

WHEN RECORDED, MAIL TO:

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Salt Lake City, Utah 84121



ENT 175488:2021 PG 1 of 7  
**ANDREA ALLEN**  
**UTAH COUNTY RECORDER**  
2021 Oct 13 4:13 pm FEE 40.00 BY SA  
RECORDED FOR KEYSTONE CONSTRUCTION, LLC

**FIRST AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF CONDOMINIUM FOR  
ROCKWELL RANCH CONDOMINIUMS**

(A Utah Residential Condominium Project  
in American Fork City, Utah County, Utah)

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF  
CONDOMINIUM FOR  
ROCKWELL RANCH CONDOMINIUMS**

This *First Amendment to Amended and Restated Declaration of Condominium for Rockwell Ranch Condominiums* (this “**Amendment**”) is made and executed this \_\_\_\_ day of October, 2021, by RWR Property Holdings, LLC, a Utah limited liability company (“**Declarant**”), for itself, its successors and assigns, pursuant to the provisions of the Utah Condominium Ownership Act in Title 57, Chapter 8, Utah Code Annotated, as amended (the “Act”).

**RECITALS**

1. Declarant is developing a residential condominium project located in Utah County, State of Utah, known as the Rockwell Ranch Condominiums (the “**Condominium Project**”).

2. Declarant previously executed and caused to be recorded that certain Amended and Restated Declaration of Condominium for Rockwell Ranch Condominiums, which was recorded with the Utah County Recorder’s Office on October 20, 2020, as Entry No. 164122:2020 (the “**Declaration**”).

3. The Condominium Project is comprised of nine (9) condominium buildings, each containing ten (10) condominium units, for a total of ninety (90) condominium units. A legal description of the entire Condominium Project, which includes all phases that have been added to the Condominium Project, is set forth in Exhibit A hereto.

4. As set forth in Section 18.1 of the Declaration, the Declaration may be amended if owners holding at least sixty-six percent (66%) of the Total Votes of the Association approve the amendment in writing. As of the date of signing and recording this Amendment, Declarant is the owner of at least eighty (80) of the ninety (90) condominium units in the Project. Accordingly, Declarant holds more than 66% of the Total Votes of the Association, and this Amendment represents Declarant’s written consent to and approval of this Amendment.

5. By this Amendment, Declarant intends to amend Section 10.10 of the Declaration to prohibit short-term nightly rentals in the Condominium Project.

**AMENDMENT**

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

Section 10.10 of the Declaration is hereby deleted and shall be replaced in its entirety with the following:

10.10 Non-Owner Occupancy Restrictions. Non-Owner Occupied Units, including Leases (but not any short-term nightly rentals), are allowed so long as the following requirements are satisfied: (i) the leasing and/or rental activity must be permitted and allowed by the applicable zoning ordinances of American Fork City, as the same may be amended; (ii) the Owners of the Non-Owner Occupied Units must obtain all permits

and licenses, if any, required by American Fork City; and (iii) notwithstanding any other provision to the contrary in this Declaration, no more than forty-nine percent (49%) of the total Units in the Condominium Project may be Non-Owner Occupied at any given time. The purpose of this restriction is to ensure the at least fifty-one percent (51%) of the total Units remain Owner-Occupied. The restriction on the number of Non-Owner Occupied Units shall not apply to a Unit that has been acquired by a Mortgagee due to default by an Owner. If a Unit is occupied by a Family Member of the Owner, then the following applies notwithstanding anything to the contrary herein: (1) the Unit is considered Owner-Occupied, (2) the Owner shall be responsible and liable under this Declaration and for any damage to the Condominium Project caused by its Family Member, and (3) no written agreement regarding occupancy needs to be created between the Family Member and Owner, but Owner shall notify the Management Committee of the Family Member(s) residing in the Unit and obtain any permits required by American Fork City. The Management Committee is authorized to, and shall create and enforce, appropriate rules and procedures to track the number of Non-Owner Occupied Units in the Condominium Project (“**Rental Restrictions**”), enforce these Rental Restrictions, and to adopt and enforce reasonable fines and other remedies for any violations of these Rental Restrictions. These Rental Restrictions shall be administered and enforced in a fair and consistent manner. **For clarification purposes, no short-term nightly rentals (meaning Leases with a term of less than 30 consecutive days) are allowed in the Condominium Project.**

Except as expressly modified above, the Declaration shall remain in full force and effect. This Amendment shall be recorded against the real property described in Exhibit A hereto.

