

P-32

DOC # 20180047962

Amended Restrictive Covenants Page 1 of 30
Russell Shirts Washington County Recorder
12/04/2018 01:48:37 PM Fee \$ 68.00
By JENKINS BAGLEY



Recorded at the Request of:
Cholla Creek Homeowners Association

After Recording send to:
Jenkins Bagley, PLLC
Attn: Bruce C. Jenkins
285 W. Tabernacle, Suite 301
St. George, UT 84770

Record against the property in **Exhibit A.**

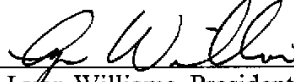
**AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS OF
CHOLLA CREEK PHASE I,
A RESIDENTIAL PLANNED UNIT DEVELOPMENT**

THIS AMENDMENT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS OF CHOLLA CREEK PHASE I, A RESIDENTIAL PLANNED UNIT DEVELOPMENT dated 19th day of June, 1996, and recorded in the Washington County Recorder's office, Washington County, Utah on June 24, 1996 as Entry #00536287, Book 1012, Page 0739, was made by the written consent of more than 67% of the lot owners, which consents are attached hereto as **Exhibit B.**

Article VI, Section 2 (g), Landscaping is hereby amended to remove the following sentence: "No poisonous or noxious plants or vegetation shall be allowed, including, but not limited to plants such as oleanders."

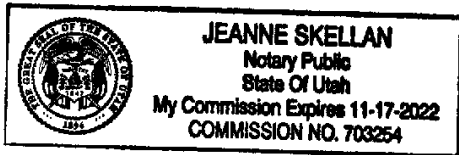
On this 4 day of December, 2018.

Cholla Creek Homeowners Association


By: Lynn Williams, President

STATE OF UTAH,)
 :SS.
County of Washington)

On this 4th day of December, 2018, before me personally appeared Lynn Williams, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he/she is the President of Cholla Creek Homeowners Association, a Utah nonprofit corporation, and that the foregoing document was signed by him/her on behalf of the Association by authority of its Bylaws, Declaration, or resolution of the Board, and he/she acknowledged before me that he/she executed the document on behalf of the Association and for its stated purpose.





Notary Public

EXHIBIT A
(Legal Description)

This Amendment to the Covenants, Conditions and Restrictions of Cholla Creek Phase I, a Residential Planned Unit Development, affects the following real property, all located in Washington County, State of Utah:

All of Cholla Creek 1B AMD & EXT (T), according to the official plats thereof on file in the Office of the Washington County Recorder, State of Utah.

PARCEL NUMBERS:

T-110-A-1
T-CHCR-1B-2 through T-CHCR-1B-8
T-CHCR-1B-10 through T-CHCR-1B-23
T-CHCR-1B-24-A
T-CHCR-1B-25 through T-CHCR-1B-32
T-CHCR-1B-33-B
T-CHCR-1B-35 through T-CHCR-1B-61
T-CHCR-1B-62-A
T-CHCR-1B-63 through T-CHCR-1B-64
T-CHCR-1B-34-A
T-CHCR-1B-1A
T-CHCR-1B-1B
T-CHCR-1B-33-A

We, the undersigned, petition to strike the following phrase from the CCR's for Cholla Creek Subdivision, Toquerville UT. "No poisonous or noxious plants or vegetation shall be allowed, including, but not limited to plants such as oleanders." This appears on page 14 under heading (g) Landscaping.

