

**FIRST AMENDMENT TO THE  
AMENDED DECLARATION FOR  
CORNERSTONE CONDOMINIUM ASSOCIATION**

(55+ Community)

This FIRST AMENDMENT TO THE DECLARATION FOR CORNERSTONE CONDOMINIUM ASSOCIATION (“First Amendment”) is made and executed on the date set forth below and shall be effective upon recording in the Utah County Recorder's Office.

**RECITALS**

- A. Certain real property in Orem, Utah County, State of Utah known as Cornerstone Condominiums is subjected to covenants, conditions, easements, and restrictions as contained in the *Amended Declaration for Cornerstone Condominium Association*, recorded with the Utah County Recorder on March 3, 2017 as Entry No. 21636:217 (“Declaration”);
- B. The Association desires to protect and enhance the value and desirability of the community for persons 55 or older, and to qualify for the age restriction exemption under the Fair Housing Act (42 USC § 3601, *et seq.*) (“FHA”) that allows communities to be operated for occupancy by persons 55 years of age or older, to satisfy those certain criteria set forth in the Housing for Older Persons Act (42 USC § 3607(b)(2)(C)), and to adopt certain age restrictions and regulations and age verification procedures.
- C. Article VI the Declaration provides that the Declaration may be amended if so approved by at least 22 units within the Association.
- D. This First Amendment was approved by the titled unit owners of at least 22 units within the Association.
- E. This First Amendment shall be binding against the Property, including all Units and common area. See “Exhibit A”.

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## AMENDMENT

Section 18 shall be **added to** Article V of the Declaration, and shall read as follows:

18. Age Restriction.

18.1. At least eighty percent (80%) (or 27) of the Residences within the Association shall at all times, except as otherwise provided herein, be occupied by at least one (1) person not less than fifty-five (55) years of age ("Qualified Occupant"). Each Owner hereby agrees and acknowledges that in the event he or she purchases a Residence, he or she shall be bound by the Qualified Occupant restriction, and the Owner's future sale or conveyance of such Residence shall be restricted by such. For the purposes of this Section 18, a Residence is "occupied" when an Owner or Occupant has possession of the Residence and has the right to actually use or control such Residence.

18.2. Notwithstanding the restrictions in 18.1, the non-age qualified surviving spouse of a Qualified Occupant shall be permitted to remain in the Residence following the death of the Qualified Occupant spouse, provided that at least eighty percent (80%) of the other occupied Residences are occupied by at least one (1) Qualified Occupant. This Qualified Occupant exception expires if / when the non-age qualified surviving spouse remarries, unless the new spouse is a Qualified Occupant.

18.3. In compliance with the Housing for Older Persons Act (42 USC § 3607(b)(2)(C))("HOPA"), the Association shall (i) publish and adhere to HOPA policies and procedures that demonstrate the intent to operate this Community as a community for persons who are 55 years of age or older as such intent is set forth in this Section 18, and (ii) shall establish policies for age verification of each Owner or Occupant by reliable surveys and affidavits, which surveys and affidavits shall be of the type that may be admissible in administrative and judicial proceedings for the purposes of such verification, such as a driver's license, birth certificate, passport, immigration card, or military identification.

18.4. Any Owner who sells a Residence within the Community shall disclose in the advertisements and purchase documents that the Community is a 55-year age restricted community under HOPA. An Owner's or the Owner's realtor's failure to disclose that this Community is intended to be operated for persons age 55 and older shall not prevent the Association from enforcing the age restriction policies against any Owner, Occupant, and/or renter for non-compliance.

18.5. The restrictions in this Section 18 shall apply at all times to the exceptions to the owner-occupancy requirements described in Article V, Section 12 of the Declaration. In the event any Owner qualifies for one of those exceptions:

(a) the Owner must receive written approval from the Association's Management Committee prior to leasing their Residence to any tenant to ensure that at least one of the potential tenants is a Qualified Occupant, and

(b) the Management Committee shall not withhold approval of any potential tenant(s) unless none of the potential tenant(s) are Qualified Occupants.

18.6. In the event an Owner violates any of the restrictions in this Section 18, the Association, through its Management Committee, may enforce the terms thereof at law or in equity to enjoin the violation, in which case the violation of any of the terms in this Section 18 shall be deemed a material breach, and deemed to cause irreparable harm to the Association. The Management Committee may initiate an unlawful detainer action to remove any unauthorized occupants, pursuant to this Section 18. In addition to any other remedies, the Association may levy fines, assessments, and other charges as allowed under the Declaration for the violation of any terms in this Section 18. In any action or effort to enforce or bring an owner into compliance with the terms of this Section 18, the non-defaulting party shall be entitled to recover its costs and reasonable attorney fees from the defaulting party, whether or not a lawsuit is filed.

----- END OF AMENDMENT -----



Legal Description & Lot Parcel Numbers  
(34 Lots and Common Area)

All Lots and parcels within the Cornerstone Condominiums, Phases I – VII:

<b><u>Legal Descriptions</u></b>	<b><u>Serial Numbers</u></b>
Units 1 – 6, Phase I, Cornerstone Condo.	36:357:0001 – 0006
Street Cornerstone Condo Phase I	36:357:0500
Units 1 – 6, Phase II, Cornerstone Condo.	36:366:0001 – 0006
Units 1 – 7, Phase III, Cornerstone Condo.	36:368:0001 – 0007
Units 1 – 4, Phase IV, Cornerstone Condo.	36:383:0001 – 0004
Units 1 – 3, Phase V, Cornerstone Condominiums.	36:398:0001 – 0003
Units 1 – 4, Phase VI, Cornerstone Condo.	36:389:0001 – 0004
Units 1 – 4, Phase VII, Cornerstone Condominiums	36:399:0001 – 0004