In witness whereof, Declarant has executed this instrument this 12th day of October, 2021.

**DECLARANT:**

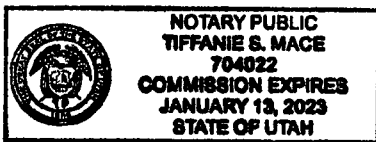
RWR Property Holdings, LLC, a Utah limited liability company


  
\_\_\_\_\_  
Authorized Member/Manager

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF UTAH        )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 2021, by Grant Lefgren, as authorized manager/member of RWR Property Holdings, LLC, a Utah limited liability company.

SEAL:



  
\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT A****Legal Description of Condominium Project**

The Condominium Project is located in Utah County, State of Utah, and is described as follows:

**Block 1 – Plat “A” Condominium**

Beginning at a point being South 89°53'31” East 1,183.39 feet along section line and South 2,797.39 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°23'30" East 71.61 feet;  
 thence South 00°56'33" West 6.27 feet;  
 thence North 89°03'27" West 10.00 feet;  
 thence South 00°56'33" West 152.25 feet;  
 thence North 89°05'03" West 81.49 feet;  
 thence North 00°56'33" East 138.14 feet;  
 thence Northeasterly 31.30 feet along the arc of a 20.00 foot radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°46'32" East 28.20 feet with a central angle of 89°39'57") to the point of beginning.

Contains 12,873 Square Feet or 0.296 Acres

**Block 1 - Plat “B” Condominium**

Beginning at a point being South 89°53'31” East 1,160.91 feet along section line and South 2,955.18 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°03'27" East 81.49 feet;  
 thence South 00°56'33" West 155.62 feet;  
 thence North 89°03'27" West 95.97 feet;  
 thence North 10°08'21" East 27.13 feet;  
 thence Northeasterly 126.72 feet along the arc of a 789.50 foot radius curve to the left (center bears North 79°51'39" West and the chord bears North 05°32'27" East 126.59 feet with a central angle of 09°11'48");  
 thence North 00°56'33" East 2.66 feet to the point of beginning.

Contains 13,437 Square Feet or 0.308 Acres

**Block 1 - Plat “C” Condominium**

Beginning at a point being South 89°53'31” East 1,143.86 feet along section line and South 3,110.58 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°03'27" East 95.97 feet;  
 thence South 00°56'33" West 131.09 feet;

thence Southwesterly 15.64 feet along the arc of a 10.00 foot radius curve to the right (center bears North 89°03'27" West and the chord bears South 45°44'30" West 14.09 feet with a central angle of 89°35'54");  
 thence North 89°27'33" West 107.21 feet;  
 thence Northerly 50.33 feet along the arc of a 710.50 foot radius curve to the right (center bears South 83°55'10" East and the chord bears North 08°06'35" East 50.32 feet with a central angle of 04°03'31");  
 thence North 10°08'21" East 93.11 feet to the point of beginning.

Contains 15,143 Square Feet or 0.348 Acres

### **Block 1 - Plat "D" Condominium**

Beginning at a point being South 89°53'31" East 1,120.37 feet along section line and South 3,252.10 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°27'33" East 60.92 feet;  
 thence South 00°32'27" West 20.00 feet;  
 thence South 89°27'33" East 162.54 feet;  
 thence South 00°56'33" West 76.96 feet;  
 thence Southwesterly 19.19 feet along the arc of a 72.00 foot radius curve to the right (center bears North 89°03'27" West and the chord bears South 08°34'37" West 19.13 feet with a central angle of 15°16'08");  
 thence Southwesterly 25.42 feet along the arc of a 15.00 foot radius curve to the right (center bears North 73°47'18" West and the chord bears South 64°45'40" West 22.49 feet with a central angle of 97°05'56");  
 thence Northwesterly 148.74 feet along the arc of a 381.00 foot radius curve to the left (center bears South 23°18'37" West and the chord bears North 77°52'25" West 147.80 feet with a central angle of 22°22'04");  
 thence North 89°03'27" West 43.73 feet;  
 thence Northwesterly 23.56 feet along the arc of a 15.00 foot radius curve to the right (center bears North 00°56'33" East and the chord bears North 44°03'27" West 21.21 feet with a central angle of 90°00'00");  
 thence North 00°56'33" East 16.98 feet;  
 thence Northeasterly 63.71 feet along the arc of a 710.50 foot radius curve to the right (center bears South 89°03'27" East and the chord bears North 03°30'42" East 63.69 feet with a central angle of 05°08'17") to the point of beginning.