NAME	ADDRESS	LOT #	DATE	
Robert White	1359 S. Cholla	20	2-28-18	✓
Samuel S. Brown	1307 Cholla	56	2-28-18	✓
Mike Krumm	1225 S Cholla	31	2-28-18	✓
Deanna Johnson	1226 Cholla Cir	30	2-28-18	✓
Paula Peters	1094 Cholla	42	2/28/18	✓
Deanna Johnson	1110 S. Cholla Dr.	41	2/28/18	✓
Gary McKee	1244 S Cholla	64	2/28/18	✓
Janita Holdaway	1497 S Cholla	13	2/28/18	✓
Margaret Owen	1137 Cholla Dr.	37	3/1/18	✓
Robert White	1165 Castillo Circle	33A	3/1/18	✓
Sharon Rice	1178 Cholla Dr.	33B	3/1/18	✓
Jasmine Clark	1074 Cholla	43	3/1/18	✓
Robert White	1166 Cholla	34	3/1/18	✓
Robert White	1505 Cholla Dr.	17	3/1/18	✓
Robert White	1397 S Cholla	15	3/2/18	✓
Tom Hanson	1500 Cholla	21	3/8/18	✓
Robert White	1151 Castillo	38	3/15/18	✓
Robert White	1522 Scare	2	4/5/18	✓
Mad Taylor	Lot 1A	1A	6-1-18	✓
Mad Taylor	Lot 52	52	6-1-18	✓
Mad Taylor	Lot 1571 Com Creek	51	6-5-18	✓
Robert White	1512 S Cholla Dr.	8	8-4-18	✓
Robert White	1509 Cholla	6	8/4/2018	✓
Robert White	1300 Cholla	57	8/4/2018	✓
Robert White	1513 S Cape	5	8/13/18	✓
Robert White	1485 S Cholla	16	8/13/18	✓
Robert White	1501 S Cholla	1A	9-18-18	✓

We, the undersigned, petition to strike the following phrase from the CCR's for Cholla Creek Subdivision, Toquerville UT. "No poisonous or noxious plants or vegetation shall be allowed, including, but not limited to plants such as oleanders." This appears on page 14 under heading (g) Landscaping.

NAME	ADDRESS	LOT #	DATE	
<i>[Signature]</i>	1075 Ramose	39	2-24-18	✓
Darin Heats	1143 Ocotillo	58	2/24/18	✓
<i>[Signature]</i>	1159 Ocotillo	32	2/24/18	✓
Ken Sawyer	1022 Cholla	48	2/27/18	✓
Dyann Williams	1059 Cholla	44	2/24/18	✓
<i>[Signature]</i>	1033 Ramose	45	2/24/18	✓
Bob [Signature]	1300 Cholla	57	2/24/18	✓
<i>[Signature]</i>	1282 Cholla	23	2/24/18	✓
Kristy Mills	1470 Cholla	15	2/24/18	✓
Gary Anderson	1467 Cholla	54	2-24-18	✓
<i>[Signature]</i>	1502 Cholla	10	2-24-18	✓
Susan Dyer	1467 S. Steghorn	14	2-24-18	✓
<i>[Signature]</i>	1530 S. CANE	50	2-24-18	✓
David [Signature]	1527 S. Cane	4	2-24-18	✓
Ken Hill	1503 S. Cholla	61	2-26-18	✓
Walter White	1309 S Cholla	22	2-26-18	✓
Mark [Signature]	1248 S CHOLLA	26	2-26-18	✓
R [Signature]	1285	27	2-26-18	✓
Ty & April Brinkhous	1230 Cholla Cir	29	2-26-18	✓
Ann [Signature]	1234 Cholla Cir	28	2-26-18	✓
② Keen Elsworth	1081 E. Ramose	40/59	2/27/18	✓
Scott Fuller	1067 Ramose	46	2/27/18	✓
Joe Holland	1536 S. Cane	3	2/26/18	✓
Christi [Signature]	1497 Cholla	12	2/28/18	✓
David [Signature]	1408 S Cholla	19	2/28/18	✓
Keith [Signature]	1425 Steghorn	17	2/29/18	✓

I Keith Hardy, having a proxy for the following people, vote in favor of the amendment to eliminate sentence on page 14, paragraph (g) Landscaping of the Cholla Creek HOA CC&R's, which reads, "No poisonous and noxious plants or vegetation shall be allowed, including but not limited to plants such as oleanders".

