

DOC # 20070046544

Amended Restrictive Covenants Page 1 of 3
Russell Shirts Washington County Recorder
09/18/2007 04:50:06 PM Fee \$ 14.00
By SKY MOUNTAIN GOLF ESTATES HOA



After Recording Return To:
RICHARDS & KIMBLE, P.C.
2040 E. Murray Holladay Rd., Suite 102
Salt Lake City, UT 84117

**AMENDMENT TO
THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENT
OF
SKY MOUNTAIN GOLF ESTATES**

This Amendment to the Declaration of Covenants, Conditions and Restrictions (“Declaration”) that established a subdivision known as Sky Mountain Golf Estates is made on the date evidenced below by the Sky Mountain Golf Estates Homeowners Association (“Association”).

RECITALS

A. Certain real property in Washington County, Utah, known as Sky Mountain Golf Estates was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Covenants, Conditions and Restrictions recorded May 14, 1999, as Entry No. 00647269 in the Recorder’s Office for Washington County, Utah;

B. This amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto.

C. This amendment is intended to reduce the amendment threshold for general changes to the Declaration of the Association and to facilitate the passage of important amendments that are intended to protect the property values and livability of the Association.

D. Pursuant to Article XIII, Section 13.2 of the Declaration, the President and Secretary hereby certify that votes representing more than three-fourths (3/4) of all Membership votes affirmatively approved this Amendment.

NOW, THEREFORE, The Association, by and through its Board of Trustees, hereby amends Article XIII, Section 13.2 of the Declaration in its entirety to read as follows (underlined content indicates new language):

13.2 Amendment. All amendments to this Declaration shall require first, that a quorum be established and, second, that 67% of the votes cast approve the proposed amendment as follows:

13.2.1 A quorum must be established. A quorum is established when the time by which all ballots must be received passes so that a quorum can be determined, whereupon the President of the Board shall certify that a quorum is present. A quorum is defined in the Bylaws as the presence at any meeting of Members who hold votes equal to fifty percent (50%) of the total voting power of the Association, in person or by proxy.

13.2.2 Approval. Once a quorum is gathered, this Declaration shall only be amended after the affirmative vote of at least sixty-seven percent (67%) of the votes cast by Members who are voting in person, by proxy, or by faxed or mailed ballot at such a meeting duly called for the purpose of amending the Declaration. By way of illustration, if the Association had 100 members, at least 50 members must vote in order to establish a quorum, if only those 50 members vote, 34 affirmative votes would pass a proposed amendment, if 60 members vote, 41 affirmative votes would be required, and so forth. All such amendments must be in writing, and prepared, executed, recorded and certified on behalf of the Association by the President of the Association. Such amendment shall be recorded in the Office of the County Recorder of Washington County, State of Utah.

Any substantive amendment to any of the following described provisions of this Declaration requires the written consent of fifty-one percent (51%) of the Eligible Mortgage Holders (except items (a), (b), (e), (g) and (h) which require a sixty-seven percent (67%) approval):

- (a) Voting rights, both Classes;
- (b) Assessments, assessment liens, or the priority of assessment liens;
- (c) Reserves for maintenance, repair and replacement of the Common Areas Improvements which the Association is required to maintain pursuant to the provisions of this Declaration;
- (d) Responsibility for maintenance and repairs;
- (e) Insurance or fidelity bond provisions;
- (f) Other than reasonable rental restrictions, the imposition of restrictions on an Owner's right to sell or transfer such Owner's Lot;
- (g) Any provision that expressly benefits mortgage holders or mortgage insurers

or guarantors; or

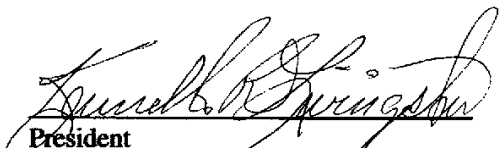
(h) Provisions pertaining to termination of this Declaration.


In the event any Eligible Mortgage Holder is notified, in the manner provided in paragraph 13.5 below and at the address designated by such Eligible Mortgage Holder to the Association in the manner provided in such paragraph 13.5, of any proposed substantive amendment to this Declaration in the nature of the amendments described in subparagraphs (a) through (h), inclusive, above, and fails to submit a written response within thirty (30) days after notice of such proposed amendment, then such Eligible Mortgage Holder shall be deemed to have given its approval of such amendment and such implied approval shall be conclusive as to all persons relying thereon in good faith. A certificate signed by the Secretary of the Association as to any Eligible Mortgage Holder's failure to so respond shall be deemed to be sufficient evidence of such approval.

Paragraph 13.1 shall be amended only upon the written consent of the Owners of eighty percent (80%) of the Lots within the Community.

IN WITNESS WHEREOF, THE SKY MOUNTAIN GOLF ESTATES HOMEOWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 18th day of September, 2007, in accordance with Article XIII, Section 13.2 of the Declaration.

SKY MOUNTAIN GOLF ESTATES HOMEOWNERS ASSOCIATION

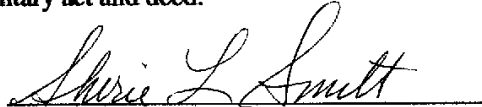

President
KENNETH R. LIVINGSTON


Secretary
GORDON A. RUSSELL

STATE OF UTAH)
) ss
County of Washington)

On the 18th day of September 2007, personally appeared before me KENNETH R. LIVINGSTON and GORDON A. RUSSELL who, being first duly sworn, did that say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.




Notary Public for Utah SHERIE L. SMITH
Residing at: LaVerkin, Ut
Commission Expires: 3/28/2010