After Recording Return To:

BALL JANIK, LLP 2040 E. Murray-Holladay Rd, Suite 106 Salt Lake City, UT 84 ND



AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF

CANYON BREEZE R.V. RESORT

(A Community Intended and Managed for Housing for Older Rersons, 55 Years of Age or Older)

This Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Canyon Breeze R.V. Resort ("Declaration") that established a community intended and managed for housing for Older Persons, 55 Years of Age or Older known as the Canyon Breeze R.V. Resort is made on the date evidenced below by the Canyon Breeze Canyon Breeze ("Association").

RECITALS

- A Certain real property in Washington County, Utah, known as Canyon Breeze was subjected to certain covenants, conditions, and restrictions pursuant to an Amended and Restated Declaration recorded April 20, 2010 as Entry No. 20100012612 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 (see Exhibit A);
- C. To avoid the communal ills, including, among other things, rules violations, abuse and destruction of community and private property and the consequent increase in insurance premiums, and to provide a more permanent living environment, the Association deems restricting and regulating the manner of renting within the community necessary and in the best interest of the Owners;
 - D. This amendment is intended to restrict the manner of renting in the community
- E. Pursuant to Article XIV, Section 1 of the Declaration, the Board of Directors hereby certifies that votes representing at least sixty percent (60%) of total votes of the Association affirmatively approved this Amendment.

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NOW, THEREFORE, the Association, by and through its Board of Directors, hereby amends the Declaration Article XII, Section 9, by adding the following sub-sections as follows:

[ALL OTHER PROVISIONS OF SECTION 9 REMAIN UNCHANGED]

Article XII, Section 9:

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- (e) Owner-Occupied Requirement. No Owner shall rent or lease their Home or Lot until such time as said Home or Lot has been Owner-occupied for no less than twelve (12) consecutive months. "Owner-occupied" for purposes of this Section means a Home that is owned by an Owner without a renter or tenant present, whether or not the Owner actually occupies the Home.
- (f) <u>Grandfathering</u>. Any Owner that is currently renting or leasing their Home or Lot prior to the adoption and recordation of the rental restrictions contained herein, may continue to rent or lease, or any person of entity that is the Owner of the Home or Lot prior to the recording of this amendment, may feely rent their Home or Lot until
- (1) The Unit Owner sells the Unit at which time the new Owner must comply with the Owner-Occupied Requirements stated above.
- (2) All purchasers who take title after the date of this amendment are bound by the Owner-Occupied Requirement above.
- (g) <u>Breach of the Rental Requirements</u>. If an Owner fails to follow the requirements of this Section or any additional rules and procedures adopted by the Board and rents or leases his or her Lot, and/or rents or leases any Home or Lot in violation hereof, the lease shall be deemed null and void and the tenant must vacate the Home and Lot
- (h) Attorney Fees and Costs for Violations. The Association shall be entitled to recover from an Owner who violation this Article its costs and attorney's fees incurred for the enforcement of this Article regardless of whether any lawsuit or other action is commenced. The Association may assess such costs and attorney's fees against the Owner and the Lot as an assessment pursuant to the Declaration.

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INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT

HE/SHE/THEY EXECUTED THE SA

MAY/20/2016/FRI 12:50 PM Sandy City Finance

FAX No. 801-568-7182

P. 002

INWITNESS WHEREOF, CANYON BREEZE OWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 20 day of in accordance with the Declaration. CANYON BREEZE OWNERS ASSOCIATION: President STATEOFUTAH County of Salt lake 2016, personally appeared before me On the 20 day of Man Pussell R. Sandurson who, being first and duly swom, 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 Directors; and each of them acknowledged said instrument to be their voluntary act and deed. WENDY DOWNS Notary Public State of Otah My Commission Expression November 10, 2018 Comm. Number, 680119 STATE OF UTAH COUNTY OF: LA

NOTARY PUBLIC KADE McMULLIN Commission No. 665813 Commission Expires APRIL 24, 2017 STATE OF UTAH

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05/20/2016 02:39:19 PM 20160017807 Page 4 of 4 Washington County EXHIBIT A All Lots in CANYON BREEZE RV RESORT (W) according to the official plats thereof in the office of the Washington County Recorder, State of Utah. Legal Description as filed in the office of the Washington County Recorder, State of Utah. CANYON BREEZE RV RESORT (W) 186 Total Lots. Page 4 of 4