

**2023 AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
DIXIE DOWNS RESORT OWNERS ASSOCIATION**

This 2023 AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF DIXIE DOWNS RESORT OWNERS ASSOCIATION ("2023 Amendment") is effective when recorded with the Washington County Recorder's Office by the Dixie Downs Resort Owners Association. (the "Association").

RECITALS

- A. WHEREAS, the *Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Dixie Downs Resort Owners Association* was recorded on April 6, 2017, as Entry No. 20170014039, in the Office of the Washington County Recorder (the "Declaration").
- B. WHEREAS, an amendment, amending certain portions of the Declaration, was recorded on March 20, 2019, as Entry No. 20190010084, in the Office of the Washington County Recorder (the "2019 Amendment"). The 2019 Amendment amended: Art. VI, § 6.3(a)(1); Art. VI, § 6.12(b); Art. VIII, § 8.3; Art. VIII, § 8.9; and Art. IX, § 9.2.
- C. WHEREAS, an amendment, amending certain portions of the Declaration, was recorded on August 16, 2022, as Entry No. 20220039410, in the Office of the Washington County Recorder (the "2022 Amendment"). The 2022 Amendment amended: Art. VI, § 6.3(a)(1); Art. VI, § 6.7(a); Art. VI, § 6.7(b) (deleted); Art. VIII, § 8.2; and Art. XII, § 12.4(c)(1).
- D. WHEREAS, pursuant to Article XII, Section 12.3 of the Declaration and Utah Code § 16-6a-707, the Board of Directors hereby certifies that consent representing at least fifty-one percent (51%) of all Membership voting interest affirmatively approved this 2023 Amendment.
- E. WHEREAS, unless specifically modified herein, all remaining provisions of the Declaration and prior amendments shall remain in full force and effect.

- F. WHEREAS, in case of any conflict between the terms of this 2023 Amendment and the terms of the Declaration or an earlier amendment, the Bylaws, or the Rules and Regulations of the Association, the provisions of this 2023 Amendment shall control.
- G. WHEREAS, unless otherwise provided in this 2023 Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.
- H. NOW THEREFORE, the Declaration is amended, upon recording with the Office of the Washington County, as follows:

AMENDMENTS

Amendment One

Article VIII, Section 8.4 of the Declaration is amended, replaced, and restated, in its entirety as follows:

8.4 Fences. No fences or walls will be allowed on a Lot without written approval from the Architectural Review Committee. The Board may establish Architectural Guidelines that clarify the fencing styles or materials that may be approved. When violations occur, the Board shall give notice and allow the Owner thirty (30) days to remove the unapproved fencing or wall or to submit an application consistent with any Architectural Guidelines established. If not cured, the Board may enter the Lot and correct the violation at the owner's expense and charge the expense to the owner as an Individual Assessment. The Board may establish a fine for installing a fence or wall without approval, which shall also apply to Lots where retroactive approval is subsequently obtained.

Amendment Two

Article VIII, Section 8.9 of the Declaration is amended, replaced, and restated, in its entirety as follows:

8.9 Animals. No animals, livestock, or poultry of any kind may be raised, bred, kept or permitted on any Lot, except no more than two (2) dogs, cats, or other household pets may be permitted provided that they are not kept, bred, or maintained for any commercial purpose. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or a nuisance, by noise, odor, or otherwise, to Lot Owners. All pets must be kept in the Recreational Vehicle or on a leash attended by an owner in the Common Areas, unless the Lot where the pet is kept has an approved pet-proof fence pursuant to Section 8.4 above. All owners of pets shall be responsible for the cleanup of pet's waste and shall not allow an animal to defecate or urinate on a Lot other than the Lot where the animal is kept. The Board may establish fines and assess fines to the Owner and Lot where an animal is kept for violation of this Section

Amendment Three

*The following **Section 8.12 shall be added to Article VIII** of the Declaration. The new Section 8.12 is states as follows:*

8.12 Use of Streets. The use and management of the private streets within the Association are vital to the safety and success of the Association's purpose to provide housing for older persons and promoting the health, safety, and welfare of the residents within the Association. To reasonably regulate the use of the private streets, the Board shall have the authority to promulgate reasonable rules and regulations regarding use of the private streets and common areas, including without limitation adopting specific speed limits, monitoring or reporting process, and adopting a fine schedule. For the safety of residents, the Board may also require a Lot Owner to remove or alter landscaping within the boundaries of a Lot, if such landscaping impedes the sight triangle at any corner or otherwise negatively impacts the safe vehicular or pedestrian use of the private streets.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATION

IN WITNESS WHEREOF, the President of the Association hereby represents that this 2023 Amendment was duly approved by at least Fifty One percent (51%) of the total votes of the Association.

DATED as of the 29 day of August, 2023.

Dixie Downs Resort Owners Association,
A Utah Nonprofit Corporation

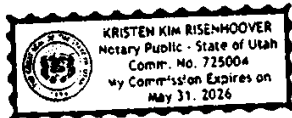
ReNae Palacios

By: ReNae Palacios

Its: President

State of Utah)
) ss.
County of Washington)

On this 28 day of August, 2023, personally appeared before me ReNae Palacios who by me being duly sworn, did say that she/he is the President of Dixie Downs Resort Owners Association and that the foregoing instrument is signed on behalf of said corporation and executed with all necessary authority.



Notary Public [Signature]

EXHIBIT A

This 2023 Amendment to the Declaration effects the following real property, all located in Washington County, State of Utah:

All of the Dixie Downs RV Resort Phase I Plat, filed in the records of the Washington County Recorder.

Including Parcel Numbers SG-DRV-1-1 through SG-DRV-1-183 and:

SG-DRV-1-6-A
SG-DRV-1-9-A
SG-DRV-1-23-A
SG-DRV-1-32-A
SG-DRV-1-37-A
SG-DRV-1-39-A
SG-DRV-1-75-A
SG-DRV-1-147-A