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Amended Restrictive Covenants
Russell Shirts Washington County Recorder
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By CANYON BREEZE HOA

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**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 Persons, 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 Owners Association ("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.

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:

(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) **Grandfathering.** 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 or entity that is the Owner of the Home or Lot prior to the recording of this amendment, may freely 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) **Breach of the Rental Requirements.** 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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EXHIBIT A

Legal Description

All Lots in CANYON BREEZE RV RESORT (W) according to the official plats thereof as filed in the office of the Washington County Recorder, State of Utah.

CANYON BREEZE RV RESORT (W) 186 Total Lots.