

Ent 1297876 Bk 2282 Pg 1224

Date: 2-Sep-2021 02:10 PM Fee \$116.00

Cache County, UT

Devran Andersen, Rec. - Filed By SE
FOR MOUNTAIN VIEW RETIREMENT COMMUNITY

**Amendments to the Bylaws and CC&R's pertaining to the Mountain View
Retirement Community Homeowners Association**

September 2, 2021

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**AMENDMENT TO DECLARATION OF PLANNED UNIT DEVELOPMENT
OF MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS
ASSOCIATION**

This Amendment to the Declaration of Planned Unit Development of Mountain View Retirement Community Homeowners Association (the "**Amendment**") is made and entered by the Mountain View Retirement Community Homeowners Association a Utah non-profit corporation (the "**Association**").

RECITALS

A. The DECLARATION PLANNED UNIT DEVELOPMENT OF MOUNTAIN VIEW RETIREMENT COMMUNITY, LLC was recorded on December 9, 1977 in the Cache County Recorder's Office as Entry No 672550 in Book 780 beginning at Page 614.

B. The SECOND AMENDMENT TO DECLARATION OF PLANNED UNIT DEVELOPMENT OF MOUNTAIN VIEW RETIREMENT COMMUNITY, LLC was recorded on October 17, 2000 in the Cache County Recorder's Office as Entry No. 747010 in Book 967 beginning at Page 835.

C. The AMENDED DECLARATION OF PLANNED UNIT DEVELOPMENT OF MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS ASSOCIATION was recorded on November 10, 2011 in the Cache County Recorder's Office as Entry 1053024 in Book 1687 beginning at Page 1112 (the "**Declaration**")

D. The AMENDMENT TO DECLARATION OF PLANNED UNIT DEVELOPMENT OF MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS ASSOCIATION was recorded on March 26, 2018 in the Cache County Recorder's Office as Entry 1192447 in Book 1997 beginning at Page 1809.

E. This Amendment affects real property located in Cache County, Utah described with particularity on Exhibit A hereto and incorporated herein by this reference and defined in the Declaration as the "PUD Project."

F. Unless otherwise set forth herein, the capitalized term herein shall have their same meanings and definitions as stated in the Declaration.

G. The Owners of PUD Units in the PUD Project desire to amend the Declaration to revise, clarify, and add to the provisions in the Declaration concerning the 55 years of age or older nature of the PUD Project and to reaffirm that the PUD Project is a community of housing for older persons under the Housing for Older Persons Act of 1995.

H. As evidenced by this instrument, the Association has obtained the necessary approval of the Owners to amend the Declaration.

AMENDMENT

NOW, THEREFORE, pursuant to the foregoing, the Association, through its Management Committee hereby executes the following amendments to the Declaration, which shall be effective as of its recording date in the office of the Cache County Recorder:

1. RECITALS. The date of recording of the Declaration should be changed from December 9, 1977 to December 9, 1997.

2. ARTICLE III: COVENANTS, CONDITIONS, AND RESTRICTIONS.

Paragraph 1, Sub-paragraph: will eliminate the unit's exterior from brick and aluminum siding and replace it with brick and stucco exterior.

Paragraph 17(b) ~~Composition of Committee. Election. Vacancy.~~ Is deleted as reads and replaced with: Composition of Committee. Election. Vacancy. The Management Committee shall be composed of five (5) members with Committee Members elected as follows:

President and Treasurer - 3 years

Vice President and Secretary - 2 years

Board Member - 1 year


Only Unit Owners or spouses of Unit Owners shall be eligible for Committee Membership.

3. ARTICLE III Paragraph 17(b) sub-paragraph. The sentence reads "In the event a Committee seat which was filled by Declarant becomes vacant, Declarant has the right to select a replacement member to sit on the Committee for the balance of the term associated with the vacated seat." will be eliminated.

IN WITNESS THEREOF, the undersigned officer of the Association hereby certifies that the Management Committee has obtained the affirmative written vote or consent of the Owners of PUD Units holding at least sixty-seven percent (67%) of the voting interests in the AMENDMENT TO DECLARATION OF PLANNED UNIT DEVELOPMENT OF MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS ASSOCIATION is executed as of the day and year written below.

DATED this 2nd day of September 2021

Mountain View Retirement Community Homeowners Association, Inc.

