

FILE: VDS-39

FIRST AMENDMENT TO VISTA DEL SOL CC&R'S

AFFIDAVIT AND RESOLUTION PERTAINING TO THE AMENDMENT OF PORTIONS OF THE BY-LAWS OF VISTA DEL SOL TOWNHOMES ASSOCIATION FILED IN THE OFFICE OF THE LT. GOVERNOR OF THE STATE OF UTAH ON DECEMBER 7, 1992, AS FILE NO. 166554; AND OF THE DECLARATION OF COVENANTS, CONDITIONS, & RESTRICTIONS OF VISTA DEL SOL TOWNHOMES ASSN. DATED DECEMBER 7, 1992, RECORDED DECEMBER 13, 1992, IN THE OFFICE OF THE COUNTY RECORDER OF WASHINGTON COUNTY, STATE OF UTAH, AS ENTRY NUMBER 422230, IN BOOK 698, PAGES 421 TO 435 OF OFFICIAL RECORDS OF SAID COUNTY AND STATE.

NOTE: THIS AFFIDAVIT AND RESOLUTION SHALL BE AND IS EFFECTIVE AS TO ALL PHASES OF THE VISTA DEL SOL TOWNHOMES, ACCORDING TO THE OFFICIAL PLATS THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF WASHINGTON COUNTY, STATE OF UTAH, AND ALL RIGHTS, CLAIMS AND INTEREST OF THE OWNERS OF ANY UNIT WITHIN SAID DEVELOPMENT, SUBJECT TO THE TERMS AND CONDITIONS OF SAID BY-LAWS AND CC&R'S PERTAINING THERETO, AS THE SAME ARE EXISTING AND AS THE SAME MAY BE AMENDED ACCORDING TO THE TERMS THEREOF.

AN ANNUAL MEETING WAS DULY CALLED BY THE BOARD OF TRUSTEES, CONFORMING TO ALL REQUIREMENTS SET FORTH IN THE DOCUMENTS HEREIN REFERRED TO, NOTICES WERE SENT TO ALL OWNERS, TOGETHER WITH BALLOTS FOR THE ELECTION OF NEW OFFICERS, AND PROXIES TO BE SIGNED AND RETURNED BY THOSE OWNERS WHO COULD NOT ATTEND THE MEETING. ALL NOTICES AND PROXIES WERE MAILED MORE THAN 30 DAYS PRIOR TO THE DATE OF SAID MEETING, WHICH WAS SET FOR AUGUST 19, 1995 AT 7:00 PM IN THE CLUBHOUSE ON THE PREMISES OF SAID PROPERTY. PRIOR TO THAT MEETING KENYON GURR AS ELECTED PRESIDENT AND KEITH CHRISTENSEN WAS ELECTED VICE-PRESIDENT, AND ANN OLSON AS SECRETARY BY THE SAID BOARD OF TRUSTEES. THE OTHER MEMBERS WERE GEORGE FRIOUX AND NORM OLSEN, WHO WERE DEVELOPERS, AND WHO HAD TURNED OVER THE OPERATION OF THE BOARD OF TRUSTEES AS OF JULY 1, 1995. THE PRESIDENT, VICE-PRESIDENT AND SECRETARY AS NAMED IN THIS PARAGRAPH WERE ELECTED PRIOR TO THE SETTING OF THE ANNUAL MEETING, AND PRIOR TO THE TIME OF MAILING AS SET FORTH HEREIN.

ATTENDANCE AT THIS ANNUAL MEETING OF AUGUST 19, 1995, IS QUOTED FROM THE MINUTES OF THE ANNUAL MEETING AS FOLLOWS: "A QUORUM OF 60% OF ALL VOTES IN EACH OF THE CLASS A AND CLASS B MEMBERSHIPS WAS DECLARED PRESENT. FORTY-THREE (43) UNITS WERE REPRESENTED AT THE MEETING. THIRTY (30) PROXIES WERE AS FOLLOWS: ANN OLSON (16), KEITH CHRISTENSEN (5), KENYON GURR (4), MERRILL HILL (3), BOB JUDD (1), AND TOM WESTLUND (1) MAKING A TOTAL OF SEVENTY THREE (73) VOTES. FIFTY-FIVE VOTES WERE NEEDED. CLASS B NEEDED 22 VOTES AND HAD THIRTY SIX (36) VOTES." THOSE WHO WERE ENTITLED TO VOTE INCLUDING ALL PROXIES FAR EXCEEDED THE 67% OF VOTERS REQUIRED FOR THE AMENDMENT OF ANY OF THE PROVISIONS OF SAID BY-LAWS AND CC&R'S HEREIN REFERRED TO, AND RECORDED AS HEREIN STATED, AND

AT THE SAID ANNUAL MEETING, THE FOLLOWING AMENDMENTS WERE PUT TO THE OWNERS IN ATTENDANCE--ALL OF THE FOLLOWING WERE PASSED WITH NO NEGATIVE VOTES OR OBJECTIONS:

1. THAT ARTICLE IV, SECTION 1 OF THE BY-LAWS HEREIN REFERRED-TO (ANNUAL MEETINGS) SHALL BE AND HEREBY IS AMENDED AND CHANGED BY INSERTION THEREIN OF THE "FIRST SATURDAY OF NOVEMBER AT THE HOUR OF 7:00 PM." IN THE BLANK SPACES THEREIN.

