

**SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS FOR MIDAS CREEK VILLAS**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MIDAS CREEK VILLAS is made and executed on the date set forth below and shall be effective upon recording in the Salt Lake County Recorder's Office.

RECITALS

A. Whereas, the Declaration of Covenants, Conditions, Easements and Restrictions for Midas Creek Villas was recorded in the office of the Salt Lake County Recorder on August 5, 2016 as Entry No. 12336226 (the "Declaration").

B. Whereas, the Declaration was first amended by the First Amendment to Declarations of Covenants, Conditions, Easements and Restrictions for Midas Creek Villas, recorded in the Salt Lake County Recorder's office on May 18, 2017 as Entry No. 12537466;

C. Whereas, the undersigned certifies that, pursuant to Section 12.2 of the Declaration, this Second Amendment to the Declaration has been duly adopted at a meeting duly called and held pursuant to the Association's governing documents, or by separate written ballot without a meeting, by the affirmative vote or written consent, or combination thereof, of voting Members representing at least two-thirds (2/3) of the total votes of the Association;

D. Now therefore, the Association hereby amends the Declaration as follows:

AMENDMENT

Article 6 of the Declaration shall be amended to include the following section:

6.18. **Reinvestment Fee.** If the Association has recorded a Notice of Reinvestment Fee Covenant separate from this Declaration, within thirty (30) days after the effective date of any transfer of legal title to a Residence, the new Owner shall pay to the Association, in addition to any other required amounts, a reinvestment fee, in an amount determined by the Board from time to time. However, notwithstanding the foregoing, the following are not subject to the above referenced reinvestment fee:

- a. an involuntary transfer;
- b. a transfer that results from a court order;
- c. a bona fide transfer to a family member of the seller within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity, or to a legal entity, such as a trust, in which the owner or the owner's spouse, son, daughter, father or mother hold a beneficial interest of at least fifty percent (50%) for estate planning purposes;
- d. a transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution; or

14006654 B: 11367 P: 7568 Total Pages: 3
08/26/2022 01:41 PM By: dsalazar Fees: \$262.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: MILLER HARRISON LLC
5292 SO COLLEGE DR MURRAY, UT 84123

e. the transfer of burdened property by a financial institution, except to the extent that the reinvestment fee covenant requires the payment of the Association's costs directly related to the transfer of the burdened property, not to exceed \$250.

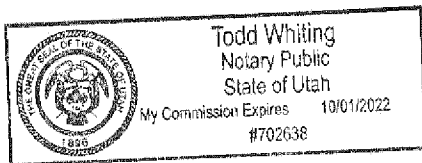
Midas Creek Villas Homeowners Association, Inc.

Mary Mathews
Printed Name: Mary Mathews
Title: HOA Secretary
Midas Creek

STATE OF UTAH)

:ss
County of Salt Lake

Subscribed and sworn before me this 24 day of August, 2022, by Mary Mathews.



[Signature]
Notary Public for Utah

EXHIBIT A

Community Legal Description

All of Lots 1-120 of MIDAS CREEK VILLAS, as recorded at the Salt Lake County Recorder's Office as Entry No. 12336204 in Book 2016P at Page 0184.
