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DOC # 20160019718

Amended Restrictive Covenants Page 1 of 14
Russell Shirts Washington County Recorder
06/03/2016 01:38:35 PM Fee \$ 42.00
By COMMUNITY ASSOC MANAGEMENT



Recorded at the request of:
Padre Lakes Townhomes Association

**Record against the Property
described in Exhibit A**

After Recording mail to:
Community Association
Management
107 So. 1470 East, Suite 204
St. George UT 84790

**FIRST AMENDMENT TO THE AMENDED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
PADRE LAKES TOWNHOMES**

RECITALS

WHEREAS, the original Declaration of Covenants, Conditions, and Restrictions of Padre Lakes Townhomes was recorded in the records of the Washington County Recorder on April 4, 1994, as Entry No. 463799, in Book 811, beginning at Page 24 (the "Original Declaration"); and

WHEREAS, an Amendment to Declaration of Covenants, Conditions and Restrictions of Padre Lakes Townhomes was recorded in the records of the Washington County Recorder on September 29, 1994, as Entry No. 00480001, in Book 0854, beginning at Page 0008; and any and all supplements or amendments to the Declaration prior to the date of this Amendment, whether or not such were recorded in the records of the Washington County Recorder. Specifically, this Amendment replaces and supersedes Article VI of the Declaration. In the event of a conflict between the Declaration, the Bylaws or the Rules and Regulations for the Padre Lakes Townhomes Association, this Amendment shall control.

WHEREAS, Article XI of the Declaration provides the Amended Declaration may be amended by an instrument signed by not less than sixty-seven percent (67%) of the owners; and

WHEREAS, Owners in the Padre Lakes Townhomes project were given notice of the requirements under Utah Code Ann. Section 16-6a-1607 for taking action without a meeting. A true and correct copy of such notice is attached hereto and incorporated here in as Exhibit "B".

NOW, THEREFORE, all of the Property (described in Exhibit A attached hereto and made a part hereof) shall be held, sold and conveyed subject to the Declaration as amended by this First Amendment, which shall take effect upon the date it is recorded in the records of the Washington County Recorder ("Amendment Date").

AMENDMENTS

NOW, THEREFORE, the Padre Lakes Association hereby amends the Amended Declaration of Covenants, Conditions and Restrictions of Padre Lakes Townhomes as follows:

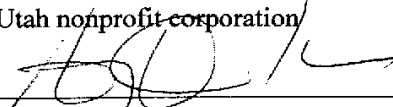
A. NOW, THEREFORE, Article VI, of the Amended Declaration, titled "Architectural Control Committee" is hereby replaced in its entirety and amended to read as follows:

The Trustees may appoint an Architectural Control Committee Composed of three (3) or more representatives and until such appointment is made in writing the Trustees shall function in that capacity. NO structure, building, fence, wall or addition, extension or expansion of any of the foregoing nor any exterior addition or change alteration, including color changes, of any lot or townhome shall be made until the plans and specifications showing the nature, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee. In the event said committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and compliance with this article will be deemed to have been made. The Architectural Control Committee shall consider the harmony of external design and location in relation to surrounding structures and topography. However, an owner's request to construct appurtenant structures and personal landscaping outside the boundaries of the townhome and within the rear area of the surveyed boundaries of the lot shall be approved unless the action constitutes a violation of law or the use restrictions of this Declaration, or the rules and regulations of the Association.

Notwithstanding the foregoing, without the prior written consent of a majority of a quorum of Owners, neither the Association nor the Architectural Control Committee shall have the power, by act or omission, to change, waive or abandon any plan, scheme or regulations pertaining to the architectural design or the exterior appearance or maintenance of townhomes and lots, and the maintenance of the common and limited common areas, including walls, fences, driveways, lawns and plantings.

