

Preferred Property mgmt.
243 E. St George Blvd, 200
St George, UT 84770

00977352 Bk 1800 Pg 2554
RUSSELL SHIRTS * WASHINGTON CO RECORDER
2005 OCT 11 15:36 PM FEE \$15.00 BY SW
FOR: PREFERRED PROPERTY MGMT

AMENDMENT TO
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF VISTA DEL SOL TOWNHOMES

Phases I - IV

This Amendment to the Declaration of Covenants, Conditions and Restrictions of VISTA DEL SOL TOWNHOMES (the "Declaration") that established the Vista Del Sol Townhome subdivision is made this 10 day of October, 2005 by the Vista Del Sol Townhomes Association (the "Association").

RECITALS

A. Certain real property in Washington County, Utah, known as Vista Del Sol Townhomes was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration dated December 13, 1992, and recorded as Entry No. 00422230 in the Recorder's Office for Washington County, Utah;

B. This amendment shall be binding against all of the property described in the Declaration and any annexation, expansion or supplement thereto. (Phases 1 - 4)

C. To avoid the communal ills, including among other things, rules violations, abuse and destruction of community and private property and the consequent increase in insurance premiums, and the diminished safety of the owners, associated with high levels of tenancy, the Association deems restricting and regulating the manner of renting, number of rentals and terms or rentals within the community necessary and in the best interest of the owners;

D. Pursuant to Article XI, Section 4 of the Declaration, owners representing more than sixty-seven percent (67%) of the voting rights have approved this Amendment.

NOW, THEREFORE, The Association, by and through its Board of Trustees, hereby amends Article XI, Section 9 of the Declaration entitled "Leases" be incorporated into Article VIII, Section 14 of the Declaration, thereby rescinding Article XI, Section 9 in its entirety to read as follows (added amendment in bold):

Article VIII, Section 14. Leases and Occupancy Requirement. Any lease or rental agreement shall be in writing and shall provide that the terms of the lease shall be subject in all respects to the provisions of this Declaration, the Articles of Incorporation, Bylaw and Rules and Regulations of the Association and that any failure by lessee to comply with the terms of such documents shall be a default under the lease. Notwithstanding the above, prior to renting or leasing any

townhome, the Owner shall occupy their townhome for at least twelve (12) months before it can qualify as a permissible rental townhome. For purposes of this section only, "occupy" shall mean that a townhome shall be owned by the same owner(s) for a period of at least twelve (12) consecutive months, whether physically occupied by said Owner(s) or not, prior to being made available for rental or lease. **No Owner may lease or rent less than the entire townhome and no Owner may lease or rent any townhome for a period of less than twelve (12) consecutive months. All leases must be in writing. A copy of the lease shall be provided to the Board of Trustees. No daily, nightly, or monthly rentals shall be allowed.**

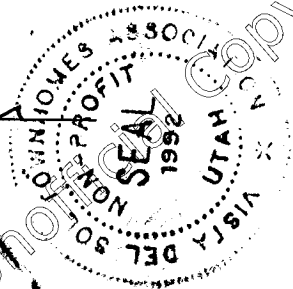
NOW THEREFORE, by virtue of the adoption of the above stated amendment to Article VIII, Section 14, as approved by the general membership of the Association, Article XI, Section 9, as contained in the document entitled FIRST AMENDMENT TO VISTA DEL SOL CC&R'S (paragraph 5 thereof), recorded as entry number 00636771, in Book 1316, Page 0310, et seq. on February 19, 1999, in the Washington County Recorder, is hereby repealed in its entirety. The remaining provisions of the First Amendment to Vista Del Sol CC&R's remain in force and effect.

IN WITNESS WHEREOF, THE VISTA DEL SOL TOWNHOMES ASSOCIATION has executed this Amendment to the Declaration as of the 10 day of October, 2005, in accordance with Article XI of the Declaration.

THE VISTA DEL SOL TOWNHOMES ASSOCIATION

Charles W. Odd
President

Sigrid M. Klein
Secretary



STATE OF UTAH)
) ss
County of Washington)

On the 10 day of October 2005, personally appeared Charles W. Odd and Sigrid Klein who, being first duly sworn, did say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.

Tracy Winningham
Notary Public for Utah

