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Amended Restrictive Covenants
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By SUN COUNTRY MEADOW TOWNHOMES



SUN COUNTRY MEADOW TOWNHOMES ASSOCIATION

PHS# 1, 2, 4, 3

AMENDED AND RESTATED
POLICIES, PROCEDURES AND RULES
FOR HOUSING OF PERSONS ONLY AGE 55 AND OVER

PREAMBLE

These Amended and Restated Policies, Procedures and Rules (“Policies, Procedures, and Rules”) govern the Sun Country Meadows Townhomes Association (“Association”), its Members, and all Occupants on the Properties and are revised pursuant to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sun Country Meadow Townhomes recorded on December 19, 2017, in the records of the Washington County Recorder as Entry No. 28170051336

POLICIES, PROCEDURES AND RULES

ARTICLE I

DEFINITIONS

Except as defined below, the terms in these Policies, Procedures, and Rules shall have the same meaning as set forth in the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Sun Country Meadow Townhomes.

1.1 Townhome. “Townhome” shall mean and refer to a structure which is designed for use and occupancy, together with all improvements located on the Lot which are used in conjunction with the Townhome.

1.2 Eighty Percent Rule. “Eighty Percent Rule” shall refer to the HOPA requirement that at least eighty percent (80%) of the Properties Occupied Townhomes must be occupied by at least one person 55 years of age or older. When determining if the Eighty Percent Rule has been met, the following Townhomes shall not be counted for any purpose, either as Occupied Townhomes or Vacant Townhomes: (i) Townhomes occupied by employees of the Association (and family members residing in the same Townhome) who are under 55 years of age, provided the employees perform substantial duties related to the management or maintenance of the Properties; and (ii) Townhomes occupied by persons under age 55

who are necessary to provide a reasonable accommodation to disabled residents. Moreover, unoccupied Townhomes will not serve to violate the Eighty Percent Rule provided that at least eighty percent (80%) of the Occupied Townhomes are occupied by at least one person 55 years of age or older. Nevertheless, as permitted under HOPA, all Townhomes in Sun Country Meadow Townhomes Properties will be occupied only by persons 55 years of age and older, except under the limited circumstances provided for herein.

1.3 Familial Status. “Familial Status” shall mean one or more individuals (who have not attained the age of 18 years) being domiciled with—(i) a parent or another person having legal custody of such individual or individuals, or (ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The references to Familial Status shall also apply to any person who is pregnant or in the process of securing legal custody of any person who has not attained the age of 18 years.

1.4 Fractional Townhome. “Fractional Townhome” shall mean and refer to the situation where application of the Eighty Percent Rule results in a fraction of a Townhome, that Townhome shall then be included in the Townhome that must be occupied by at least one person 55 years of age or older.

1.5 HOPA. “HOPA” shall mean the Federal Housing for Older Persons Act of 1995.

1.6 HUD. “HUD” shall mean the Department of Housing and Urban Development.

1.7 Occupant. “Occupant” shall mean any natural person residing at a Townhome other than a visitor.

1.8 Occupied by Persons 55 Years of Age or Older. “Occupied by Persons 55 Years of Age or Older” means that, except as provided for below, (i) all occupants of the Townhome must be 55 years of age or older, or (ii) if the Townhome is temporarily vacant, at least one of the Occupants immediately prior to the date on which the Townhome was temporarily vacated was 55 years of age or older.

1.9 Occupied Townhome. “Occupied Townhome” means (i) a Townhome that is actually occupied by one or more persons on the date that the exemption allowing for discrimination on the basis of familial status is claimed, or (ii) a temporarily vacant Townhome, if the primary Occupant has resided in the Townhome in the past year and intends to return on a periodic basis.