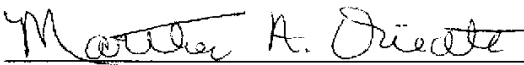
IN WITNESS WHEREOF, on the 25 day of April, 2016, the President of the Association hereby represents that a meeting was held regarding this First Amendment to the Amended Declaration and sixty-seven percent (67%) or more of the owners approved of the First Amendment to the Amended Declaration. Exhibit B hereto contains true and correct copies of the signatures of the members/owners that assent to this First Amendment.

Padre Lakes Townhomes ASSOCIATION
a Utah nonprofit corporation


By: _____

Its: President HENRY VANDERLAAN

Witnessed:



Secretary
Padre Lakes Townhomes Association

EXHIBIT A

Legal Description

This Amendment to the Declaration of Covenants, Conditions and Restriction of Padre Lakes Townhomes effects the following real property, all located in Washington County, State of Utah:

All of Lots 1 through 25, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 1, according to the Official recorder of the Washington County Recorder; and

All of Lots 26 through 75, and 98 through 101, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 2, according to the Official recorder of the Washington County Recorder; and

All of Lots 151 through 185, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 3, according to the Official recorder of the Washington County Recorder; and

All of Lots 96 through 97, 102 through 106, 128 through 135, 141 through 150, and 186 through 188, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 4, according to the Official recorder of the Washington County Recorder; and

All of Lots 86 through 95, 107 through 111, and 136 through 140, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 5, according to the Official recorder of the Washington County Recorder; and

All of Lots 77 through 85, and 112 through 119, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 6, according to the Official recorder of the Washington County Recorder; and

All of Lots 120 through 127, and 189 through 196, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 7, according to the Official recorder of the Washington County Recorder; and

EXHIBIT B

LEGAL NOTICE

FOR TAKING WRITTEN CONSENTS WITHOUT A MEETING TO APPROVE THAT CERTAIN
AMENDMENT TO THE AMENDED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS PADRE LAKES TOWNHOMES

(Article VI Architectural Control Committee)

The Declaration of Covenants, Conditions and Restrictions for Padre Lakes (the "Declaration") requires the taking of written consents of at least sixty-seven percent (67%) of all members to amend the Declaration and to adopt the First Amendment to the Declaration of Covenants, Conditions and Restrictions Padre Lakes Townhomes relating to restrictions on leasing (the "Amendment").

Utah Code Ann. Section 16-6a-707 allows for the taking of written consents without a meeting of the members, provided the following are met:

1. The consents are signed by the number of members required to take the action if a meeting were held; in this instance sixty-seven percent (67%) of the members.
2. Unless 100% of the members sign a written consent, sixty-seven percent (67%) of the written consents must be obtained within a sixty (60) day period commencing on the date the first consent is executed.
3. The effective date of the Amendment will be the date the Amendment is recorded in the records of the Washington County Recorder.
4. Consents once given may only be revoked in a writing signed by the member(s) that references the Amendment, that states the member's prior written consent is revoked; and that is received by the Association prior to the expiration of the sixty (60) day period.

You are hereby given notice that if at least sixty-seven percent of the members consent in writing to the Amendment within the sixty (60) day period, that the Padre Lakes Townhomes Owners Association, through its Board, will immediately cause the Amendment to be recorded in the records of the Washington County Recorder.

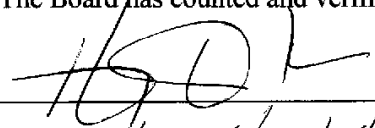
A copy of the Amendment and Consent form are attached hereto and you have hereby been given notice that the enclosed Amendment has been provided to you more than ten (10) days in advance of the proposed effective date of the Amendment.

A copy of this Legal Notice has been attached as Exhibit B to the Amendment.

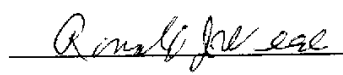
EXHIBIT C

BALLOT COUNT AND VERIFICATION:

The Board has counted and verified ballots. The attached spreadsheet identifies all votes received.


