



ENT 92757:2018 PG 1 of 4  
 JEFFERY SMITH  
 UTAH COUNTY RECORDER  
 2018 Sep 27 10:11 am FEE 158.00 BY NA  
 RECORDED FOR TOSCANA AT HIGHLAND

After recording mail to:

RICHARDS LAW, PC  
 4141 S. Highland Drive, Ste. 225  
 Salt Lake City, UT 84124

**AMENDMENT TO THE AMENDED AND RESTATED  
 MASTER DECLARATION OF PROTECTIVE  
 COVENANTS CONDITIONS AND RESTRICTIONS FOR  
 TOSCANA AT HIGHLAND**

- A. Certain real property in Utah County, State of Utah, known as Toscana at Highland is subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Condominium recorded on June 17, 2000, as Entry No. 50360:2010 in the Recorder’s Office for Utah County, Utah, as amended, (the “Declaration”).
- B. This amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto, as described in **EXHIBIT A**.
- C. The Toscana at Highland Home Owners Association (the “Association”), through the concerted effort of its Management Committee and its members, desires now to clarify and change certain maintenance obligations between the Owners and the Association to conform with the actual practices and the desires of the Homeowners, by modifying the Declaration as stated herein.
- D. It is the desire of the Owners and Association to reallocate some of the obligations for maintenance within the community; namely related to the exteriors of buildings. As such, the following specific text stated below is effective and the controlling requirements notwithstanding anything to the contrary in Articles 5, 6, 11 or 17.
- E. Pursuant to Section 18.6 of the Declaration, the undersigned hereby certifies that all of the requirements to amend the Declaration have been satisfied to adopt this Amendment.

**NOW THEREFORE**, the Association hereby amends the Declaration to include the following:

- 1. A new Section 8(f) shall be added as follows:

8.1 Repair and Maintenance by Association.

(f) In addition to the maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Lot as follows: repair,

replace for exterior surfaces, walls, stucco, stone, siding, roofs and appurtenant components (rain gutters, soffit, fascia), existing flower box structures, perimeter Association fences.

To the extent damage is caused by an Owner, their guests or invites, the Owner shall be responsible for the costs of repair and notice thereof shall be provided to the Owner in an attempt to resolve the matter without such charges being levied to the 'at fault' Owner.

2. Section 8.2 shall be deleted in its entirety and amended as follows:

8.2 Repair and Maintenance by Owner. Except for those portions of the Property which the Association is required or elects to maintain or repair, each Owner shall:

- (a) Maintain such Owner's Lot and all improvements located therein in a clean, safe, attractive and first-class condition at all times, and in compliance with this Declaration, the Articles, Bylaws and the Association Rules;
- (b) Keep exteriors of Unit in good clean, safe, attractive and first-class condition, or as otherwise required.
- (c) Maintain, repair and replace, as necessary, all doors, including garage door, and windows (and appurtenant hardware and accessories) to Unit and any utility service or unit which services its Unit. The maintenance of doors (exterior and interior), door trim and balcony railings are the responsibility of the Owner.
- (d) Keep Lot free from trash and debris and keep all lighting fixtures clean and functional and exterior lighting to be turned on consistent with Rules of the Association.
- (e) Be responsible for any damage of the Common Area or Association's area of responsibility due to the willful misconduct or negligence of an Owner, their guests, tenants or invitees (as an example but not limited to: damage related to entering/existing garages, etc.).

[end of amendment]

IN WITNESS WHEREOF, TOSCANA AT HIGHLAND HOME OWNERS ASSOCIATION, has executed Amendment to the Declaration as of the 20<sup>th</sup> day of September, 2018.

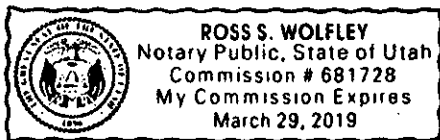
TOSCANA AT HIGHLANDS HOME OWNERS ASSOCIATION

[Signature]  
\_\_\_\_\_, President

Rachel Pollan  
\_\_\_\_\_, Secretary

STATE OF UTAH    )  
                          : ss  
County of Utah    )

On the 20<sup>th</sup> day of September, 2018, personally appeared before me NORMAN KLEIN and RACHEL POLLAN who, being first duly sworn, did that say that they are the President and Secretary of the Toscana at Highland Home Owners Association and that the foregoing instrument was signed in behalf of said Association by authority of its Management Committee; and each of them acknowledged said instrument to be their voluntary act and deed.



R. S. Wolfley  
\_\_\_\_\_  
Notary Public for Utah

**EXHIBIT A**  
Legal Description

All Units and Common Area, according to the official plat thereof as recorded in the office of the Utah County Recorder, state of Utah for:

TOSCANA AT HIGHLAND PHASE 1

Parcels Numbers: 53:450:0001 through 53:450:007

TOSCANA AT HIGHLAND PHASE 2

Parcel Numbers: 53:449-0001 through 53:449:0015

TOSCANA AT HIGHLAND PHASE 3 AMD

Parcel Numbers: 53:460:0001 through 53:460:0010

TOSCANA AT HIGHLAND PHASE 4

Parcel Numbers: 53:470:0001 through 53:470:0008

TOSCANA AT HIGHLAND PHASE 5

Parcel Numbers: 53:469:0001 through 53:469:0009

TOSCANA AT HIGHLAND PHASE 6

Parcel Numbers: 53:471:0040 through 53:471:0043

TOSCANA AT HIGHLAND PHASE 7

Parcel Numbers: 53:475:0071 through 53:475:0084

TOSCANA AT HIGHLAND PHASE 8

Parcel Numbers: 53:487:0083 through 53:487:0092

TOSCANA AT HIGHLAND PHASE 9

Parcel Numbers: 53:491:0091 through 53:491:0100

TOSCANA AT HIGHLAND PHASE 10

Parcel Numbers: 53:494:0054 through 53:494:0071

TOSCANA AT HIGHLAND PHASE 11

Parcel Numbers: 53:506:0042 through 53:506:0053  
53:506:0117 through 53:506:0125

TOSCANA AT HIGHLAND PHASE 12

Parcel Numbers: 53:514:0098 through 53:514:0018

TOSCANA AT HIGHLAND PHASE 13

Parcel Numbers: 53:526:0124 through 53:526:0145