ARTICLE II
OPERATION

2.1 Age Restriction. No person under the age of 18 years and no persons ages 18 through 54 can occupy a Townhome unless as a visitor or as expressly and specifically provided for herein. Except as provided in this Section 2.1 and Section 4.3, one hundred percent (100%) of the Occupied Townhomes in the Properties must be occupied by at least one person 55 years of age or older. An exception to the one-hundred-percent requirement will be to allow for a person under 55 years of age (i) who is a surviving or remaining spouse, or (iii) who, under written physician endorsement, is residing with and providing reasonable accommodations to a disabled resident who is 55 years of age or older, or the surviving or remaining spouse of such a person, and in such cases, persons under age 18 and under the custodial control of the care giver may also occupy the Townhome.¹

2.2 Visitors. Visitors under the age of 55 may occupy a Townhome for reasonable periods not to exceed two (2) consecutive weeks on any one occasion or thirty (30) days in any calendar year.

2.3 Fractional Townhomes. Where the application of the Eighty Percent Rule results in a fraction of a Townhome, that Townhome shall be included in the Townhomes. (For example, if there are 43 Occupied Townhomes, 80% of 43 units equals 34.4; thus, 35 Townhomes would require occupancy by at least one person 55 years of age or older.)

2.4 Temporarily Vacant Townhomes. If a Townhome is temporarily vacant, it will be considered occupied if the primary occupant has resided in the Townhome during the past year and intends to return on a periodic basis. A temporarily vacant Townhome will be considered occupied by a person over 55 years of age or older if at least one of the occupants immediately before it was vacated was 55 years of age or older.

2.5 Exceptions to Age Restriction.

¹This situation involving a care giver is distinguished from a care giver occupying a separate Townhome under Section 2.5(a)(ii). Under Section 2.5(a)(ii), the Townhome is not considered for purposes of counting Occupied Townhomes in compliance with the Eighty Percent Rule. Under this Section 2.1, however, the occupancy of a Townhome by persons under age 55 (including persons under age 18 and under the custodial control of such care giver) will be considered when counting Occupied Townhomes and compliance with the Eighty Percent Rule. Under this Section only, when the need for caregiving ceases, all persons under age 18 must vacate the Townhome.

(a) Townhomes Not Considered "Occupied Townhomes". Townhomes occupied by the following persons are not required to have an occupant 55 years of age or older, shall not be governed by the age restrictions in Section 2.1, and shall not be considered an "Occupied Townhome":

(i) An employee of the Association, and persons under his/her custodial control (including persons under age 18) residing in the same Townhome, provided the employee performs substantial duties related to the management or maintenance of the Properties; for example, a maintenance person; and

(ii) A person 18 years of age or over and under age 54, who under a physician's endorsement is necessary to provide a reasonable accommodation to disabled residents, including without limitation health aides.

(b) Unoccupied Townhomes. Unoccupied Townhomes shall not be counted when determining if the Eighty Percent Rule has been met. A Townhome which is occupied, even if temporarily vacant while its residents are absent seasonally, on vacation, or hospitalized, for example, is still occupied by that resident. If, on the other hand, a Townhome is leased by its Owners during their absence, its current occupants, not its Owners, are considered for purposes of determining if age restrictions herein are met.

2.6 Oral Representations. The Members of the Association shall inform all prospective Occupants that the Properties are managed exclusively for persons 55 years of age or older, and persons who are under age 55 may visit but are not permitted to reside on the Properties.

2.7 Advertising, Marketing and Sales. All advertising, marketing, sales, and rental materials or displays or documents of any kind shall reflect that the Properties are managed exclusively for persons 55 years of age or older. All advertisements portraying residents of the Properties must use older persons and reflect that the Properties are intended for older persons. All entrances to the Properties shall have a sign with easily discernable lettering describing the Properties as a community exclusively for persons 55 years of age or older. Phrases such as "Adult Dwelling," "Adult Community," or similar statements shall not be used in any written advertisement or prospective.

2.8 Townhome Transfer. Members shall inform all prospective purchasers or renters of their Townhome that the Townhome must be occupied exclusively by persons 55 years of age or

older and that no person under the age of 55 years can reside in the Townhome. Any prospective purchaser or renter must comply with the age verification process set forth in Article III below. All sales and rental agreements must be in writing and must directly above the signature line state that: all Occupants of a Townhome must be 55 years of age or older, persons under the age of 55 years may visit but are not permitted to reside in the Townhome, and the Occupant must abide by the terms of the Declaration, the Articles of Incorporation, the Bylaws, Rules and Regulations of the Association, and these Policies, Procedures and Rules for Housing of Persons Only 55 Years of Age or Older. In addition, rental agreements and deeds of trust (or similar mortgage instruments) shall provide that failure by the lessee or debtor to comply with the terms of such instruments shall constitute an event of default. Members shall include in or affix to any rental agreement or sale agreement the respective addendum attached hereto as Exhibit A and Exhibit B.