2. THAT ARTICLE IV, SECTION 9 OF THE DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS OF SAID ASSOCIATION (HEREINAFTER REFERRED TO AND BY REFERENCE MADE A PART HEREOF) SHALL BE, AND HEREBY IS, AMENDED BY DELETION THEREFROM OF THE FIRST PARAGRAPH (THAT PART ONLY FOLLOWING THE HEADING) IN ITS ENTIRETY, AND IN ITS PLACE AND STEAD BE SUBSTITUTED THE FOLLOWING, TO THE SAME EXTENT AS THOUGH INCLUDED IN THE ORIGINAL DOCUMENT: "ANY ASSESSMENT, OR INSTALLMENT THEREOF, OR MONTHLY OR ANNUAL DUES, AS SET FORTH AND DETERMINED BY THE BOARD OF TRUSTEES, NOT PAID WITHIN FIFTEEN (15) DAYS OF THE DUE DATE THEREOF, SHALL BE DELINQUENT AND SHALL BEAR A LATE CHARGE WHICH SHALL NOT EXCEED TWENTY-FIVE DOLLARS (\$25.00) PER MONTH FOR ANY ANNUAL OR MONTHLY FEES OR DUES PAYABLE ON THAT BASIS."
3. ALSO, ARTICLE IV, SECTION 9, OF SAID DECLARATION OF CC&R'S, SHALL BE AND HEREBY IS, AMENDED BY DELETION OF THE FOLLOWING WORDS: "THE EXERCISE OF POWERS OF SALE IN DEEDS OF TRUST OR TO" FROM THE 4TH LINE OF SAID PARAGRAPH, AND IS FURTHER MODIFIED AND AMENDED BY DELETION OF THE NEXT-TO-LAST PARAGRAPH OF SAID SECTION IN ITS ENTIRETY, STARTING WITH THE WORDS "A POWER OF SALE IS" AND ENDING WITH THE WORDS "POWER OF SALE FORECLOSURE".
4. FURTHER, AT A MONTHLY MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 23, 1995, DULY CALLED AND ATTENDED BY A QUORUM IN RESPONSE TO A DISPUTE WHICH AROSE AT THE AFORESAID ANNUAL MEETING, AND PURSUANT TO BY-LAW ARTICLE XIV: ARTICLE VIII, SECTION 7 OF SAID CC&R'S--- SHALL BE AMENDED BY ADDING THERETO THE FOLLOWING: "RECREATIONAL VEHICLES (INCLUDING BOATS) OWNED BY HOMEOWNERS OF VISTA DEL SOL ARE ALLOWED TO BE PARKED WITHIN THE PROPERTIES FOR THE PURPOSE OF LOADING AND UNLOADING FOR A PERIOD OF NO MORE THAN 48 HOURS. ANY VIOLATION IS TO BE ABATED BY A FINE TO BE LEVIED IN AN AMOUNT TO BE DETERMINED BY THE BOARD OF TRUSTEES FOR ANY VIOLATIONS. RECREATIONAL VEHICLES, BOATS, TRAVEL TRAILERS AND SIMILAR PROPERTY OWNED BY GUESTS OR NON-RESIDENTS MAY NOT BE PARKED IN THE DEVELOPMENT AT ANY TIME. AT NO TIME MAY ANYONE OCCUPY SAID VEHICLES WHILE THEY ARE PARKED ON THE PROPERTY OR WITHIN THE COMMON AREAS."
5. ARTICLE XI, SECTION 9 IS ALSO ADDED TO THE CC&R'S: "RESIDENCES MAY NOT BE RENTED BY ANY OWNER TO ANY OTHER PARTY, CORPORATION OR INDIVIDUAL FOR ANY PERIOD OF TIME LESS THAN SIX (6) MONTHS AND MUST BE SECURED BY A WRITTEN LEASE. A COPY OF ANY SUCH LEASE SHALL BE PROVIDED TO THE BOARD OF TRUSTEES IF REQUESTED. NO DAILY, NIGHTLY, OR MONTHLY RENTALS SHALL BE ALLOWED."

