

After Recordation, return to:

The Cedars Home Owners Association  
10684 N. Sahalee  
Cedar Hills, UT 84062

**AMENDMENT TO THE CEDARS PLANNED UNIT DEVELOPMENT  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS &  
HOME OWNER BYLAWS  
(RELATING TO PLATS B, C, D, F, I, L, M, N, O)**

For valid and adequate consideration, and pursuant to the provisions of Sections 9.16 and 17.01 of the THE CEDARS PLANNED UNIT DEVELOPMENT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS & HOME OWNER BYLAWS, PLATS B,C,D,F made the 16<sup>th</sup> day of February, 2001, by "Lone Peak Links, L.L.C.", and recorded on March 7, 2001 as Entry No. 21552-2001, at Pages 1 through 66 of the official records of the County Recorder of Utah County, State of Utah,(the "Declaration"), the majority of Lot Owners within The Cedars Planned Unit Development, Plats "B", "C", "D", "F", "L", "M", "N", "O" (the "Owners"), hereby modify the Declaration, as follows:

1. **BACKGROUND.** Sections 9.16 and 17.01 of the "Declaration" permit the Owners by a vote of more than fifty percent (50%) of the total votes of the HOA to modify, repeal, or amend the Declaration. Given, therefore, the consensus of over fifty percent (50%) of the total votes of the HOA, the Owners modify, repeal, and amend the Declaration as provided herein.
2. **MODIFICATION, REPEAL, and AMENDMENT.** The following sections of the Declaration are modified, repealed, and amended as follows:

**1.07 Expansion of Development.** Declarant intends to sequentially develop the project on a phased basis, eventually covering all residential portions of "B,C,D,F" and the Expansion Property. All or any portion of the real property within the area designated as Expansion Property shall be annexed to and become subject to the terms of this Declaration and thus become subject to the jurisdiction of the Association. The Cedars Committee shall cause to be executed and recorded a supplementary declaration, having a form substantial as set forth on Attachment 2 of the Declaration, at the office of the Utah County Recorder. The recordation of the supplementary declaration shall constitute and effectuate the annexation of the area, making the same subject to the functions, powers and jurisdiction of the Association and all owners of lots in said subject property shall automatically become members of the Association.

**4.09 Easements.** Easements and rights of way are hereby reserved to the Cedars Committee, in and over the real property within the Subdivision subject to this Declaration for the erection, construction, maintenance and operation therein or thereon of drainage pipes or conduits and pipes, poles, wires and other means of conveying to and from lots in said tract, gas, electricity, power, water, telephone services, sewage, cable T.V. and other things for convenience to the owners of lots in the Subdivision, including but not limited to, those shown on the Plat. No structures of any kind shall be erected over any such easements except upon written permission of the Cedars Committee.

~~**6.05 Declarant Right to Amend.** The Declarant shall have the right, at any time, at its sole discretion, to amend this Declaration in a manner in which it believes will be most beneficial for the Subdivision, so long as it owns lots within the Subdivision. (This Section shall be deleted.)~~

**8.09 Quorum.** At any meeting of the members, the presence of members, or holders of proxies, entitled to cast more than fifty percent (50%) of the total votes of the HOA shall constitute a quorum for the transaction of business. In the event a quorum is not present at a meeting, the

members present (whether represented in person or by proxy), though less than a quorum, may adjourn the meeting to a later date. Notice thereof shall be delivered to the members as provided above. At the reconvened meeting, the members and proxy holders present shall constitute a quorum for the transaction of business. This quorum requirement, shall not apply, however, to the election of The Cedars Committee during a duly called and noticed Annual Meeting of the HOA.

**8.11 Votes.** With respect to each matter (other than the election of The Cedars Committee) submitted to a vote of the members, each member entitled to vote at the meeting shall have the right to cast, in person or by proxy, the number of votes appertaining to the Lot of such member, as shown in the Declaration. The affirmative vote of a majority of the votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum was initially present shall be necessary for the adoption of any matter voted on by the members, unless a greater proportion is required by the Articles of Incorporation, these Bylaws, the Declaration, or Utah Law. With respect to the election of The Cedars Committee, each member entitled to vote at the meeting shall have the right to cast, in person or by proxy, only one vote (or set of votes). Should a Member own more than one Lot, that Member shall only be entitled to cast one vote, rather than votes equal to the number of Lots owned by that Member.

**9.03 General Powers.** The property, affairs, and business of the HOA shall be managed by the Cedars Committee. The Cedars Committee may exercise all of the powers of the HOA, whether derived from law, the Articles of Incorporation, these Bylaws, or the Declaration, except those powers, which are by law or by the foregoing documents vested solely in the members. The Cedars Committee shall, among other things, prepare or cause to be prepared, plan and adopt an estimated annual budget for the estimated annual common expenses, providing the manner of assessing and collecting assessments, and keep or cause to be kept sufficient books and records with a detailed account of the receipts and expenditures affecting the Development and its administration, and specifying the maintenance and repair expenses of the Common Areas. The books and records shall be available for examination by all members at convenient hours on working days that shall be set and announced for general knowledge. All books and records shall be kept in accordance with good accounting procedures and shall be audited reviewed and certified at least once a year by an ~~auditor~~ licensed CPA outside of the organization, as required by the Declaration. The results of this review and certification shall be available to all members of the HOA. The Cedars Committee may by written contract delegate, in whole or in part, to a professional management organization or person such duties, responsibilities, functions, and powers as are properly delegable.