By: 
(Signature)

Name: Karen Klomp
(Printed)

Title: President, Mountain View Retirement Community HOA

**BYLAWS
OF
MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS ASSOCIATION**

ARTICLE I

PLAN OF OWNERSHIP

Section One: Ownership. The Project located on the property legally described as: (See Exhibit B for Property Description) is known as "MOUNTAIN VIEW RETIREMENT COMMUNITY HOMEOWNERS ASSOCIATION" and is located in the City of Providence, Cache County, State of Utah. Said property is hereby submitted to the provisions of the Utah Code Annotated 57.8-1 st. Seq. (1953).

Section Two: Bylaws Applicability. The provisions of these are applicable to the Project. (The term therefore "Project" as used herein shall include the land.)

Section Three: Personal Application. All present or future Owners, tenants, future tenants, or any other person that might use the facilities of the Project in any manner are subject to the regulations set forth in these Bylaws.

The mere acquisition or rental of any of the single family units of the Project or the mere act of occupancy of any one of the family units will signify these Bylaws are accepted, ratified and will be complied with.

Addendum number two to the Mountain View Retirement Community Homeowners Association. The following changes/additions/deletions to the Bylaws were voted upon and approved by a majority of homeowners. Bylaw changes apply to all residents in Phase I and Phase II of the Project.

**ARTICLE III
MANAGEMENT COMMITTEE
(previously Article IV)**

Section 5: Reflection and Term of Office. At the Annual Meeting of the Association the term of office of the Committee Members shall be fixed at:

President and Treasurer - 3 years
Vice President and Secretary - 2 years
Board Member - 1 year

The members shall hold office until their successors have been elected and hold their first meeting. Members of the Community will be required to have a 1 year residence before holding office.

Section 7: Removal of Committee Members: At any regular or special meeting duly called, any one or more of the members may be removed with cause by a majority of the Owners and a successor may then and there be elected to fill the vacancy thus created. Any Committee Member whose removal has been proposed by the Owners shall be given an opportunity to be heard at the meeting.

**ARTICLE IV
(previously Article V)
OFFICERS**

Section 3: Removal of Officers: On an affirmative vote of a majority of the Members of the Management Committee, any officer may be removed with cause and his successor elected at any regular meeting of the Management Committee or at any Special Meeting of the Committee called for such purpose.

**ARTICLE V
(Previously Article VI)
OBLIGATION OF OWNERS**

Section 2: Maintenance and Repair:

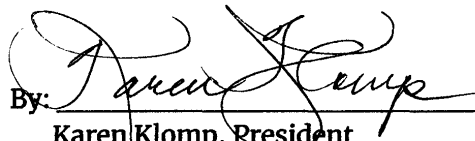
- a. Every Owner/Renter must promptly perform all maintenance cleaning and repair work within his own Unit areas which, if omitted, would affect the Project in its entirety or in a part belonging to other Owners, being expressly responsible for the damages and liabilities that his failure to do so may engender. This includes keeping garages free from excess stored items (which would exclude the parking of a vehicle), or stored items which could be a possible sanitary or fire hazard or inhibit the area to be used as an emergency exit or entrance. Barbecues and open flames

(e.g. firepits) are against the provisions of our Homeowners Insurance Policy and are not to be used.

**ARTICLE VI
(Previously Article VII)
METHOD OF AMENDING BYLAWS**

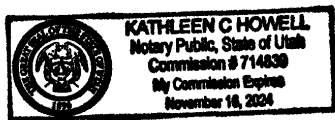
Rental capacity (the percent of units being rented is not to exceed 10% of the total units within the retirement community). **Units are not to be used as Airbnb's or short-term rentals.**

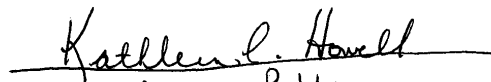
Some Article Numbers have changed but ByLaws under each heading remain as recorded.

By: 

Karen Klomp, President
Mountain View Retirement Community
Homeowners Association
31 Mountain View Lane
Providence, Utah 84332

On this 2 day of September 2021, personally appeared before me, Karen Klomp, who duly sworn did say that she is the Declarant and that the foregoing instrument was signed by her in her capacity as Declarant.





Kathleen C. Howell
Notary Public

**AMENDED
EXHIBIT "AA"**

The amount of Common Area of Phase I consisting of 25 units is a total of 74,030 square feet.

The amount of Common Area of Phase II consisting of 23 units is a total of 146,083 square feet.

Phase I - 02-151-001-0025 Unit 1-25 Phase I

Phase II - 02-177-001-0023 Unit 1-23 Phase II

Therefore, the total amount of Common Area in Phase I and Phase II is 220,113 square feet. The total number of units in Phase I and Phase II is 48 units. The amount of Common Area per unit averages 4,316 square feet for Phases I and II.