2.9 Posting of Common Areas. The Board of Trustees shall post in common areas and on common facilities statements describing the Properties as a community exclusively for persons 55 years of age or older.

ARTICLE III

AGE VERIFICATION

3.1 Approved Occupant Status. No person shall be permitted to occupy a Townhome in the Properties unless such person is an Approved Occupant in accordance with the terms and provisions hereinafter set forth. If it is determined that an Occupant has not obtained Approved Occupant status, the Association may pursue any remedies available at law or in equity, including the imposition of fines against a violator. Any fines to be imposed shall be set by the Board of Trustees and shall constitute an Assessment against the Townhome to be collected as provided in the Declaration.

3.2 Procedure for Approving Occupants. Persons may become Approved Occupants based upon the following terms and conditions:

(a) A person desiring to become an Approved Occupant shall submit to the Board of Trustees, a written Association Membership Application and Age Verification.

(b) Within fifteen (15) days of receipt of a completed Association Membership Application and Age Verification form, the Board of Trustees shall determine whether such occupancy is consistent with the intent to manage the Properties as housing exclusively for

persons 55 years of age and older. If the restrictions in Sections 2.1 and 2.5(a) are met, the occupancy shall be approved; if not, the occupancy shall be denied.

(c) Within the fifteen (15) day period, the Board of Trustees shall issue written notification to the Applicant and, in the case of a potential sale or lease of a Townhome, to the Owner, of the approval or denial of Approved Occupant Status.

(d) The Board of Trustees shall issue to an "Approved Occupancy Card" to all approved occupants.

(e) The Association shall retain all documents and records relating to its consideration of an application for Approved Occupant status.

3.3 Proof of Age. Any of the following documents are considered reliable documentation of the age of the occupants of the Properties:

- (a) Driver's license;
- (b) Birth certificate;
- (c) Passport;
- (d) Immigration card;
- (e) Military identification;
- (f) Any other state, local, or national or international official documents containing a birth date of comparable reliability; or

(g) A certification in a lease, application, affidavit, or other document signed by a member of a household age 18 or older asserting that at least one (1) person in the Townhome is 55 years of age or older.²

3.4 Survey. The ages verified under the procedures set forth in Section 3.3 above must take place at least once every five (5) years. The survey may rely upon prior age verification and may include information regarding whether any of the Townhomes are occupied by persons who are employees of the Association or are occupied by persons who are necessary to provide a reasonable accommodation to disabled residents.

²Any one of the above forms of verification is adequate for verification of age, if it contains specific information about current age or date of birth.

3.5 Access to Records. The documentation verifying an Occupant's age as set forth in Section 3.3 above and documentation obtained during a survey are considered confidential and shall not be made available to the Members or general public. The Board of Trustees shall, however, maintain a summary of the age verification information and surveys which shall be available to the Members and general public during reasonable business hours. The actual documentation supporting the age verification and the surveys shall be retained in a separate file with limited access and shall be maintained for the sole purpose of complying with HOPA, HUD, state or local fair housing enforcement agencies or the Department of Justice may review these confidential documents during an investigation.

3.6 Failure to Comply with Age Verification Procedures. If the Occupants of a particular Townhome refuse to comply with the age verification procedures set forth above, the Board of Trustees may consider the Townhome to be occupied by persons 55 years of age or older if the determination is supported by (i) government records or documents such as local household census, (ii) prior forms or applications, or (iii) a statement from an individual who has personal knowledge of the age of the occupants. Such individual's statement must set forth the basis for such knowledge and be signed under penalty of perjury.

3.7 Public Notice. At least annually, the Board of Trustees shall send notice to the real estate brokerage and title companies in Washington County, Utah that the Properties are managed exclusively for persons 55 years of age or older.