**12.01 Architectural Review Committee.** There is hereby established an Architectural Review Committee (ARC) for the Cedars. The ARC shall consist of five (5) members. The ARC shall have the duty and responsibility to carry out the tasks set forth under ARTICLE IV, and shall pass upon, approve or reject any plans or specifications for improvements to be made on lots in the Subdivision, and to enforce the conditions, covenants and restrictions set forth herein, and standards found in "The Cedars Design Standards", set forth herein or made an attachments hereto, so that all structures shall conform to the restrictions and general plans, of the Declaration, The Cedars HOA, and The Cedars Committee, for the improvement and development of the whole Subdivision. The ARC may act by any three (3) of its members, with the exception of approval for new homes within the subdivision, which must have a stamp of approval and be signed by four (4) members of the ARC.

3. Effective immediately, Sections 5 & 6 of AMENDMENT TO THE CEDARS PLANNED UNIT DEVELOPMENT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS & HOME OWNER BYLAWS made the 10<sup>th</sup> day of October, 2005, by "Owners", and recorded on January 6, 2006 as Entry No. 002228-2006, at Pages 0000 through 0003 of the official records of the County Recorder of Utah County, State of Utah, is hereby revoked, repealed and deleted.

~~Section 5. The Cedars Committee shall permit the Declarant to serve as three (3) of the five (5) Architectural Review Committee positions for 'Plat I' only contingent upon the Declarant:~~

- ~~a. Executing, verifying and mailing this amendment to each Member of the HOA with a postmark of no later than October 7, 2005.~~
- ~~b. Enforcing the Conditions, Covenants, and Restrictions, and the standards found in "The Cedars Design Standards", so that all structures in "Plat I" shall conform to the restrictions and general plans of The Cedars HOA.~~

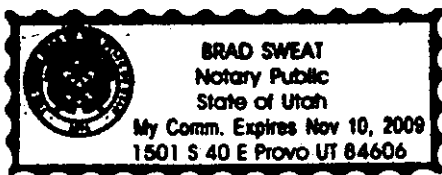
~~Section 6. The Declarant's right to amend as described in Section 6.05 of the Declaration shall be limited to 'Plat I'.~~

4. Effective immediately, The Cedars Committee shall be permitted to appoint anyone of their choosing to serve as the Architectural Review Committee for any and all Plats, including but not limited to, all portions of the Expansion Property, including Plat I. This provision supersedes any and all previous provisions in the Declaration, Covenants, Bylaws, Attachments, Amendments and Design Guidelines.
5. Effective immediately, the only means to amend, modify or repeal any portion of the Articles of Incorporation, the Declaration, the Bylaws, Attachments, Amendments, Design Guidelines shall be upon the affirmative vote of more than fifty percent (50%) of the total votes of the HOA; provided, however, that such actions shall not be effective unless and until a written instrument setting forth (a) the amended, modified, repealed, or new bylaw, (b) the number of votes cast in favor of such action, and (c) the total votes of the HOA, shall have been executed and verified by the current president of the HOA and mailed to each member of the HOA. This provision supersedes any and all previous provisions in the Declaration, Covenants, Bylaws, Attachments, Amendments and Design Guidelines.
6. Effective immediately, portions of the Design & Architectural Guidelines may be waived on a limited case by case basis provided that any variance be approved by the unanimous written consent of all five (5) members of the Architectural Review Committee AND of all five (5) members of The Cedars Committee. The committees shall be entitled to vote anonymously for any variance brought before them.
7. Effective immediately, rod iron fencing with a height of up to 6 ft. may be permitted within the subdivision, provided that approval for such be granted through the Architectural Review process as described in both the CC&R's and Bylaws.
8. **APPLICABILITY.** All provisions of the Declaration remain in effect except as modified, repealed, or amended by this Amendment. In the event of any inconsistencies between the provisions of the Amendment and the provisions of the Declaration (including Bylaws), the provisions of this Amendment will prevail and control. This Amendment pertains to, and shall be recorded against, the real property described in Exhibit A attached hereto.

VOTING: Aye: 153 Nay: 0 Total Votes in the HOA: 271

Executed and Verified this 10 day of Feb, 2006.

By: Christopher Jenkins  
President, Cedars Homeowners Association



10th February, 2006

Brad Sweat

EXHIBIT A

Plats B, C, D, F, I, L, M, N, and O, THE CEDARS AT CEDAR HILLS, according to the official plats thereof, all as located in Utah County, Utah.