

WHEN RECORDED, RETURN TO:

Vial Fotheringham, LLP
515 South 400 East, Suite 200
Salt Lake City, Utah 84111

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RASHELLE HOBBS
Recorder, Salt Lake County, UT
VIAL FOTHERINGHAM LLP
BY: eCASH, DEPUTY - EF 8 P.

**FOURTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND
RESERVATION OF EASEMENTS
FOR VALLEY VU VILLAS, A CONDOMINIUM PROJECT**

This Fourth Amendment to Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Valley Vu Villas, A Condominium Project (the "Declaration") is made by The Valley Vu Villas Condominiums Owners Association (the "Association") and will be effective when recorded with the Salt Lake County Recorder's office.

Recitals

A. The Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Valley Vu Villas, A Condominium Project (the "Declaration") was recorded on February 25, 2000, as Entry No. 7582279 in the offices of the Salt Lake County Recorder.

B. The Declaration Subjects the Valley Vu Villas condominium project to the provisions of Utah's Condominium Ownership Act (Utah Code § 57-8-1 *et seq.*) (the "Act").

C. On January 24, 2003, the Association amended the Declaration through the "Amendments [to the] Declaration of Covenants, Conditions, and Restrictions of Easements for Valley Vu Villas" (the "First Declaration Amendment"), which document was recorded as Entry No. 8504488 in the offices of the Salt Lake County Recorder.

D. On April 22, 2013, The Association further amended the Declaration through the "First Amendment to the Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Valley Vu Villas, A Condominium Project" (the "Second Declaration Amendment"), which document was recorded as Entry No. 11623192 in the offices of the Salt Lake County Recorder; despite its title as the "First Amendment," the document was actually the second amendment to the Declaration.

E. On April 25, 2019, The Association further amended the Declaration through the "Third Amendment to the Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Valley Vu Villas, A Condominium Project" (the "Third Declaration Amendment"), which document was recorded as Entry No. 12974903 in the offices of the Salt Lake County Recorder

F. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit A, attached hereto and incorporated here by reference (the "Property").

G. The Declaration requires 67% of the Association's voting interests to adopt an amendment to the Declaration.

H. NOW, THEREFORE, pursuant to the foregoing, the Association hereby amends the Declaration as follows:

Article IV, Section 4.03 is hereby amended to read as follows:

4.03: UNDIVIDED INTEREST IN COMMON AREAS AND FACILITIES:

Each Unit Owner shall have, for each Unit Owned, an equal, undivided ownership interest in and to the Common Areas and Facilities as set forth in Exhibit "C." No Unit Owner may waive or release any rights in the Common Areas. The undivided interest in the Common Areas of a Unit may not be separated from the Unit to which it appertains, and such undivided interest shall be deemed to be conveyed and shall be encumbered and/or released from liens with conveyance, encumbrance, and/or release of the Unit even though such interest is not expressly mentioned or described in the conveyance or other instrument.

Article VI, Section 6.01 is hereby amended to read as follows:

6.01: Any change of the boundaries between Units or of Common Areas shall be reflected by an amendment of this Declaration and to the Map, which amendments, notwithstanding the provisions of Article XXII, may be executed solely by the Owner(s) or any Unit(s) whose boundary or boundaries are changed.

Article IX, Section 9.03 is hereby amended to read as follows:

9.03: VOTING RIGHTS: The Management Committee shall maintain a list of Owners which shall be updated on a regular basis. Disputes over the membership list shall be resolved by reference to the official records of the Salt Lake County Recorder's office. At a meeting of the Association, the Owners of each Unit shall, collectively, be entitled to vote, in person or by proxy, the same number of votes attributable to such Unit's percentage interest in the Common Areas as set forth on Exhibit "C" to this Declaration. For example, if a particular Unit has a 1.25 percentage interest in the Common Area, that Unit Owner shall be entitled to cast 1.25 votes. The Board, from time to time, may suspend the right of a member to vote with respect to his, her, or its Unit for failure to pay assessments when due, or for failure to observe other terms of this Declaration, the Bylaws, or rules and regulations of the Association. Such suspension shall be accomplished pursuant to rules and regulations duly adopted by the Board from time to time.

Article X, Section 10.05 is hereby amended to read as follows:

10.05: VOTING RIGHTS: At any meeting, the votes exercised by the Owner or Owners of a Unit shall be the number of votes determined by the Percentage of Undivided Interest in Common Area as shown on Exhibit "C." Said votes may be voted in favor of as many candidates as there are trustee seats to be filled.

Article XVII, Section 17.04 is hereby amended to read as follows:

17.04: NON-RESTORABLE UNIT: Notwithstanding the foregoing, in the event that, as a result of any such taking, any Unit could not reasonably be restored to a condition comparable to that which existed prior to the taking, or could not be replaced, prior to the allocation and disbursement of any sum to any other Unit Owner, there shall be allocated and disbursed from such award or proceeds, to each Unit Owner whose Unit cannot be so restored or replaced as their interests may appear, such amount as is equal to the then fair market value of the Unit that cannot be so restored or replaced. Thereupon, such Unit or Units, and the Owners thereof, shall be immediately and automatically divested of any interest in the Project, the Property, and the Association, including, without limiting the generality of the foregoing, divestment of an undivided interest in the Common Areas, vote, membership in the Association, and liability for Common Expenses. All such undivided interests in the Common Areas shall be reallocated among all remaining Units equally, and the voting rights attributable to the remaining Units shall be adjusted to reflect such change in the undivided interest in the Common Areas attributable to the remaining units.

All remaining provisions of the Declaration and Bylaws and any prior amendments not specifically amended in this instrument remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Bylaws, or any prior amendments thereto, the provisions of this document are deemed, in all respects, to govern and control.