Lot #	Name	Signature
1a	Franklin Johnston	Keith Hardy
2	Kent Havens	Keith Hardy
3	Joe Holland	Keith Hardy
4	David Miller	Keith Hardy
5	Rodney Ross	Keith Hardy
6	Dale Rasmussen	Keith Hardy
7	Louis Loper	Keith Hardy
8	Scott Allen	Keith Hardy
10	Dan James	Keith Hardy
11	Kris Hansen	Keith Hardy
12	Jeff Manwaring	Keith Hardy
13	Linda Holdaway	Keith Hardy
14	Susan Guzik	Keith Hardy
15	Allen Mills	Keith Hardy
16	Craig Criddle	Keith Hardy
17	Keith Hardy	Keith Hardy
18	Randall Corley	Keith Hardy
19	David Thomas	Keith Hardy
20	Robert Porter	Keith Hardy
26	Mark O'Neil	Keith Hardy
27	Richard Adams	Keith Hardy
28	Marvin Crowther	Keith Hardy
29	Ty Bringhurst	Keith Hardy
30	Dennis Tolman	Keith Hardy
31	Ronald McKinney	Keith Hardy
32	Greg Walker	Keith Hardy
33a	James Fitzpatrick	Keith Hardy
33b	Ken Rice	Keith Hardy
34	Brad Langston	Keith Hardy
37	Gary Avery	Keith Hardy
39	Lynn Williams	Keith Hardy
40	Keen Ellsworth	Keith Hardy
59	Keen Ellsworth	Keith Hardy
41	Cami Bohne	Keith Hardy
42	James Latuda	Keith Hardy
43	Norma Wright	Keith Hardy
44	Dennis Williams	Keith Hardy
Lot #	Name	Signature
45	Gordon Johnson	Keith Hardy
46	Scott Fuller	Keith Hardy
48	Ken Saver	Keith Hardy

Proxy to amend Cholla Creek HOA CCR'S

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in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
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Judy Johnston #1A

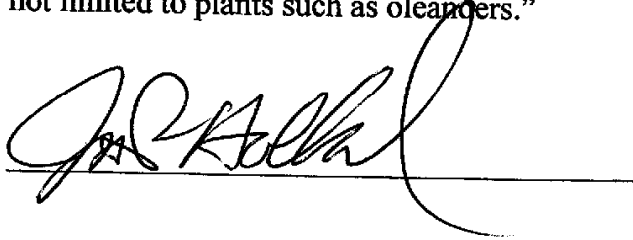
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[Signature] lot 2

Proxy to amend Cholla Creek HOA CCR'S

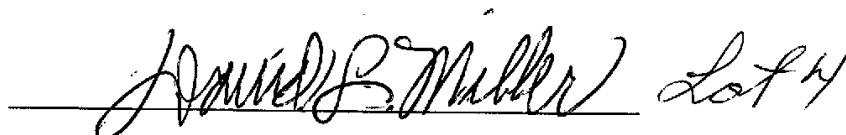
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Lot 3

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Lot 4

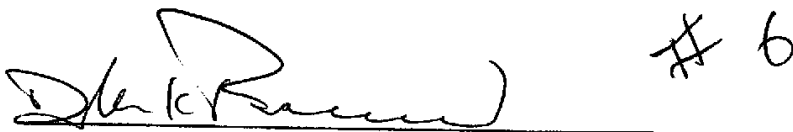
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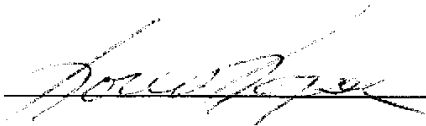
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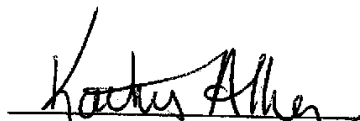
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_____ #17

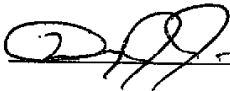
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_____ #8

