

**July 2021 Amendment to
Silver Birch Condominium Association Units 1-5
Covenants, Conditions, and Restrictions
County Record #28552, Book 2166, Recorded 1994, September 25th.**

Recommended Amendment to CC&Rs Section III Paragraph 35. Enforcement

- 1) The Silver Birch Condominium Association Management Committee or Board may assess a fine against a Unit Owner for a violation of the Association's governing documents in accordance with Utah State Code, Title 57 Real Estate Chapter 8a, Community Association Act Part 2, Administration Provisions Section 208 Fines or its replacement code. (Utah Code 57-8a-208)
- 2) For purposes of this section, the governing documents of the Association shall include the Declaration of Covenants, Conditions, and Restrictions (with all amendments), Silver Birch Condominiums Plat as recorded with the Utah County Recorder's Office, and the Association Rules and Regulations (Most recent version as approved by the Board and Association).
- 3) Before assessing a fine, the Board shall give the Unit Owner a written warning that:
 - a. Describes the violation;
 - b. States the rule or provision of the Association's governing documents that the Unit Owner's conduct violates;
 - c. States the following "Additional fines may be assessed if a continuing violation is not resolved or if the Unit Owner commits similar violations within one year after the day on which the Board gives the Unit Owner the written warning.";
 - d. For a continuing violation states a time that is not less than 48 hours after the day on which the Board gives the lot owner the written warning by which the lot owner shall resolve the violation.
 - e. The Management Committee or Board may grant additional time for extenuating circumstances in response to a written request.
- 4) The Board may assess a fine against the Unit Owner if:
 - a. Within one year after the day that the written warning is given to a Unit Owner, the Unit Owner commits another violation of the same rule or provision identified in the written warning; or
 - b. For a continuing violation, the lot owner does not resolve the violation within the time period that is stated in the written warning.
- 5) Fee Amounts
 - a. First violation – Written warning
 - b. Second violation or failure to remedy as outlined in the written warning - \$25.
 - c. Third violation or failure to remedy as outlined in the written warning - \$50.
 - d. Subsequent violations or failure to remedy as outlined in the written warning - \$100.
 - e. Fee amounts will reset after one year of the written warning given to a Unit Owner.
 - f. If fines are not paid within 60 days after the violation or failure to remedy, a late penalty will be added in the amount of \$25.
- 6) A Unit Owner who is assessed a fine under this Section may request an informal hearing before the board to dispute the fine within 30 days after the day on which the Unit Owner receives notice that the fine is assessed. If a lot owner timely requests an informal hearing, no interest or late fees may accrue until after the Board conducts the hearing and the lot owner receives a final decision.
- 7) For unpaid fines legal action may be taken on a Unit according to Utah Code 57-8a-301.



In signing this document we the undersigned acknowledge receipt and approval of the following amendment regarding Silver Birch Condominium Association CC&R's Section III Paragraph 35: Enforcement. We also agree to hold ourselves and our guests accountable for them.

Dale McDowell

Dale McDowell, Chairman
Co-Owner 328 E 300 S, Payson, UT 84651

Stanley Byrd

Stanley Byrd, Co-Chairman
Co-Owner 326 E 300 S, Payson, UT 84651

Stephen H Smith

Stephen Smith, Co-Chairman & Treasurer
Co-owner 322 E 300 S, Payson, UT 84651

Nancy L Smith

Nancy Smith
Co-owner 322 E 300 S. Payson, UT 84651

Norma Draper

Norma Draper
Owner 324 E 300 S, Payson, UT 84651

Tommy Tucker

Tommy Tucker
Owner 320 E 300 S Payson, UT 84651

Betty Tucker

Betty Tucker
Co-owner 320 E 300 S Payson, UT 84751

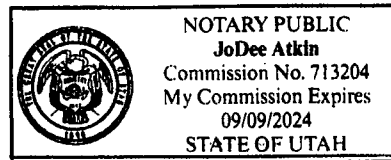
Eva Byrd

Eva Byrd
Co-Owner 326 E 300 S, Payson, UT 84651

Lynn McDowell

Lynn McDowell, Secretary
Co-Owner 328 E 300 S, Payson, UT 84651

STATE OF UTAH, COUNTY OF UTAH ON THE 1ST DAY OF JULY 2021 PERSONALLY APPEARED BEFORE ME: DALE MCDOWELL, STANLEY BYRD AND STEPHEN SMITH SIGNERS OF THE ABOVE INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.



JoDee Atkin
Notary