

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF
THE FIELDS AT OVERLAKE CONDOMINIUMS**

This amendment is made and executed on the date set forth below.

RECITALS

WHEREAS, the original Declaration of the Fields at Overlake Condominiums was recorded in the Office of the County Recorder of Tooele County, Utah on May 14, 1999 as Entry No. 131110, in Book 0568, at Page 0338 et seq. (the "Declaration"), with respect to that certain parcel of real property situated in Tooele County, State of Utah, and more fully described on Exhibit "A" attached hereto and by this reference made a part hereof.

WHEREAS, the Declarant adopted and recorded an Amendment to the Declaration on November 1, 1999 as Entry No. 139348, at Book 0595, at Page 0500 et seq

WHEREAS, the Declarant adopted and recorded in the official records of Tooele County, Utah various amendments to expand the condominium project including the following:

- (1) Entry No. 139557, at Book 0596, at Page 0194 et. Seq., November 5, 1999
- (2) Entry No. 143986, at Book 0610, at Page 0407 et. Seq., February 17, 2000
- (3) Entry No. 147723, at Book 0622, at Page 0302 et. Seq., May 17, 2000
- (4) Entry No. 150875, at Book 0633, at Page 0292 et. Seq., August 4, 2000

WHEREAS, the Declarant adopted and recorded an Amendment to the Declaration on March 21, 2000 as Entry No. 145232, at Book 0614, at Page 0388 et seq

WHEREAS, the Association adopted and recorded an Amendment to the Declaration on July 19, 2016 as Entry No. 432414.

WHEREAS, The Utah Condominium Ownership Act, 57-8-29, provides that Declaration may be amended with the vote or agreement of at least 67 percent of the total votes of the Association of the subject property.

WHEREAS, not less than 67 percent of the total votes of the Association of the subject property has consented to this amendment to the Declaration.

NOW THEREFORE, the Owners Association of the Fields at Overlake Condominiums (the "Association") hereby declares and amends the Declaration as follows:

5.15 **Reinvestment Fee**. The Management Committee shall be entitled to establish a "Reinvestment Fee" assessment by rule or resolution in accordance with this Section and

Utah Code §57-1-46. The following terms and conditions shall govern Reinvestment Fees.

(a) Upon the occurrence of any sale, transfer, or conveyance of any Unit as reflected in the office of the Tooele county recorder, regardless of whether it is pursuant to the sale of the Unit or not (as applicable, a "Transfer"), the party receiving title to the Unit (the "Transferee") shall pay to the Association a Reinvestment Fee in the amount, as determined by the Board, of up to 0.5% of the value of the Unit or such other amount as allowed by law.

(b) Notwithstanding anything to the contrary contained in this Article, the Association shall not levy or collect a Reinvestment Fee for any of the Transfers described below:

1. Any Transfer to the United States or any agency or instrumentality thereof, or the State of Utah or any county, city, municipality, district, or other political subdivision of the State of Utah.

2. Any Transfer to the Association.

3. Any Transfer, whether outright or in trust, that is for the benefit of the transferor or the transferor's relatives, but only if the consideration for the Transfer is no greater than ten percent (10%) of the value of the Unit transferred.

4. Any Transfer or change of interest by reason of death, whether provided for in a will, trust, or decree of distribution, except for a sale of the Unit by the estate of an Owner.

5. Any Transfer made solely for the purpose of confirming, correcting, modifying, or supplementing a Transfer previously recorded, removing clouds on titles.

6. Any lease of any Unit or portion thereof for a period of less than thirty (30) years. Any Transfer to secure a debt or other obligation or to release property which is security for a debt or other obligation.

7. Any Transfer in connection with the foreclosure of a deed of trust or mortgage, or a deed given in lieu of foreclosure.

8. An involuntary transfer.

9. A bona fide Transfer to a family member of the transferor within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity.

10. A Transfer that results from a court order.

(c) The Reinvestment Fee shall be due and payable by the Transferee to the Association at the time of the Transfer giving rise to the payment of such Reinvestment Fee and shall be treated as an individual Assessment for collection purposes, and thus subject to the payment of interest and late fees as further provided in Articles 6 & 7 below.

[Certification on Following Page]

EXHIBIT A – LEGAL DESCRIPTION

All of the lots and Units with The Fields at Overlake Condominium Phases 1 through 5, including:

Phase 1 Plat: Buildings 1-3 also described as: Units 1A,1B; Units 2A through 2D; Units 3A through 3E

13-011-0-001A through 13-011-0-001B; 13-011-0-002A through 13-011-0-002D; 13-011-0-003A through 13-011-0-003E

Phase 2 Plat: Buildings 4 through 6, also described as: Units 4A through 4D; Units 5A through 5C; Units 6A through 6E

13-043-0-004A through 13-043-0-004D; 13-043-0-005A through 13-043-0-005C; 13-043-0-006A through 13-043-0-006E

Phase 3 Plat: Buildings 7 through 9, also described as: Units 7A through 7D; Units 8A through 8D; Units 9A through 9D

13-052-0-007A through 13-052-0-007D; 13-052-0-008A through 13-052-0-008D; 13-052-0-009A through 13-052-0-009D

Phase 4 Plat: Buildings 10 and 11, also described as: Units 10A through 10E; Units 11A through 11F

13-064-0-0010A through 13-052-0-0010E; 13-064-0-0011A through 13-052-0-0011F

Phase 5 Plat: Buildings 12, 13 & 14: Units 12A through 12F; Units 13A through 13F; Units 14A through 14F

13-072-0-0012A through 13-072-0-0012F; 13-072-0-0013A through 13-072-0-0013F; 13-072-0-0014A through 13-072-0-0014F