THE PURPOSE OF THIS DOCUMENT IS TO GIVE NOTICE OF THE AFORESAID AMENDMENTS AND REVISIONS AND TO SHOW THEM ON THE RECORD FOR THE CONSUMPTION OF ANY PRESENT OR FUTURE OWNERS OF PROPERTY WITHIN THE CONFINES OF THE VISTA DEL SOL TOWNHOMES, AND TO EFFECTIVELY AMEND THE SAME. LET ALL PARTIES GOVERN THEMSELVES ACCORDINGLY!

KENYON R. GURR AND KEITH CHRISTENSEN, BY THEIR SIGNATURES HEREON, DO HEREBY SWEAR AND AFFIRM THAT THE STATEMENTS CONTAINED IN THIS DOCUMENT ARE TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE.

WITNESS OUR HANDS THIS 19th DAY OF February, A.D., 1999.

Kenyon R. Gurr
KENYON R. GURR

Keith Christensen
KEITH CHRISTENSEN

THE UNDERSIGNED CURRENT OFFICERS OF THE VISTA DEL SOL TOWNHOMES ASSOCIATION DO HEREBY CONCUR IN THE ABOVE STATEMENTS, AND DO HEREBY ACKNOWLEDGE THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE.

ALSO, THE FOLLOWING SECOND AMENDMENT WAS MADE TO THE CC&R'S, PASSED UNANIMOUSLY BY THE CURRENT BOARD OF TRUSTEES AT A SPECIAL MEETING ON FEBRUARY 2, 1999, AS FOLLOWS:

THE SECOND AMENDMENT

1) ARTICLE VIII, SECTION 7 OF THE CC&R'S: ADD A THIRD PARAGRAPH TO THIS SECTION TO BE CONCERNED WITH UNLICENSED VEHICLES AS A USE RESTRICTION: "ANY UNLICENSED RECREATIONAL GO-CART OR OFF-ROAD TYPE POWERED VEHICLE OR DEVICE WILL NOT BE PERMITTED ON THE PRIVATE STREETS OF VISTA DEL SOL. A POWERED VEHICLE IS DEFINED AS ANY MOTOR-POWERED DEVICE, WHETHER BATTERY, SOLAR OR FUELED AS TO THE SOURCE OF POWER. THE FINE OR PENALTY TO BE LEVIED SHALL BE DETERMINED BY THE BOARD OF TRUSTEES, AFTER DUE NOTICE IN WRITING OF THE VIOLATION."

2) ARTICLE XI, SECTION 10 OF THE CC&R'S: ADD THIS HOUSEKEEPING ITEM TO INFORM THE BOARD OF MAJOR CONCERNS BY OWNERS FOR WHATEVER ACTION MAY BE DEEMED NECESSARY AND FOR REPLY TO THE INITIATOR OF THE PROBLEM: "ALL COMPLAINTS, QUESTIONS, SUGGESTIONS, REQUESTS, ETC., OF THE OWNERS WILL BE MADE IN WRITING AND MAILED TO THE PROPERTY MANAGEMENT FIRM CURRENTLY UNDER CONTRACT WITH VISTA DEL SOL FOR THE ATTENTION OF THE BOARD OF TRUSTEES. THE BOARD THEREAFTER WILL CONSIDER SUCH MATTERS AT THE NEXT REGULAR MEETING. IN THE EVENT OF AN EMERGENCY, CONTACT THE PROPERTY MANAGEMENT FIRM AND/OR ANY BOARD MEMBER. IF DESIRED, SAMPLE FORMS ARE AVAILABLE FROM PROPERTY MANAGEMENT OR ANY BOARD MEMBER. WITH SUCH SUBMISSION AN ANSWER SHOULD NORMALLY BE AVAILABLE FROM THE BOARD WITHIN A REASONABLE TIME AFTER THE REGULAR BOARD MEETING FOLLOWING RECEIPT OF THE SUGGESTION OR COMPLAINT."

ALSO, THAT THE BY-LAWS AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS HEREIN REFERRED-TO SHALL BE, AND HEREBY ARE AMENDED IN THE PARTICULARS SET FORTH HEREIN.

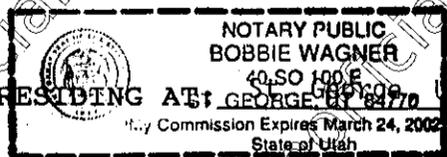
WITNESS OUR HANDS THIS 19th DAY OF February A.D., 1999

Laurence T. Eck
LAURENCE T. ECK, PRESIDENT

Sara O. Urie
SARA O. URIE, SECRETARY

STATE OF UTAH)
COUNTY OF WASHINGTON) SS

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19 DAY OF February, 1999



Bobbie Wagner
NOTARY PUBLIC BOBBIE WAGNER
COMM. EXPIRES: 3/24/02