

When Recorded Return To:
SMITH KNOWLES, P.C.
2555 Washington Boulevard, Suite 200
Ogden, Utah 84401

ENT 35819:2018 PG 1 of 4
Jeffery Smith
Utah County Recorder
2018 Apr 18 09:30 AM FEE 57.00 BY VP
RECORDED FOR Smith Knowles PC
ELECTRONICALLY RECORDED

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE COTTAGES AT CANYON HEIGHTS**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for The Cottages at Canyon Heights (hereinafter “First Amendment”) hereby amends that certain Declaration of Covenants, Conditions and Restrictions for The Cottages at Canyon Heights, recorded in the Utah County Recorder’s Office on September 7, 2000, as Entry No. 70634:2000 as amended, and is hereby adopted by the Board of Directors for The Cottages at Canyon Heights Homeowners Association, Inc. (“Association”), for and on behalf of its members, and made effective as of the date recorded in the Utah Recorder’s Office.

RECITALS:

A. This First Amendment affects and concerns the real property located in Utah County, Utah, and more particularly described in the attached **Exhibit “A”** (“Property”):

B. On or about January 10, 2000, a Plat Map of The Cottages at Canyon Heights Plat “A” depicting the project was recorded in the Utah County Recorder’s Office as Entry No. 2354:2000.

C. On or about January 10, 2000, a Development Agreement was recorded in the Utah County Recorder’s Office as Entry No. 2362:2000 (hereinafter the “Development Agreement”). As part of that Development Agreement, a Declaration of Covenants, Conditions and Restrictions for Canyon Heights at Cedar Hills Subdivision was recorded as Exhibit L.

D. On or about September 7, 2000, a Declaration of Covenants, Conditions and Restrictions for The Cottages at Canyon Heights was recorded in the Utah County Recorder’s Office as Entry No. 70634:2000 (hereinafter “Enabling Declaration”).

E. On or about November 12, 2002, a Plat Map of Cottages at Canyon Heights Plat “B” depicting the project was recorded in the Utah County Recorder’s Office as Entry No. 135086:2002.

F. On or about November 12, 2002, a Plat map of Cottages at Canyon Heights Plat “A” Amended depicting the project was recorded in the Utah County Recorder’s Office as Entry No. 135087:2002.

G. On or about May 14, 2003, Supplement No. 1 to the Declaration of Covenants, Conditions and Restrictions for The Cottage at Canyon Heights was recorded in the Utah County Recorder's Office as Entry No. 72648:2003 (hereinafter "First Supplement").

H. The Declarant Control Period set forth in the Enabling Declaration has expired.

CERTIFICATION

By signing below, the Board hereby certifies that the Association, pursuant to the Utah Community Association Act, Utah Code Ann. § 57-8a-101 *et. seq.*, obtained the approval or written consent of Owners holding at least sixty-seven percent of the total voting interest in the Association, approving and consenting to the recording of this First Amendment.

NOW, THEREFORE, pursuant to the foregoing, the Board of Directors of the Association hereby makes and executes this First Amendment, which shall be effective as of its recording date.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.

2. No Other Changes. Except as otherwise expressly provided in this First Amendment, the Enabling Declaration, and subsequent amendments, remain in full force and effect without modification.

3. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the First Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the First Amendment acting in said capacity.

4. Conflicts. In the case of any conflict between the provisions of this First Amendment and the provisions of the Enabling Declaration or any prior amendments, the provisions of this First Amendment shall in all respects govern and control. In the case of any existing provision with the Enabling Declaration, or prior amendments that could be interpreted as prohibiting the modifications set forth in this First Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this First Amendment.

AMENDMENT

5. Reinvestment Fee. Upon the conveyance or transfer of any Lot within the Property, a Reinvestment Fee in the amount of \$250.00 shall be paid to the Association at the time of the conveyance or transfer. This reinvestment fee shall be for the benefit of the Association, its members, the Property, and shall be utilized for purposes set forth in the

Association's governing documents. Unless otherwise agreed to by the parties to the conveyance or transfer, the party acquiring the Lot shall be responsible for the Reinvestment Fee.

THE COTTAGES AT CANYON HEIGHTS HOMEOWNERS ASSOCIATION, INC.

By:

Robert White

By: Robert White

Its: Board of Directors Member

STATE OF UTAH)

: ss

COUNTY OF *Utah*)

The foregoing instrument was acknowledged before me this 17th day of April, 2018, Robert White, who by me being duly sworn, did say that he is a Board of Directors Member of The Cottages at Canyon Heights Homeowners Association, Inc.

Vaughn Miles
Notary Public

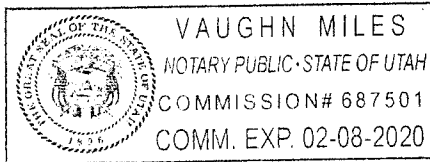


EXHIBIT "A"

Legal Description

All of Lots 1 through 31, Plat A, The Cottages at Canyon Heights Subdivision, according to the official plat thereof on file and of record in the Utah County Recorder's Office, State of Utah.

Tax I.D. Nos: 36:987-0001 through 0031

All of Lots 1 through 11, Plat B, The Cottages at Canyon Heights, according to the official plat thereof on file and of record in the Utah County Recorder's Office, State of Utah.

Tax I.D. Nos: 36:986:0001 through 0011