Contains 20,418 Square Feet or 0.469 Acres

### **Block 3 - Plat "E" Condominium**

Beginning at a point being South 89°53'31" East 1,130.02 feet along section line and South 3,403.87 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°03'27" East 43.73 feet;

thence Southeasterly 118.76 feet along the arc of a 325.00 fee radius curve to the right (center bears South 00°56'33" West and the chord bears 78°35'21" East 118.10 feet with a central angle of 20°56'12");

thence Southeasterly 24.66 feet along the arc of a 15.00 feet radius curve to the right (center bears South 21°52'45" West and the chord bears South 21°01'00" East 21.98 feet with a central angle of 94°12'31");

thence Southwesterly 51.15 feet along the arc of a 178.00 feet radius curve to the left (center bears South 63°54'44" East and the chord bears South 17°51'22" West 50.97 feet with a central angle of 16°27'48");

thence North 89°03'27" West 151.41 feet;

thence South 00°56'33" West 13.00 feet;

thence North 89°03'27" West 16.84 feet

thence North 00°56'33" East 88.61 feet;

thence Northeasterly 23.56 feet along the arc of a 15.00 feet radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°56'33" East 21.21 feet with a central angle of 90°00'00") to the point of beginning.

Contains 15,329 Square Feet or 0.352 Acres

### **Block 3 - Plat "F" Condominium**

Beginning at a point being South 89°53'31" East 1,575.94 feet along section line and South 3,624.45 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

Thence Southeasterly 130.78 feet along the arc of a 382.00 foot radius curve to the left (center bears North 19°36'48" East and the chord bears South 80°11'42" East 130.15 feet with a central angel of 19°36'59");

Thence Southeasterly 23.87 feet along the arc of a 15.00 foot radius curve to the right (center bears South 00°00'11" East and the chord bears South 44°24'39" East 21.43 feet with a central angle of 91°11'03");

Thence South 01°10'52" West 75.89 feet;

Thence North 89°13'44" West 25.63 feet;

Thence North 00°46' 16" East 13.00 feet;

Thence North 89°13'44" West 146.35 feet;

Thence North 00°56'33" East 42.05 feet;

Thence Northeasterly 49.52 feet along the arc of a 122.00 foot radius curve to the right (center bears South 89°03'27" East and the cord bears North 12°34'17" East 49.18 feet with a central angel of 23°15'28");

Thence Northeasterly 22.36 feet along the arc of a 15.00 foot radius curve to the right (center bears South 65°47'59" East and the chord bears North 66°54'25" East 20.35 feet with a central angle of 85°24'46") to the point of beginning.

Contains 14,870 Square Feet or 0.341 Acres

### **Block 3 –Plat "G" Condominium**

Beginning at a point being South 89°53'31" East 1,647.36 feet along section line and South 3,743.72 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

Thence South 89°13'44" East 443.54 feet;

Thence North 00°46'16" East 7.00 feet;

Thence South 89°13'44" East 25.63 feet;

Thence South 01°10'52" West 158.80 feet;

Thence North 88°49'38" West 80.03 feet;

Thence North 01°10'22" East 141.30 feet;

Thence Northeasterly 15.64 feet along the arc of a 10.00 foot radius curve to the right (center bears South 88°49'38" East and the cord bears North 45°58'19" East 14.09 feet with a central angel of 89°35'54") to the point of beginning.

Contains 12,286 Square Feet or 0.282 Acres

### **Block 3 - Plat "H" Condominium**

Beginning at a point being South 89°53'31" East 1,634.33 feet along section line and South 3,894.81 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

Thence South 88°49'38" East 80.03 feet;

Thence South 01°10'52" West 140.00 feet;

Thence North 88°49'38" West 80.01 feet;

Thence North 01°10'22" East 140.00 feet to the point of beginning.

Contains 11,203 Square Feet or 0.257 Acres

### **Block 3 - Plat "J" Condominium**

Beginning at a point being South 89°53'31" East 1,631.47 feet along section line and South 4,034.79 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

Thence South 88°49'38" East 80.01 feet;

Thence South 01°10'52" West 129.83 feet;

Thence Southwesterly 23.50 feet along the arc of a 15.00 foot radius curve to the right (center bears North 88°49'08" West and the chord bears South 46°03'43" West 21.17 feet with a central angle of 89°45'41");

Thence North 88°03'27" West 65.05 feet; Thence North 01°10'22" East 145.09 feet to the point of beginning.

Contains 11,547 Square Feet or 0.265 Acres