Vhen Recorded Mail To: Ionarch Property Management. 52 East Riverside Drive C-5 t. George, UT 84790

Mesa Palms Homo 1,2+3 (ots 7-59

Resolution of the Board of Trustees The Mesa Palms Townhomes

WHEREAS, the Board of Trustees ("Board") of the Mesa Palms Homeowners Association ("Association") is empowered to govern the affairs of the Association, including the interpretation and enforcement of the governing documents and the adoption of rules and regulations (Article II, Amended Declaration of Covenants, conditions and Restrictions). Rule making authority also extends to the Architectural Control Committee, whose duties may be assumed by the Board of Trustees;

WHEREAS, all exterior additions, changes, alternations and/or improvements must be approved in advance by the Architectural Control Committee, or in the absence thereof, the Board of Trustees as set forth in Article VI of the Amended Declaration of Covenants, Conditions and Restrictions of Mesa Palms Townhomes ("Declaration");

WHEREAS, the installation of fences, including types, materials, colors, heights, etc., is governed by the Declaration, namely Article VI thereof and, from time to time, variances and other aesthetically acceptable fences are deemed to be in harmony with the terms of the Declaration, architectural rules and general aesthetic characteristics of the Association;

WHEREAS, the Board believes it to be in the best interests of the Association to adopt a resolution that clarifies the types of fences that are consistent with Article VI, Section 3.8, of the Declaration, policies and acceptable standards/requirements of the Association.

NOW, THEREFORE, IT IS RESOLVED that the following shall be the policy of the Association regarding all fences:

- Maintenance obligations of fences, shall be consistent with the present policies of the Association pursuant to Article VII of the Declaration;
- It shall hereafter be the policy the Association that any fence, dividing wall, 2. perimeter wall or other such structure may be permitted, regardless of materials, colors, heights, location, etc., so long as Architectural Control Committee (or Board approval as the case may be) is granted. Submission of plans, drawings, schematics and other documents as required in Article VI of the Declaration shall still be required. However, it is the intent that the Association shall be able to permit those fence structures that are deemed consistent with the general overall development plan and scheme of the Association.
- 3. If prior permission from the Association is not received by the Owner to construct a fence, wall or like structure, then the Board shall demand that the wall be removed and may seek all legal remedies to remove the same. All costs of enforcing this resolution or the policies of the Association, including attorney fees, shall be paid by the owner offending these policies.



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NOW, BE IT FURTHER RESOLVED, that pursuant to Article II, Section 3 of the Declaration, the Board may adopt rules and regulations concerning the use of the limited common areas.

- 1. Fences and walls are situated upon common areas.
- 2. To that end, the Board deems it in the best interests of the Association to permit each Owner of a townhouse unit to use, as limited common area, an area of equal distance between the owner's townhome and the adjacent owner's townhome. Each Owner shall be responsible to maintain and care for this area.
- 3. No permanent additions, walls or fences dividing the townhouse units, shall be permitted in this area, however, without prior consent of the Architectural Control Committee, or the Board as the case may be. Any such improvement(s), if permitted, shall be paid for and maintained by the benefitted Owner(s) thereof. The costs of repair, replacement, insurance and maintenance shall be borne equally between the benefitted townhouse Owners. A failure of the Owners to care for and maintain any such permitted dividing wall or fence, shall be legal grounds for the Association to maintain or remove the same and charge the costs back to the Owners as an assessment.

NOW, BE IT FURTHER RESOLVED that a copy of this Resolution shall be distributed to all owners.

Date: 4/14/09

Date: 4/14/09

ATTEST:

Presiden

State of Utah

) ss.

County of Washington

James + Congo, President and Rod Price, Director, Secretary of the Association is personally known to me or presented satisfactory proof of identity to me and, after being sworn and while under oath, each stated that s/he was acting voluntarily and on behalf of the Association and signed the document as being true and correct in my presence.

DATE: 4/14/09...

Jusin & Stucki NOTARY PUBLIC

