

ADOPTED CHANGE TO THE DECLARATIONS OF THE COVENANTS, CONDITIONS, AND RESTRICTIONS OF SANTA FE at RED CLIFFS OWNERS ASSOCIATION

This amended Article VIII, Use Restrictions, in the Covenants, Conditions and Restrictions of Santa Fe at Red Cliffs Owner Association [hereafter "Declaration"] adds Section 15, Senior Community. This Change Applies to All Lots in Santa Fe at Red Cliffs Owners Association Phases 1, 2, 3, 4, 5 and all amendments thereto.

IN WITNESS WHEREOF, THE SANTA FE at RED CLIFFS OWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 1 day of June 2007, in accordance with Article XI of the Declaration.

Amended X June 2007

DATED THIS 1 DAY OF June 2007

By: Santa Fe at Red Cliffs Owners Association

*Thomas S. Craner*

Signature *Thomas S. Craner*

Print Name Thomas S. Craner CLIFFS

Title President Santa Fe at Red Cliffs

STATE OF UTAH )  
COUNTY OF WASHINGTON ) SS.



On this 1<sup>st</sup> day of June, 2007, before me personally appeared

Thomas S Craner, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he/she is the President (Title) of Santa Fe at Red Cliffs Cliffs Homeowners Association, a corporation, and that the foregoing document was signed by he/she on behalf of that corporation by authority of its bylaws or of a resolution of its board of directors, and he/she acknowledged before me that the corporation executed the document and the document was the act of the corporation for its stated purpose.

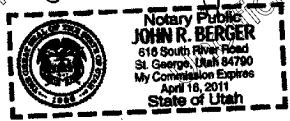
*John R. Berger*

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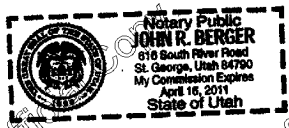
NOTARY PUBLIC

Address 610 S. River Rd St. George, UT 84790

My Commission Expires April 16, 2011



Amendment attached Amended 6/1/2007



**AMENDMENT TO THE DECLARATION OF THE  
COVENANTS, CONDITIONS AND RESTRICTIONS OF  
SANTA FE AT RED CLIFFS HOME OWNERS ASSOCIATION**

**THIS CONSENT TO AMENDMENT OF THE DECLARATION OF Covenants, Conditions and Restrictions of Santa Fe at Red Cliffs Home Owners Association is made pursuant to Article XI, Section 4. These changes apply to all lots in Santa Fe at Red Cliffs HOA, Phases 1, 2, 3, 4, and 5.**

**Article VIII is hereby amended to add as follows:**

**ARTICLE VIII USE RESTRICTIONS**

**Section 15 Senior Community.**

1. **Age Restrictions.** Santa Fe at Red Cliffs HOA is hereby designated as a participant in the Housing for Older Persons Act of the Department of Housing And Urban Development. In accordance with this act 90% of dwelling units within Santa Fe at Red Cliffs HOA must be occupied by at least one person 55 years of age or older. The remaining 10% of the units must have at least one resident 45 years of age or older. All new leases or purchase agreements regarding any unit must contain a provision, directly above the signatory lines, asserting that the new occupants are in compliance with the above age restrictions. A copy of such leases or purchase agreements shall immediately be provided to the Santa Fe at Red Cliffs HOA Board of Trustees. Without limiting the foregoing, at no time shall less than 80% of the occupied dwelling units subject to this Declaration be occupied by at least one person 55 years of age or older. The Board shall establish policies and procedures from time to time as necessary to maintain the properties as an age restricted community intended for housing persons 55 years of age or older or as herein described under state and federal law.

2. **Children.** Santa Fe at Red Cliffs HOA shall prohibit occupancy by persons under the age of 18, as well as all others falling within the defined term of Familial status under federal law, except that persons under the age of 18 may reside with any resident but ~~not for~~ more than 30 consecutive days nor more than 90 days in any calendar year.

3. Survey. Every other year, the President of the Association, or such persons designated by the Board of Trustees, shall conduct a survey of the persons in the community to determine if at least one person residing in each unit conforms to the age restrictions listed above. For each unit, the surveyor shall record the person's name, unit number, date of birth, and the method of reliable identification. Such reliable identification includes: drivers license, birth certificates, passport, immigration cards, military ID, or other certifiable documents indicating age. Each person questioned shall sign the survey as to the truth of his or her response, and the surveyor shall affirm under oath that he has inspected the identifications provided, and that the information in the survey accurately reflects those documents.

4. Initial Survey. An initial survey of the community must be conducted within 180 days of the adoption of this amendment.

5. Uncooperative Members. If any persons in the community refuse to comply with these procedures, the surveyor may, if there is sufficient evidence, consider the unit to be in compliance with the age restrictions as outlined in 15.1. Such evidence may include: Government records or documents, prior forms or applications, a statement from individuals who have personal knowledge of the age of the inhabitant, setting forth basis of knowledge that the unit is occupied by a person complying with the age restrictions as outlined in 15.1.

6. New Residents. All persons intending to purchase or lease an interest in any unit must provide verification that at least one intended resident of the unit is in compliance with the age restrictions listed in 15.1 of this amendment to the Santa Fe at Red Cliffs HOA Board of Trustees or such person designated by them. Such verification shall include reliable identification as described above.

7. Availability of Survey. The survey must be available for inspection by any person upon reasonable notice as determined by the Board of Trustees.

8. Exceptions. Any owner may apply for relief or exception from the provisions as outlined in this amendment or in the Santa Fe at Red Cliffs HOA Policies, Procedures, and Rules, which cover this amendment due to circumstances not covered in the HOPA of 1999. All units now in Santa Fe at Red Cliffs HOA not meeting the requirements of this amendment are grandfathered. These units upon sale, rental or leasing after the date of recording this document must subsequently

comply with the requirements herein. However, in no circumstance may the threshold of at least 80% of all units in the community having at least one person over the age of 55 years be compromised.

9. Notices, Signs, Advertising, Marketing and Sales. All advertising, marketing, signs, notices and sales materials or displays of any kind shall reflect that Santa Fe at Red Cliffs HOA is intended for housing for older persons. All print ads shall contain the following language: **"The Santa Fe at Red Cliffs HOA is intended and operated for residents 55 years of age and older as defined in the Fair Housing Act. As such it is the policy of the Santa Fe at Red Cliffs HOA to prohibit permanent residence of persons under 18 years of age as is permitted under an exemption of the Act."** A notice shall be placed in the Legal Section of local news media indicating the status of Santa Fe HOA as a "Senior Community", signs at all vehicular entrances to Santa Fe HOA shall be placed indicating senior status over 55 community, a notice shall be placed in the Santa Fe clubhouse also indicating the community as a senior community for persons over 55 years of age. A notice to the Washington County Board of Realtors shall be provided indicating the status of Santa Fe HOA as a Senior Community for persons over the age of 55.

10. Single Family Residences. All units in Santa Fe at Red Cliffs HOA are designated as single-family residences. No unit or residence may be leased/rented or sold except as a single-family unit which is described as follows: A single-family unit when used in the Declaration shall mean a group of not more than four [4] persons in a two bedroom unit and in no case shall the number of persons allowed in a unit exceed two [2] persons per bedroom, who are directly related either as spouses or significant others, parent and child, grandparent or grandchild, niece, nephew or as siblings.