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WHEN RECORDED, MAIL TO:

Sandy Point 2 HOA
PO Box 5555
Draper, UT 84020

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SANDY POINT 2 HOA
PO BOX 5555
DRAPER UT 84020
BY: ZJM, DEPUTY - MA 3 P.

**FIFTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS
FOR SANDY POINT NO. 2 P.U.D.
A Planned Residential Development**

All of Lots 1 through 41 Sandy Point No. 2 P.U.D.

Parcel Numbers: 28-17-151-064 through 28-17-151-088; 28-17-155-001 through 28-17-155-005
28-17-155-007 through 28-17-155-011; 28-17-151-100; 28-17-151-095; 28-17-151-091; 28-17-151-109
28-17-151-098; 28-17-151-096, 28-17-151-102

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FIFTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS
FOR SANDY POINT NO. 2 P.U.D.
A Planned Residential Development

This Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions (hereafter referred to as the CC&Rs) and By-Laws (jointly hereafter referred to as the "Governing Documents") is made and executed this 20th day of October, 2009, by members of the Sandy Point No. 2 P.U.D. Homeowners Association (hereafter referred to as the "Association").

RECITALS:

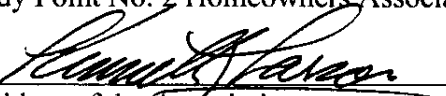
- A. This Fifth Amendment to the Governing Documents affects that certain real property located in Salt Lake County, Utah described with particularity in Exhibit "A" attached hereto and incorporated herein by this reference (hereafter referred to as the "Tract").
- B. Declarant is the Association as described in Section 1.3 of the CC&Rs.
- C. The Association is the owner of all of the Common Area and Facilities in the Tract.
- D. The Association is empowered to amend the Declaration as described in Section III.29.a of the CC&R's.
- E. Declarant intends to amend the CC&Rs to stipulate that when a mortgagee and/or lender acquires title to a Lot/Unit they are subject to Associations Governing Documents.

DECLARATION

NOW, THEREFORE, for the reasons recited above and subject to the Governing Documents set forth below, Declarant hereby makes the following Fifth Amendment to the Declaration:

- 1. The Declaration is hereby amended to add as Section III.6.f.(6) to read: "First Mortgagee or Lender Ownership of Lot/Unit. Mortgagee's and/or Lender's who take title to a Lot/Unit through foreclosure, deed, assignment in lieu of foreclosure or by any other means become members of the Association and are bound by the Governing Documents of the Association. Mortgagee's and/or Lenders become members of the Association upon such taking regardless of whether the document is recorded in the Office of the County Recorder, Salt Lake County, Utah or not."
- 2. The Declaration is hereby amended to change Section III.6.f.(6) to Section III.6.f.(7).
- 3. This amendment shall be effective the date it is recorded in the office of the County Recorder of Salt Lake County, Utah.

Declarant:
Sandy Point No. 2 Homeowners Association

By: 
President of the Association

By: Judith Przybyla
Secretary of the Association

State of Utah

County of Salt Lake

On the 17 day of March, 2010, personally appeared before me Judith Przybyla, Kenneth Larson, who by me being duly sworn, did say that he/she is the duly authorized representative of the Sandy Point No. 2 Homeowners Association, a Utah Limited Corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of it Members as evidenced by the signatures of the Associations President and Secretary, duly acknowledged to me that said corporation executed the same.

State of Utah
County of Salt Lake

On this 17 day of March, 2010, personally appeared before me Judith Przybyla, and satisfactorily proved to me to be the signer of the above instrument by the oath of Jurat, a competent, credible and impartial witness for that purpose, by me dully sworn, and he/she/they, the said Signer/President acknowledged that he/she/they executed the same.

Dena Kay Nafus
Notary Public
My Commission Expires 11/22/13

Dena Kay Nafus
NOTARY PUBLIC
Residing at: Salt Lake County

