

When recorded return to:
Holbrook Town Investment L.C.
101 S. 200 E. Ste., 200
Salt Lake City, Utah 84111,

ENT 109095:2022 PG 1 of 4
Andrea Allen
Utah County Recorder
2022 Oct 11 04:34 PM FEE 54.00 BY LT
RECORDED FOR Cottonwood Title Insurance Agency, Inc.
ELECTRONICALLY RECORDED

**FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS
FOR
TOWNHOMES AT HOLBROOK FARMS**

This First Amendment to Declaration of Covenants, Conditions, and Restrictions for Townhomes at Holbrook Farms (the “**Amendment**”) is made and executed by Holbrook Town Investment L.C. (“**Declarant**”) with a registered address of 101 S. 200 E. Ste., 200, Salt Lake City, Utah 84111, and shall be effective upon recording with the Office of Recorder for Utah County, Utah.

RECITALS

A. The Declaration of Covenants, Conditions, and Restrictions for Townhomes at Holbrook Farms was recorded with the Utah County Recorder’s Office on June 13, 2017, as Entry No. 70199:2022 (the “**Declaration**”).

B. Pursuant to § 9.4 of the Declaration, Declarant is authorized to amend, revise, and modify the Declaration at any time during the Declarant Control Period.

C. The Declarant now desires to amend the Declaration to clarify and streamline provisions therein regarding the lien rights and enforcement powers of the Townhomes at Holbrook Farms Homeowners Association (the “**Association**”).

D. Unless otherwise defined herein, capitalized terms in this Amendment are defined in the Declaration.

NOW, THEREFORE, pursuant to the foregoing, the Declarant hereby amends the Declaration as follows:

AMENDMENT

1. Section 5.6 of the Declaration shall be and hereby is deleted in its entirety and replaced with the following:

Lien. Consistent with Utah Code § 57-8a-301, the Association shall have a lien on each Lot for all Assessments, which include, but are not limited to, late fees, interest, collection charges, attorneys' fees, court costs, and other costs of collection (which shall include all costs and not be limited by those costs that may be awarded under the Utah Rules of Civil Procedure) and any other amounts that the Association is entitled to recover under the Declaration, the Act or by administrative or judicial decision.

The Association shall also have a lien on each Lot for all fines imposed against an Owner by the Association. This lien shall arise and be perfected when (a) the time for appeal described in Utah Code § 57-8a-208(5) has expired and the Owner did not file an appeal; or (b) the Owner timely filed an appeal under Utah Code § 57-8a-208(5) and the district court issued a final order upholding the fine.

This lien shall arise and be perfected as of the date of the recording of the Declaration, as amended by this Amendment.

If an Assessment is payable in installments, the lien is for the full amount of the Assessment from the time the first installment is due, unless the Association provides otherwise in the notice of Assessment.

The Association's lien shall have priority over each other lien and encumbrance on a Lot except only: (a) a lien or encumbrance recorded before this Declaration is recorded; (b) a first or second security interest on the Lot secured by a mortgage or trust deed that is recorded before a recorded notice of lien by or on behalf of the Association; and (c) a lien for real estate taxes or governmental assessments or charges against the Lot. The Association may, but need not, record a notice of lien on a Lot.

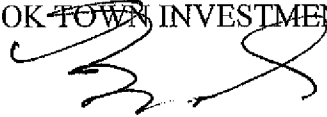
2. All other provisions of the Declaration and Bylaws shall remain unchanged and in full force and effect.

[Signature page follows]

IN WITNESS WHEREOF, the Declarant has executed the foregoing Amendment.

HOLBROOK TOWN INVESTMENT L.C.

By:

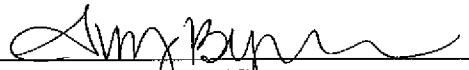


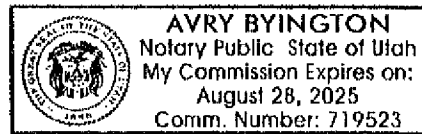
Printed Name: Brian Gochnour
Manager

Its: _____

STATE OF UTAH)
COUNTY OF Salt Lake):ss

On this 11th, day of October, 2022, personally appeared before me, a notary public, Brian Gochnour whose identity is personally known to me or proven on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that they are the duly authorized representative of Holbrook Town Investment L.C., a Utah limited liability company, and that said document was signed by them on behalf of said company with all necessary authority, and acknowledged to me that said company executed the same.


NOTARY PUBLIC



LEGAL DESCRIPTION

The Lots and real property subject to the forgoing First Amendment to Declaration of Covenants, Conditions, and Restrictions for Townhomes at Holbrook Farms are located in Utah County, State of Utah, and are more fully described as follows:

HOLBROOK FARMS PLAT D PHASE 2, Lots 5101 through 5217, inclusive, as shown on the official final subdivision plat of record and on file with the Office of Recorder for Utah County, Utah and recorded on June 9, 2022 as Entry No. 2022-69159, together with all appurtenant common areas and facilities shown thereon.

68:063:5101 through 68:063:5217.