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DAN JAMES
Lot 10

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Dan Hansen Lot ~~10~~ 11

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Susan G. C. not 14

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Kristy S. Neets 2-24-18

not 15

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~~16~~ 16

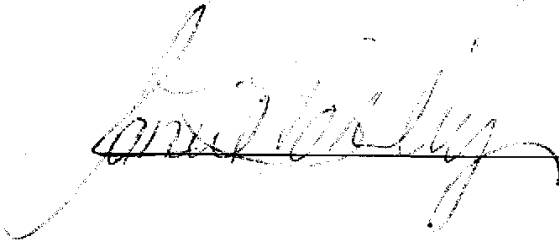
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Let 17

Proxy to amend Cholla Creek HOA CCR'S

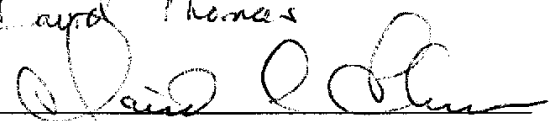
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lot 18

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David Thomas


lot 19

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Robert Hardy Lot #20

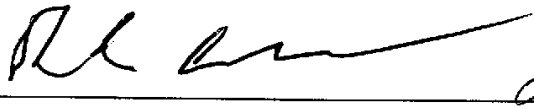
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John Hardy 26

Proxy to amend Cholla Creek HOA CCR'S

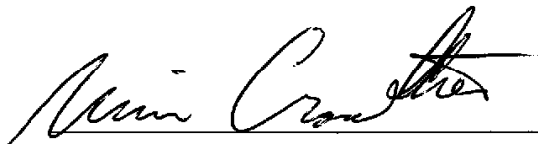
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Lot 27

Proxy to amend Cholla Creek HOA CCR'S

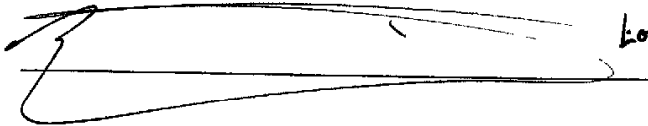
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28


Proxy to amend Cholla Creek HOA CCR'S

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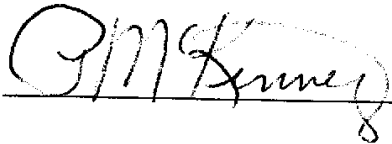
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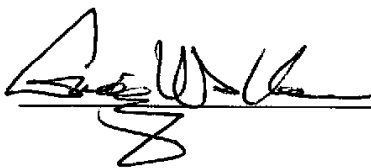
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lot 31

Proxy to amend Cholla Creek HOA CCR'S

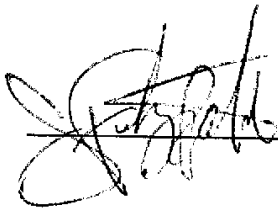
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lot 32

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lot 33 A

Proxy to amend Cholla Creek HOA CCR'S

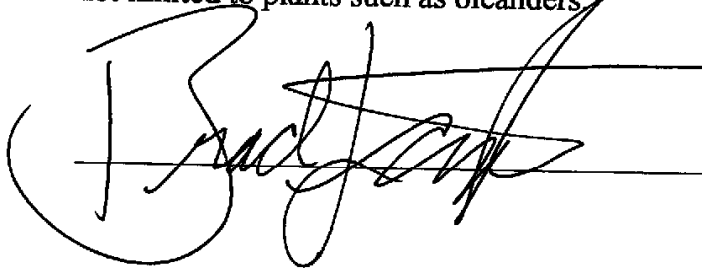
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lot 33 B

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det 34

Proxy to amend Cholla Creek HOA CCR'S

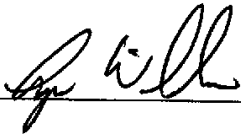
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det 37

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Lot 3⁰⁸

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Keen Elkworth lots 40/59

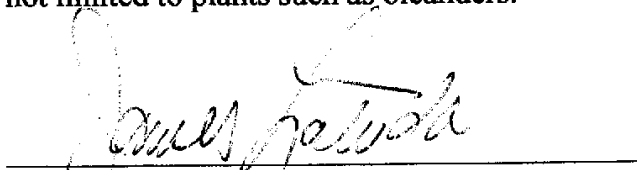
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 Lot 41

