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**DOC # 20110016392**

Amended Restrictive Covenants Page 1 of 7  
Russell Skirts Washington County Recorder  
05/27/2011 02:38:02 PM Fee \$ 22.00  
By LAVA BLUFF 0 A



Recorded at the request of:  
Lava Bluff Owners Association

Record against:  
Lava Bluff Subdivision properties  
described in Exhibit "A"

After recording, return to:  
Kial Fotheringham SG, LLP  
Attn: Bruce C. Jenkins  
1173 South 250 West, Suite 308  
St. George, UT 84770

**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)  
(Signs)  
(Age Restrictions)**

**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, PROVIDE HOUSING FOR PERSON 55 YEARS OF AGE OR OLDER, AND SHALL PROHIBIT OCCUPANCY BY PERSONS UNDER AGE 50, AS WELL AS ALL OTHERS FALLING WITHIN THE DEFINED TERM OF FAMILIAL STATUS UNDER FEDERAL LAW; EXCEPT (i) THAT PERSONS UNDER AGE 50 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 AND (ii) MOREOVER AS PROVIDED IN THE POLICIES AND PROCEDURES, ADOPTED BY THE BOARD. EACH AND EVERY MANUFACTURED HOME WITHIN THE PROPERTY, IF OCCUPIED, SHALL BE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER (QUALIFYING OCCUPANT). WITHOUT LIMITING THE FOREGOING, AT NO TIME SHALL LESS THAN EIGHTY PERCENT (80%) OF THE OCCUPIED MANUFACTURED HOMES SUBJECT TO THIS DECLARATION BE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER; UNLESS ALL REMAINING LOTS ARE RESERVED FOR OCCUPANCY OF THE MANUFACTURED HOME THEREON BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER.

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 is made and executed this 27 day of MAY, 2011, 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; Lava Bluff Homeowner's Association Policies, Procedures and Rules - For Housing of Persons Age 55 and Over, recorded on March 23, 1999, as Entry No. 640852, in Book 1327, at Page 352-359 (the "1999 CC&Rs"); and 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) recorded on February 22, 2007, as Doc #20070009156, in the Official records of the Washington County Recorder, (the "2007 Amendment") (collectively herein 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 the 30 day of April, 2011, 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.

D. The following amendment shall apply to and be recorded against the following real property described in Exhibit "A".

**AMENDMENT**

NOW, THEREFORE, the Lava Bluff Owners Association hereby amends the Restated and Amended Declaration as follows:

**Article VII, Section 6, Signs:**

1. As presently written, Article VII, Section 6, of the Restated and Amended Declaration provided as follows:

Signs. No sign or billboard of any kind shall be displayed to the public view on any portion of the Property or any Lot except one sign for each Lot of no more than 18" x 24" (normal real estate size) advertising the property for sale or rent; including signs used by the Successor Declarant, its successor or assigns, to advertise the property during the construction and sales period.

2. **Article VII, Section 6, Signs, of the Restated and Amended Declaration is hereby amended and restated in its entirety as follows:**

Signs. No sign, billboard, flag of any kind shall be displayed to the public view from a Lot, except the following:

(a) one sign for each Lot of no more than 18" x 24" (normal real estate size) advertising the property for sale or rent;

(b) religious and holiday signs, symbols, decorations, and yard sale signs on a Lot;

(c) political signs may displayed within a period commencing thirty (30) days prior to any election and removed within seven (7) days after the election; and

(d) displaying a United States flag inside a dwelling or limited common area or on a Lot, if the display complies with United states Code, Title 4, Chapter 1.

**Article VII, Section 7, Age Restriction/Quiet Enjoyment:**

1. As previously written, Article VII, Section 7 of the Restated and Amended Declaration provided as follows:

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 to an occupant who is pregnant at the time the Policies were adopted, so long as eighty percent (80%) of the occupied manufactured homes are occupied by at least one person age 55 or older. Any sale or rental of a manufactured home by such an Owner or occupant, however, must be in accordance with the provisions of the Policies, Procedures and Rules.

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.

No noxious or offensive trade or activity shall be carried on upon any Lot or any part of the Property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the owners of his respective Lot or which shall in any way increase the rate of insurance.

**2. Article VII, Section 7, Age Restriction/Quiet Enjoyment is hereby amended and restated in its entirety as follows:**

**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 fifty (50) years, as well as all others falling within the defined term of familial status under Federal law; except that persons under age fifty (50) 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 grandfathered under 1999 CC&Rs, (ii) the 2007 Amendment and (iii) a child born to an occupant who is pregnant at the time the Policies were adopted, so long as eighty

percent (80%) of the occupied manufactured homes are occupied by at least one person age 55 or older. Any sale or rental of a manufactured home by such an Owner or occupant, however, must be in accordance with the provisions of the Policies, Procedures and Rules.

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.

No noxious or offensive trade or activity shall be carried on upon any Lot or any part of the Property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the owners of his respective Lot or which shall in any way increase the rate of insurance.

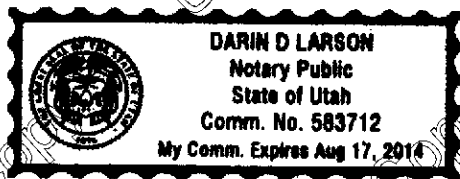
EXECUTED the day and year first above written.

LAVA BLUFF OWNERS ASSOCIATION

By: LARRY JAUSSE  
Its: President

STATE OF UTAH, )  
 ) :ss.  
County of Washington. )

On this 27<sup>th</sup> day of MAY, 2011, personally appeared before me LARRY JAUSSE, who being by me duly sworn did say that he is the President of Lava Bluff Owners Association, a Utah nonprofit corporation, and that he executed the foregoing Amendment on behalf said Association by authority of a resolution of its Board of Directors, and he did acknowledge before me that the Association executed the same for the uses and purposes stated therein.



[Signature]  
Notary Public

**EXHIBIT "A"**

**Legal Description**

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

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				