By: Harvey Vanderkoo

Its: President


By: RONALD J. WEED

Its: Vice-President

Padre Lakes Ballot Count

Address	Unit	Yes	No
508 E Oasis Dr	173	1	
574 E 400 S	117		
463 S Coyote Way	109		1
543 E Majestic Dr	137		1
506 E Dominguez Dr	160	1	
493 E Majestic Dr	89	1	
520 S Puerto Dr	189	1	
517 E Padre Lakes Dr	96	1	
491 E Padre Lakes Dr	98		1
558 E 400 S	115	1	
555 S Fiesta Dr	62	1	
522 E Dominguez Dr	162	1	
521 S Mariah Court	155	1	
577 S Siesta Dr	44	1	
516 S Siesta Dr	50		
432 E 400 S	79	1	
507 E Oasis Dr	172	1	
547 E Oasis Dr	168	1	
500 S Puerto Dr	126		
547 S Fiesta Dr	63	1	
484 S Chula Vista Dr	144	1	
554 E Oasis Dr	178	1	
451 E Oasis Dr	58	1	
472 S Chula Vista Dr	143	1	
504 E Majestic Dr	91	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
440 E Majestic Dr	15	1	
538 E Oasis Dr	176		1
546 E Oasis Dr	177		1
437 E Dominguez Dr	71		
438 S Coyote Way	110	1	
526 E 400 S	112	1	
458 S Puerto Dr	123	1	
476 E Padre Lakes Dr	100	1	
426 E Oasis Dr	35	1	
536 E 400 S	113	1	
457 E Oasis Dr	57	1	
544 E Majestic Dr	139	1	
474 S Coyote Way	95		1
490 S Fiesta Dr	1	1	
474 E Oasis Dr	41	1	
567 S Fiesta Dr	61	1	
520 S Fiesta Dr	26		1
529 S Chula Vista Dr	186	1	
411 E Majestic Dr	5	1	
468 S Coyote Way	94	1	
478 S Puerto Dr	125	1	
450 S Chula Vista Dr	141		1
555 S Chula Vista Dr	183	1	
583 S Chula Vista Dr	180	1	
539 E Oasis Dr	169	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
443 E Majestic Dr	8	1	
576 S Fiesta Dr	33	1	
579 S Fiesta Dr	60	1	
555 E Majestic Dr	135		1
455 E Majestic Dr	9	1	
552 S Fiesta Dr	31	1	
532 E Padre Lakes Dr	105	1	
450 E Oasis Dr	38		1
551 E Majestic Dr	136	1	
494 E Padre Lakes Dr	101	1	
412 E Oasis Dr	34	1	
448 E Majestic Dr	14	1	
475 S Fiesta Dr	17	1	
426 S Coyote Way	111		1
442 E Padre Lakes Dr	23		1
496 S Chula Vista Dr	147	1	
578 S Siesta Dr	55	1	
559 E Oasis Dr	167	1	
477 S Coyote Way	107	1	
514 S Chula Vista Dr	149	1	
543 E Chula Vista	184	1	
505 S Chula Vista Dr	188	1	
566 E 400 S	116	1	
452 E Dominguez Dr	66	1	
522 S Mariah Court	156		

