

**SECOND AMENDMENT TO THE AMENDED AND RESTATED
MASTER DECLARATION OF PROTECTIVE COVENANTS CONDITIONS AND
RESTRICTIONS FOR TOSCANA AT HIGHLAND**

THIS SECOND AMENDMENT TO THE MASTER DECLARATION OF PROTECTIVE COVENANTS CONDITIONS AND RESTRICTIONS FOR TOSCANA AT HIGHLAND is made and executed on the date set forth below and shall be effective upon recording in the Utah County Recorder's Office.

RECITALS

A. Whereas, the Amended and Restated Master Declaration of Protective Covenants Conditions and Restrictions for Toscana at Highland was recorded in the Utah County Recorder's Office on June 17, 2010 as Entry No. 50360:2010 (the "Declaration").

B. Whereas, the Amendment to Amended and Restated Master Declaration of Protective Covenants, Conditions & Restrictions for Toscana at Highland, creating Section 18.15, was recorded in the Utah County Recorder's Office on May 14, 2012 as Entry No. 39985:2012 (the "First Amendment"). The First Amendment was inadvertently recorded without a property description and, so, a subsequent Notice of Amendment, regarding the First Amendment, was recorded in the Utah County Recorder's Office on September 14, 2018 as Entry No. 88147:2018.

C. Whereas, pursuant to Section 18.6(b) of the Declaration, this Second Amendment to the Declaration has been duly adopted by the Members of Toscana at Highland Home Owners Association;

D. Now therefore, the Declaration is hereby amended as follows:

AMENDMENT

ENT 42455:2024 PG 1 of 6
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Jun 27 11:26 AM FEE 358.00 BY CS
RECORDED FOR Miller Harrison LLC
ELECTRONICALLY RECORDED

Part One

Section 18.15, subsection (a), as first created by the First Amendment, is hereby ratified and amended to read as follows:

(a) Occupancy Requirement. *Owners and Lots shall be subject to the following restrictions:*

- i. No owner may lease or rent less than the entire Lot without prior written consent from the Board (no individual room rentals) and no owner may lease or rent any Lot for a period of less than twelve (12) consecutive months.*
- ii. No Lot may be rented or leased if the rental or lease results in more than thirty-five percent (35%) of the Lots ("Rental-Lease Limit") being rented or leased at the same time (including Grandfathered Lots).*

Part Two

Section 18.15, subsection (c), as first created by the First Amendment, is hereby ratified and amended to read as follows:

(c) **Hardship Exemption.** *The following shall be exempt from the Association's restrictions on the number and term of rentals:*

- i. a unit owner in the military for the period of the unit owner's deployment;*
- ii. a unit occupied by a unit owner's parent, child, or sibling;*
- iii. a unit owner whose employer has relocated the unit owner for two years or less;*
- iv. a unit owned by an entity that is occupied by an individual who:*
 - (A) has voting rights under the entity's organizing documents; and*
 - (B) has a 25% or greater share of ownership, control, and right to profits and losses of the entity; or*
- v. a unit owned by a trust or other entity created for estate planning purposes if the trust or other estate planning entity was created for the estate of:*
 - (A) a current resident of the unit; or*
 - (B) the parent, child, or sibling of the current resident of the unit.*

Additionally, the Board may, in its sole discretion, approve or disapprove an Owner's application to temporarily rent or lease the Owner's Lot based on other hardships not listed above. "Temporarily" shall be defined by the Board in its sole discretion.

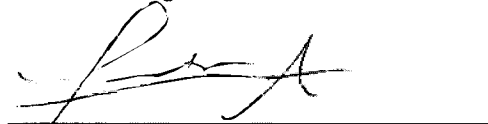
Part Three

All other provisions of Section 18.15, as first created by the First Amendment, are hereby ratified. All provisions of the Declaration not amended by Parts One and Two above shall remain in full force and effect.