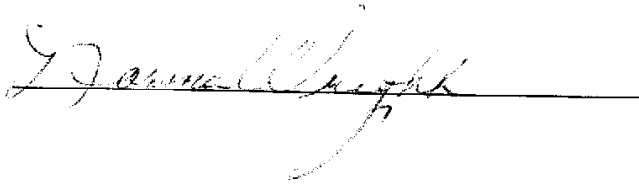
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 Lot 42

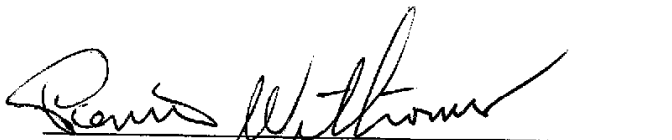
Proxy to amend Cholla Creek HOA CCR'S

I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018, in favor of the proposed amendment to the Cholla Creek HOA CCR's which specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads "No poisonous and noxious plants or vegetation shall be allowed, including but not limited to plants such as oleanders."


_____ Lot 43

Proxy to amend Cholla Creek HOA CCR'S

I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018, in favor of the proposed amendment to the Cholla Creek HOA CCR's which specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads "No poisonous and noxious plants or vegetation shall be allowed, including but not limited to plants such as oleanders."


_____ Lot 44

Proxy to amend Cholla Creek HOA CCR'S

I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018, in favor of the proposed amendment to the Cholla Creek HOA CCR's which specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads "No poisonous and noxious plants or vegetation shall be allowed, including but not limited to plants such as oleanders."

W. J. Johnson #45

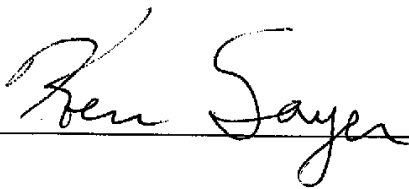
Proxy to amend Cholla Creek HOA CCR'S

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Scott Fuller #46

Proxy to amend Cholla Creek HOA CCR'S

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in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."



Lot 48

Proxy to amend Cholla Creek HOA CCR'S

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specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."



#50

Proxy to amend Cholla Creek HOA CCR'S

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in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."

Richard Y. Moore lot #51

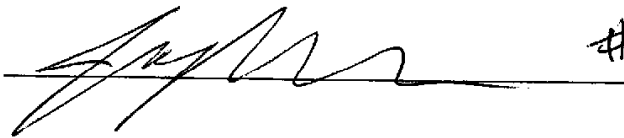
Proxy to amend Cholla Creek HOA CCR'S

I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018,
in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."

Med Taylor lot 52

Proxy to amend Cholla Creek HOA CCR'S

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 #54

Proxy to amend Cholla Creek HOA CCR'S

I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018, in favor of the proposed amendment to the Cholla Creek HOA CCR's which specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads "No poisonous and noxious plants or vegetation shall be allowed, including but not limited to plants such as oleanders."

 #54

Proxy to amend Cholla Creek HOA CCR'S

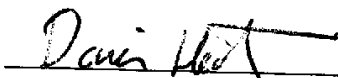
**I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018,
in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."**



#57

Proxy to amend Cholla Creek HOA CCR'S

**I hereby give to Keith Hardy, the right to vote in my behalf on September 5, 2018,
in favor of the proposed amendment to the Cholla Creek HOA CCR's which
specifically deletes the sentence on pg. 14 paragraph (g) Landscaping, which reads
"No poisonous and noxious plants or vegetation shall be allowed, including but
not limited to plants such as oleanders."**



dot 58

Proxy to amend Cholla Creek HOA CCR'S

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Ken Hill #61

Proxy to amend Cholla Creek HOA CCR'S

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Jerry McKee

Set 64