3.8 Savings Clause. This Article III sets forth factors to be considered when determining the intent to manage the Properties as housing for persons 55 years of age or older. Intent, however, is generally determined upon all relevant factors and may be found even if one or more of the requirements above has not been satisfied.

ARTICLE IV

GENERAL

4.1 Dissemination. The Association shall provide to each Townhome and, if the Townhome is leased, to the Owner, at no cost, one (1) copy of these Policies, Procedures and Rules. An Occupant of a Townhome may request additional copies for which the Association may charge as reasonable fee, not to exceed \$10.00 for each additional copy.

4.2 Binding Effect. Except as provided in Section 4.3 below, these Policies, Procedures

and Rules are binding upon (i) the Association, its Trustees, officers and agents; (ii) the Association Members, their guests, invitees, visitors, friends and agents; (iii) the successors, heirs, attorneys, representatives and assigns of the Association and its Members; and (iv) all Occupants of the Properties.

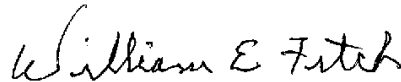
4.3 Applicability.

(a) Grandfathering Under Age Occupants. The provisions of these Policies, Procedures and Rules shall not apply to Occupants of a Townhome who occupied the Townhome prior to adoption of that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sun Country Meadow Townhomes to prohibit the occupancy of (i) persons under age 18, (ii) an Occupant under age 55 where there is no over-age-55 Occupant, and (iii) a child born to an Occupant who is pregnant at the time these Policies, Procedures and Rules are adopted, so long as the Eighty Percent Rule is not violated. Any sale or rental of a Townhome by such exempted Owner or Occupant, however, must be in accordance with the provisions of these Policies, Procedures and Rules.

4.4 Amendment. The Association Board of Trustees may modify, amend, add to or supersede these Policies, Procedures and Rules in any manner to conform with (i) such policies and procedures for Housing of Older Persons as are promulgated from time to time by the Secretary of HUD or any local or state agencies, and (ii) any amendments to HOPA.

DATED this 19 day of December, 2017.

SUN COUNTRY MEADOW TOWNHOMES
ASSOCIATION



By:
Its: President

Attested to by:

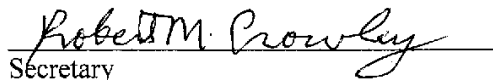

Secretary

EXHIBIT A

**ADDENDUM TO RENTAL AGREEMENT
REGARDING COMMUNITY FOR PERSONS 55 YEARS OF AGE AND OLDER**

THIS ADDENDUM is incorporated into and made a part of the rental agreement.

Tenant acknowledges and agrees to abide by the requirement that, subject to certain expectations identified in the Association's governing documents, all occupants of the leased premises must be 55 years of age or older and persons under the age of 55 years may visit but are not permitted to reside in the leased premises. Tenant also agrees to abide by the terms of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sun Country Meadow Townhomes, the Articles of Incorporation of the Sun Country Meadows Townhomes Association, the Bylaws of the Association, Rules and Regulations of the Association, and the Policies, Procedures and Rules for Housing of Persons Age 55 and Over, as the same may be amended from time to time. Failure of Tenant to comply with the terms of this Addendum will constitute an event of default under the rental agreement.

DATED this _____ day of _____, _____.

TENANT:

EXHIBIT B

**ADDENDUM TO SALES AGREEMENT
REGARDING COMMUNITY FOR PERSONS 55 YEARS OF AGE AND OLDER**

THIS ADDENDUM is incorporated into and made a part of the real property sales agreement.

Purchaser acknowledges and agrees to abide by the requirement that, subject to certain expectations identified in the Association's governing documents, the occupants of the purchased premises must be 55 years of age or older and persons under the age of 55 years may visit but are not permitted to reside in the purchased premises. Purchaser also agrees to abide by the terms of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sun Country Meadow Townhomes, the Articles of Incorporation of the Sun Country Meadows Townhomes Association, the Bylaws of the Association, Rules and Regulations of the Association, and the Policies, Procedures and Rules for Housing of Persons Age 55 and Over, as the same may be amended from time to time. Failure of Purchaser to comply with the terms of this Addendum will constitute an event of default under the real property sales agreement.

