LB-128	H-LB-129	H-LB-130	H-LB-131	H-LB-132	H-LB-133-A
H-LB-134-A-DC	H-LB-135-A	H-LB-136	H-LB-137	H-LB-138	H-LB-139	H-LB-140-A
H-LB-141-A	H-LB-142-B-DC	H-LB-143-A	H-LB-144-A	H-LB-145-A	H-LB-146-A-1	H-LB-147-A
H-LB-148-A	H-LB-149-A	H-LB-150-A	H-LB-151-A	H-LB-152	H-LB-153-A	H-LB-154-A
H-LB-155-A	H-LB-156-B	H-LB-157-A-DC	H-LB-158-A	H-LB-159-A	H-LB-160	H-LB-161-A
H-LB-162-B-DC	H-LB-163-A-DC	H-LB-164-A-DC	H-LB-165-A	H-LB-166-A	H-LB-167-A-DC	H-LB-168-A
H-LB-169-A	H-LB-170-A-1	H-LB-171-A	H-LB-172-A-1	H-LB-173-A-1	H-LB-174-B	H-LB-175-B
H-LB-176	H-LB-177	H-LB-178-B	H-LB-179-B	H-LB-180	H-LB-181	H-LB-59-B-DC
H-LB-53-B	H-LB-49-B	H-LB-A	H-LB-B	H-LB-C	H-LB-D	H-LB-50-B
H-LB-10-B	H-LB-166-B	H-LB-157-B	H-LB-142-A	H-LB-17-B	H-LB-3-B	H-LB-163-B
H-LB-174-A	H-LB-24-A	H-LB-178-A	H-LB-162-A	H-LB-15-B	H-LB-150-B	H-LB-28-B
H-LB-43-A	H-LB-34-A	H-LB-160-B	H-LB-160-A	H-LB-170-B	H-LB-175-B-1	H-LB-178-B-1
H-LB-176-A	H-LB-180-A	H-LB-E				