***** End of Amendment *****

IN WITNESS WHEREOF, the Members of the Toscana at Highland Home Owners Association have adopted this amendment pursuant to Section 18.6(b) of the Declaration.

Toscana at Highland Homeowners Association:



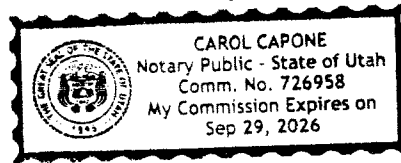
NAME: Frank Afa
President of the Board of Directors

STATE OF UTAH)
 :SS
County of Utah)

Subscribed and sworn before me this 20th day of June, 2024.

Notary Public for Utah:


Carol Capone



**CERTIFICATE OF APPROVAL OF THE
SECOND AMENDMENT TO THE AMENDED AND RESTATED
MASTER DECLARATION OF PROTECTIVE COVENANTS CONDITIONS AND
RESTRICTIONS FOR TOSCANA AT HIGHLAND**

The undersigned President of the Board of Directors for the Toscana at Highland Homeowners Association hereby certifies that the signatures of a sufficient number of Members approving the foregoing Second Amendment to the Amended and Restated Master Declaration of Protective Covenants Conditions and Restrictions for Toscana at Highland have been obtained and are on file in the office of the Association.

Toscana at Highland Homeowners Association:



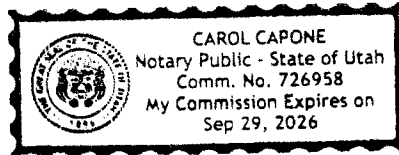
NAME: Frank Afa
President of the Board of Directors

STATE OF UTAH)
 :SS
County of Utah)

Subscribed and sworn before me this 20th day of June, 2024.

Notary Public for Utah:





Toscana at Highland Homeowners Association:

Michelle Winger
NAME: Michelle Winger
Secretary of the Board of Directors

STATE OF UTAH)
 :SS
County of Utah)

Subscribed and sworn before me this 20th day of June, 2024.

Notary Public for Utah:

Carol Capone

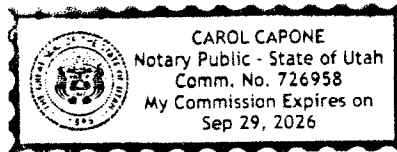


EXHIBIT A

All Units and Common Area, according to the official plat thereof as recorded in the office of the Utah County Recorder, state of Utah for:

TOSCANA AT HIGHLAND PHASE 1

Parcels Numbers: 53:450:0001 through 53:450:007

TOSCANA AT HIGHLAND PHASE 2

Parcel Numbers: 53:449:0001 through 53:449:0015

TOSCANA AT HIGHLAND PHASE 3 AMD

Parcel Numbers: 53:460:0001 through 53:460:0010

TOSCANA AT HIGHLAND PHASE 4

Parcel Numbers: 53:470:0001 through 53:470:0008

TOSCANA AT HIGHLAND PHASE 5

Parcel Numbers: 53:469:0001 through 53:469:0009

TOSCANA AT HIGHLAND PHASE 6

Parcel Numbers: 53:471:0040 through 53:471:0043

TOSCANA AT HIGHLAND PHASE 7

Parcel Numbers: 53:475:0071 through 53:475:0084

TOSCANA AT HIGHLAND PHASE 8

Parcel Numbers: 53:487:0083 through 53:487:0092

TOSCANA AT HIGHLAND PHASE 9

Parcel Numbers: 53:491:0091 through 53:491:0100

TOSCANA AT HIGHLAND PHASE 10

Parcel Numbers: 53:494:0054 through 53:494:0071

TOSCANA AT HIGHLAND PHASE 11

Parcel Numbers: 53:506:0042 through 53:506:0053
53:506:0117 through 53:506:0125

TOSCANA AT HIGHLAND PHASE 12

Parcel Numbers: 53:514:0098 through 53:514:0018

TOSCANA AT HIGHLAND PHASE 13

Parcel Numbers: 53:526:0124 through 53:526:0145