The provisions of this Addendum shall survive any closing or conveyance by legal instrument and shall be included in and made a part of any trust deed or similar mortgage instrument.

DATED this _____ day of _____, _____.

TENANT:

EXHIBIT C

**SUN COUNTRY MEADOWS TOWNHOMES ASSOCIATION
MEMBERSHIP APPLICATION
AND AGE VERIFICATION**

**(To be signed by Occupants)
NAME OF APPLICANT:**

LAST FIRST INITIAL AGE

LAST FIRST INITIAL AGE

PRESENT ADDRESS: (Give street address, do not give P.O. box)

STREET CITY STATE ZIP CODE

IN CASE OF EMERGENCY, PLEASE NOTIFY (NAME, ADDRESS AND PHONE NO.)

() _____

DO YOU INTEND TO OCCUPY THE RESIDENCE: YES _____ NO _____

PLEASE SUPPLY THE FOLLOWING INFORMATION ABOUT THE OCCUPANTS:

OCCUPANTS

NAME OF OCCUPANT: _____

AGE: _____

BIRTH DATE: _____

PRESENT ADDRESS: _____

NAME OF OCCUPANT: _____

AGE: _____

BIRTH DATE: _____

PRESENT ADDRESS: _____

NAME OF OCCUPANT: _____
AGE: _____
BIRTH DATE: _____
PRESENT ADDRESS: _____
ADDRESS OF TOWNHOME INTENDED TO BE OCCUPIED: _____

DOCUMENTATION OF AGE: Applicant shall provide to the Association proof of the Occupant(s)' age(s) by either Driver's License, Birth Certificate, Passport, Immigration Card, Military Identification, or any other state, local, national, or international official document containing a birth date of comparable liability, or a notarized self-certification signed under oath by an adult member of the household verifying that at least one person in the Townhome is 55 years of age or older. A copy of such identifying information shall be attached hereto.

IN APPLYING FOR MEMBERSHIP IN THE ASSOCIATION, I (WE) UNDERSTAND THAT ELFIN COVE IS MANAGED AS A COMMUNITY FOR PERSONS 55 YEARS OF AGE OR OLDER, THAT ONE HUNDRED PERCENT (100%) OF THE OCCUPIED UNITS IN THE PROPERTIES MUST BE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER, EXCEPT AS OTHERWISE PROVIDED IN THAT CERTAIN SUN COUNTRY MEADOWS TOWNHOMES ASSOCIATION POLICIES, PROCEDURES AND RULES FOR HOUSING OF PERSONS AGE 55 AND OVER, THAT PERSONS UNDER 18 YEARS OF AGE MAY NOT RESIDE IN THE PROPERTIES AND THAT THE ASSOCIATION SHALL HAVE THE RIGHT TO ENFORCE AGAINST US ALL REMEDIES AT LAW AND EQUITY RELATING TO THE EXEMPTION ALLOWING THE ASSOCIATION TO DISCRIMINATE ON THE BASIS OF FAMILIAL STATUS. I (WE) CERTIFY THAT THE INFORMATION SUPPLIED BY ME (US) IS TRUE AND CORRECT.

DATED this _____ day of _____, _____.

OCCUPANT

OCCUPANT

**SUN COUNTRY MEADOWS TOWNHOMES
ASSOCIATION**, a Utah nonprofit corporation

William E. Fitch

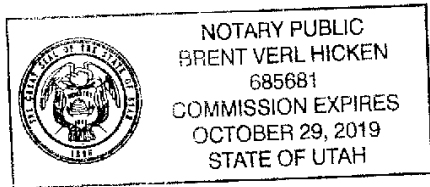
By:
Its: President

Witnessed:

Robert M. Crowley
Secretary
Sun Country Meadows Townhomes Association

State of Utah)
 : ss.
County of Washington)

On the 19 day of December, 2017, personally appeared before me Brent V Hicken, who being by me duly sworn, did say that he/she is the President of the Sun Country Meadows Townhomes Association, the authorized individual empowered to sign this Amendment and that the Amendment was signed on behalf of said Association and said person acknowledged to me that said Association authorized the execution of same.



Brent Verl Hicken
Notary Public