

After Recording Return To:  
SEB Legal  
2225 East Murray Holladay Rd., Suite 111  
Salt Lake City, UT 84117

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08/27/2012 04:25 PM \$47.00  
Book - 10050 Pg - 121-123  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
TARGHEE CHILD  
67 S MAIN ST  
LAYTON UT 84041  
BY: KSR, DEPUTY - WI 3 P.

AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF HIGHLAND GARDENS TOWN HOME ASSOCIATION, A PUD

This Amendment to the Declaration is executed on the date set forth below by The Highland Gardens Town Home Owners Association ("Association").

RECITALS

A. Real property in Salt Lake County, Utah, known as Highland Gardens Phase 1, A Planned Unit Development was subjected to covenants, conditions, and restrictions recorded January 10, 2012, as Entry No. 11311624, in the Salt Lake County Recorder's Office, Utah ("Declaration");

B. This amendment shall be binding against the property described in EXHIBIT A and the Declaration, any amendment, annexation, or supplement thereto;

C. This amendment is intended to authorize the Association to charge a reinvestment fee at the time a Unit is transferred;

D. Declarant is the sole owner of all Units. Under Declaration Article XIII, Section 13.2, the Board of Directors certifies that this amendment have been approved by at affirmative vote of at least 2/3 majority of the Owners. Additionally, in accordance with Article XIII, Section 13.2, Declarant gives written consent to this amendment;

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

**Declaration Article V, Section 5.5 is amended to add (d) to the list of acceptable Special Assessments on Specific Units, the period after (c) shall be changed to a semi-colon and followed by this language:**

and (d) on every Unit at the time the Unit is transferred as a reinvestment fee not to exceed ½% of the sale price of the Unit (the exact amount to be set by the Board) for the purpose of covering Association expenses, including without limitation: administrative expenses; purchase, ownership, leasing, construction, operation, use, administration, maintenance, improvement, repair, or replacement of association facilities, including expenses for taxes, insurance, operating reserves, capital reserves, and emergency funds; common planning, facilities, and infrastructure expenses; obligations arising from an environmental covenant; community programming; resort facilities; open space; recreation amenities; or charitable expenses.

IN WITNESS WHEREOF, the Board and Declarant have executed this Amendment to the Declaration as of the 5 day of July, 2012

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THE HIGHLAND GARDENS TOWN HOME OWNERS ASSOCIATION

By: Targhee Child  
Its: President

By: Targhee Child  
Its: Secretary

DECLARANT:  
Destination Homes at Highland Gardens, L.L.C.

By: David S. Bailey  
Its: Manager

STATE OF UTAH )  
 ) :ss  
County of Davis )

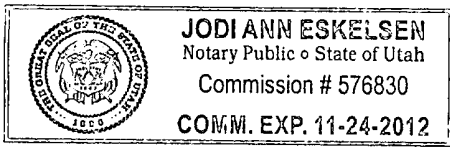
On the 5 day of July, 2012, personally appeared Targhee Child who, being first duly sworn, did that say that they are the president and secretary of the Association authorized to sign this instrument and that said instrument was signed and sealed on behalf of the Association, certified that the Amendment was authorized by more than 2/3 majority of the Owners, and acknowledged said instrument to be their voluntary act and deed.



Jodi Ann Eskelsen  
Notary Public for Utah

STATE OF UTAH )  
 ) :ss  
County of Davis )

On the 5 day of July, 2012, personally appeared David S. Bailey, who, being first duly sworn, did that say that he is the manager of Declarant authorized to sign this instrument and that said instrument was signed and sealed on behalf of Declarant, certified that the Amendment was authorized by Declarant, and acknowledged said instrument to be his voluntary act and deed.



Jodi Ann Eskelsen  
Notary Public for Utah

**EXHIBIT A**  
**Legal Description**

HIGHLAND GARDENS PHASE 1, Amending a portion of Lot 3 of Junction At Midvale Southeast Residential Plat, according to the Official Plat thereof as recorded in the Office of the Salt Lake County Recorder, State of Utah.

21-26-476-0008 thru 21-26-476-0041