Padre Lakes Ballot Count

Address	Unit	Yes	No
467 E Oasis Dr	56	1	
466 S Fiesta Dr	3		
548 E Padre Lakes Dr	146	1	
546 E 400 S	114	1	
538 S Fiesta Dr	29	1	
424 S Puerto Dr	120	1	
442 E Oasis Dr	37		1
558 E Dominguez Dr	165	1	
534 S Chula Vista Dr	151		
476 E 400 S	83		1
556 E Majestic Dr	140		1
496 E Oasis Dr	43	1	
465 E Dominguez Dr	68	1	
544 S Fiesta Dr	30	1	
446 S Puerto Dr	122	1	
566 S Puerto Dr	193	1	
523 S Fiesta Dr	75		1
528 S Siesta Dr	51		
526 S Fiesta Dr	27	1	
515 E Oasis Dr	171	1	
502 S Chula Vista Dr	148		1
496 E 400 S	85	1	
483 E Padre Lakes Dr	99	1	
493 E Dominguez Dr	47	1	
475 E Padre Lakes Dr	19	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
523 S Mariah Court	154	1	
464 E Dominguez Dr	67		1
523 E Oasis Dr	170	1	
524 E Oasis Dr	175		
535 S Chula Vista Dr	185	1	
536 E Dominguez Dr	163		
533 S Fiesta Dr	73		1
454 E Padre Lakes Dr	22	1	
577 S Chula Vista Dr	181	1	
458 S Chula Vista Dr	142		
527 S Siesta Dr	48		1
446 E 400 S	80	1	
454 S Fiesta Dr	4	1	
569 S Chula Vista Dr	182	1	
596 S Puerto Dr	196	1	
554 S Puerto Dr	192	1	
565 S Siesta Dr	45	1	
518 E Padre Lakes Dr	103	1	
468 E 400 S	82	1	
539 S Fiesta Dr	72		1
532 S Fiesta Dr	28	1	
458 E Padre Lakes Dr	21		1
538 S Mariah Court	158	1	
515 S Siesta Dr	49	1	
505 E Dominguez Dr	159	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
424 E 400 S	78		1
506 E Padre Lakes Dr	102	1	
576 S Puerto Dr	194		
467 E Majestic Dr	10		1
483 S Coyote Way	106	1	
488 E 400 S	84	1	
514 E Dominguez Dr	161	1	
453 S Chula Vista Dr	132	1	
503 E Padre Lakes Dr	97	1	
542 S Puerto Dr	191	1	
535 E Dominguez Dr	153	1	
567 E Majestic Dr	134	1	
517 S Chula Vista Dr	187	1	
472 E Majestic Dr	12	1	
490 E Majestic Dr	90	1	
428 E Majestic Dr	16	1	
564 S Fiesta Dr	32	1	
497 S Chula Vista Dr	128	1	
553 S Siesta Dr	46	1	
439 E Oasis Dr	59		
508 S Fiesta Dr	25		
466 E Dominguez Dr	53		
543 E Dominguez Dr	152	1	
568 E Oasis Dr	179	1	
473 S Chula Vista Dr	130	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
512 E Majestic Dr	92	1	
433 S Coyote Way	87		
499 E Majestic Dr	88	1	
466 E Oasis Dr	40		1
438 S Puerto Dr	121	1	
471 S Coyote Way	108	1	
456 E 400 S	81		1
434 E Oasis Dr	36		1
528 S Puerto Dr	190	1	
531 E Majestic Dr	138		1
584 S Puerto Dr	195	1	
463 E Padre Lakes Dr	18	1	
488 E Oasis Dr	42	1	
445 S Chula Vista Dr	133	1	
423 E Majestic Dr	6	1	
420 S Puerto Dr	119	1	
524 E Padre Lakes Dr	104	1	
544 E Dominguez Dr	164	1	
516 E Oasis Dr	174	1	
453 E Dominguez Dr	69	1	
460 S Coyote Way	93	1	
526 S Chula Vista Dr	150	1	
433 S Coyote Way	87	1	
458 E Oasis Dr	39		1
508 S Puerto Dr	127	1	

Padre Lakes Ballot Count

Address	Unit	Yes	No
485 S Chula Vista Dr	129	1	
460 E Majestic Dr	13	1	
459 S Chula Vista Dr	131	1	
448 E Dominguez Dr	65		1
478 S Fiesta Dr	2	1	
562 S Chula Vista Dr	166	1	
566 S Siesta Dr	54		1
527 S Fiesta Dr	74	1	
412 E 400 S	77		
584 E 400 S	118	1	
436 E Dominguez Dr	64	1	
470 E Padre Lakes Dr	20		1
526 S Mariah Court	157	1	
415 S Coyote Way	86	1	
430 E Padre Lakes Dr	24		1
449 E Dominguez Dr	70		
545 E Padre Lakes Dr	145	1	
470 S Puerto Dr	124	1	
435 E Majestic Dr	7	1	
477 E Dominguez Dr	52	1	
473 E Majestic Dr	11	1	