

**WHEN RECORDED MAIL TO:**  
SUNSET COURT HOA  
PO Box 1029  
West Jordan Utah 84084

ENT 42594:2007 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2007 Mar 23 2:04 pm FEE 52.00 BY CM  
RECORDED FOR SUNSET COURT HOA

Parcel #'s: 52:938:0001 through 52:938:0013  
Parcel #'s: 52:986:0014 through 52:986:0026  
Parcel #'s: 66:147:0027 through 66:147:0037

Space Above For Recorder's Use Only

**FIRST SUPPLEMENT TO THE  
AMENDED AND RESTATED  
DECLARATION OF PROTECTIVE EASEMENTS,  
COVENANTS, CONDITIONS AND RESTRICTIONS  
(Including Owner Association Bylaws)**

**SUNSET COURT**

**Provo City, Utah County, Utah**

**This first supplement to declaration is made as of this 23 day of March, 2007, by  
Sunset Court Home Owners Association, Inc., a Utah corporation.**

Whereas, the Amended and Restated Declaration of Protective Easements, Covenants,  
Conditions and Restrictions was recorded in the office of the County Recorder of Utah  
County, Utah on the 27<sup>th</sup> day of April, 2006 as Entry No. 50809 of the Official Records.

Whereas, the Board of Directors of the Sunset Court Home Owners Association desires  
to verify the mature nature of the owners and occupants of the community.

Whereas, for the amendments and modifications all of the voting requirements of Article  
XIV, Section 14.02 of the Declaration have been satisfied.

**AMENDMENTS**

NOW, THEREFORE, for the reasons recited above, and for the benefit of the  
Development and Lot Owners thereof, Sunset Court Home Owners Association hereby  
executes the First Supplement to the Amended and Restated Declaration of Protective  
Easements, Covenants and Restrictions of Sunset Court.

Article VI of the Declaration, entitled "Use Restrictions" is hereby modified to include  
the following:

A. Article VI, Section 6.03 of the Declaration is deleted in its entirety and the following language is substituted in lieu thereof.

**6.03 Mature Nature of Owners and Occupants.** The Development is a community for persons 55 or older and intends to qualify for the age restriction exemption under The Fair Housing Act (Title VIII of the Civil Rights Act, 42 USC & 3607, et seq.) that allows communities to be operated for occupancy by persons 55 years of age or older and to satisfy those certain criteria set forth in the Housing for Older Persons Act (42 USC & 3607(b)(2)(C)), and to adopt certain age restriction rules and regulations to be enforced by the association.

B. Article VI, Section 6.05 of the Declaration is amended (added) to read as follows.

**6.05 Renting and Leasing.** Any Owner who sells or leases a Unit within the Development shall disclose in the advertisements, purchase or lease documents that Sunset Court Condominiums is a 55 year age restricted community under HOPA. An Owner or the Owner's realtor's failure to disclose that this Development is intended to be operated for persons age 55 and older shall not prevent the Association from enforcing that age restriction policies against any Owner, Occupant and/or renter for non-compliance. Prior to the commencement of the term of a lease, the Unit Owner shall notify the Board of Directors, in writing, of the name or names of the tenant or tenants and the time during which the lease term shall be in effect. Any violation of this Declaration or of such rules and regulations by a tenant shall also constitute a violation by the Unit Owner, and the Board of Directors shall have the right to enforce this Declaration against the Unit Owner and such tenant.

C. Article VI, Section 6.06 of the Declaration is amended (added) to read as follows.

**6.06 Age Restrictions on Rental and Sale of Units.** At least eighty percent (80%) of the occupied Units within the Development shall be occupied by at least one (1) person not less than fifty-five (55) years of age. Each Owner hereby agrees and acknowledges that in the event he or she purchases a Qualifying Unit, he or she shall be bound by the Age 55 Criteria and the Owner's rental and sale of such Qualifying Unit shall be restricted by the Age 55 Criteria. To the extent required by any applicable Federal or State law, at no time shall less than eighty (80%) percent of the Units subject to this Declaration be occupied by single families where at least one member of the single family is fifty-five (55) years of age or older. For the purposes of this section 6.06, a Unit is "occupied" when an Owner or Occupant has possession of the Unit and has the right to actually use or control such Unit. In compliance with HOPA, the Association, shall (i) publish and adhere to Age 55 Criteria policies and procedures that demonstrate the intent to operate this Development as a community for persons who are 55 years of age or older as such intent is set forth in this Section 6.06; and (ii) shall establish policies for age verification of each Owner or Occupant by reliable surveys and affidavits, which surveys and affidavits shall be of the type that may be admissible in administrative and judicial proceedings for the purposes of such verification, such as a driver's license, birth certificate, passport, immigration card or military identification. The only exception to the Age 55 Criteria as

applied to the eighty percent (80%) of Units occupied by persons age 55 or older is for the non-age qualified surviving spouse of an age qualified descendent Owner who had occupied the Qualified Unit, until such time as the non-age qualified surviving spouse remarries at which time the exception expires.


**CERTIFICATION**

Section XIV, Section 14.02 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Easements for Sunset Court allows that "This Declaration may be amended by an instrument recorded in the Public Records, which is executed either: (a) by Owners who collectively hold at least sixty percent (60%) of the total outstanding votes in the Association; or (b) by the Association's President and Secretary, who shall certify that the required sixty percent (60%) vote was obtained in a meeting of Owners, or by consent of Owners, and is documented in the records of the Association."

By Special Meeting, of which all requirements of Article XI, Section 11.07 and 11.08 and 11.09 of the Declaration have been satisfied, held on March 22, 2007 at 1505 West 100 South, Provo, Utah 84601, one hundred percent (100%) of the members attending in person or by proxy, representing 30 of the 37 lots, approved ratification of the above mentioned amendments.

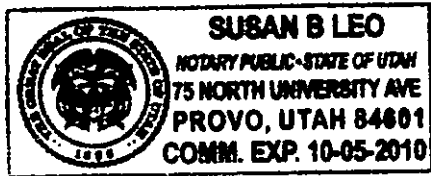
DATED: March 23, 2007

Sunset Court Home Owners Association

  
Dan Bates, President

STATE OF UTAH    )  
                  : ss.  
County of Utah    )

On this 23 day of March 2007, personally appeared before me Dan Bates, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn, did say that he is the President of the Sunset Court Home Owners Association and that said document was signed by him in behalf of said Association by authority of its bylaws (or of a Resolution of its Board of Directors), and said Dan Bates acknowledged to me that said Association executed the same.



  
NOTARY PUBLIC

My Commission Expires: 10-5-10

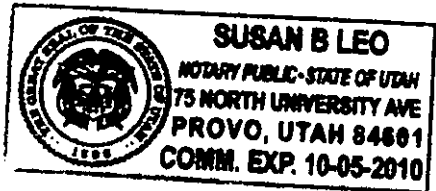
DATED: March 23, 2007

Sunset Court Home Owners Association

Christine E. Kelley  
Christine Kelley, Treasurer

STATE OF UTAH )  
: ss.  
County of Utah )

On this 23 day of March 2007, personally appeared before me Christine Kelley, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn, did say that she is a board member of the Sunset Court Home Owners Association and that said document was signed by her in behalf of said Association by authority of its bylaws (or of a Resolution of its Board of Directors), and said Christine Kelley acknowledged to me that said Association executed the same.



Susan B LEO  
NOTARY PUBLIC  
My Commission Expires: 10-5-10