This document is supplemental to the Bylaws, which by reference are made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

CERTIFICATION OF THE BOARD OF TRUSTEES

IN WITNESS THEREOF, the undersigned two officers of the Association and members of the Association's Board of Trustees hereby certify that the Board of Trustees has obtained the

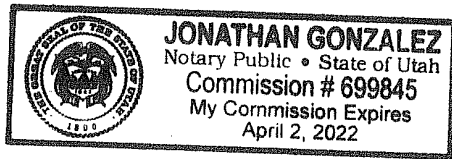
affirmative vote of at least 67% of the total voting interest of the Association, as required by Article XXII, Section 22.01 of the Declaration.

**The Valley Vu Villas Condominiums
Owners Association**

Ingrid Gordon
Ingrid Gordon
President

State of Utah)
) ss.
County of SALT LAKE)

The foregoing Fourth Amendment to the Declaration of Valley Vu Villas Condominiums Owners Association was acknowledged before me this 18 day of APRIL, 2019, by INGRID GORDON, who, by me being duly sworn, did say that they are the President of The Valley Vu Villas Condominiums Owners Association, and that this instrument was signed on behalf of said Association.



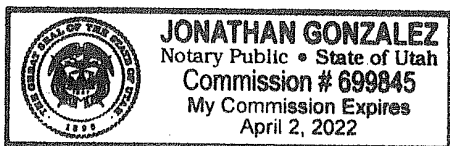
Jonathan Gonzalez
Notary Public

**The Valley Vu Villas Condominiums
Owners Association**

Mel Jones
Melvin Edward Jones Jr
Treasurer

State of Utah)
) ss.
County of SALT LAKE)

The foregoing Fourth Amendment to the Declaration of Valley Vu Villas Condominiums Owners Association was acknowledged before me this 18 day of APRIL, 2019, by MELVIN EDWARD JONES JR, who, by me being duly sworn, did say that they are the TREASURER of The Valley Vu Villas Condominiums Owners Association, and that this instrument was signed on behalf of said Association.



Jonathan Gonzalez
Notary Public

EXHIBIT A

**Legal Description and Parcel Numbers
Valley Vu Villas, a Condominium Project
Salt Lake County, Utah**

Legal Description

BEGINNING AT A POINT ON THE CENTER LINE OF 4800 SOUTH STREET, SAID POINT BEING SOUTH 00°03'39" EAST ALONG SECTION LINE 236.98 FEET FROM THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE MERIDIAN, IN THE COUNTY OF SALE LAKE, STATE OF UTAH, THENCE SOUTH 00°03'39" EAST ALONG SAID SECTION LINE AND CENTER OF ROAD 593.14 FEET; THENCE NORTH 89°58'51" EAST 1088.86 FEET; THENCE NORTH 00°03'40" WEST 382.67 FEET TO THE CENTER OF NORTH JORDAN CANAL; THENCE NORTH 79 °04'51" WEST ALONG CENTER OF SAID CANAL 1109.16 FEET TO THE CENTER OF 4800 SOUTH STREE AND THE POINT OF SAID BEGINNING.

CONTAINS 12.196 ACRES
 80 UNITS

Parcel Numbers

15-31-104-001-0000	15-31-104-017-0000	15-31-104-033-0000
15-31-104-002-0000	15-31-104-018-0000	15-31-104-034-0000
15-31-104-003-0000	15-31-104-019-0000	15-31-104-035-0000
15-31-104-004-0000	15-31-104-020-0000	15-31-104-036-0000
15-31-104-005-0000	15-31-104-021-0000	15-31-104-037-0000
15-31-104-006-0000	15-31-104-022-0000	15-31-104-038-0000
15-31-104-007-0000	15-31-104-023-0000	15-31-104-039-0000
15-31-104-008-0000	15-31-104-024-0000	15-31-104-040-0000
15-31-104-009-0000	15-31-104-025-0000	15-31-104-041-0000
15-31-104-010-0000	15-31-104-026-0000	15-31-104-042-0000
15-31-104-011-0000	15-31-104-027-0000	15-31-104-043-0000
15-31-104-012-0000	15-31-104-028-0000	15-31-104-044-0000
15-31-104-013-0000	15-31-104-029-0000	15-31-104-045-0000
15-31-104-014-0000	15-31-104-030-0000	15-31-104-046-0000
15-31-104-015-0000	15-31-104-031-0000	15-31-104-047-0000
15-31-104-016-0000	15-31-104-032-0000	15-31-104-048-0000

15-31-104-049-0000	15-31-104-062-0000	15-31-104-075-0000
15-31-104-050-0000	15-31-104-063-0000	15-31-104-076-0000
15-31-104-051-0000	15-31-104-064-0000	15-31-104-077-0000
15-31-104-052-0000	15-31-104-065-0000	15-31-104-078-0000
15-31-104-053-0000	15-31-104-066-0000	15-31-104-079-0000
15-31-104-054-0000	15-31-104-067-0000	15-31-104-080-0000
15-31-104-055-0000	15-31-104-068-0000	15-31-104-081-0000
15-31-104-056-0000	15-31-104-069-0000	
15-31-104-057-0000	15-31-104-070-0000	
15-31-104-058-0000	15-31-104-071-0000	
15-31-104-059-0000	15-31-104-072-0000	
15-31-104-060-0000	15-31-104-073-0000	
15-31-104-061-0000	15-31-104-074-0000	

EXHIBIT "C"
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND
RESERVATION OF EASEMENTS FOR VALLEY VU VILLAS CONDOMINIUMS

<u>Building Number/Unit Letter</u>	<u>Street Address</u> <u>West Valley City</u>	<u>Percentage of Undivided Interest</u> <u>in Common Area</u>
1A	4789 West Valley Villa Drive	1.25
1B	4789 West Valley Villa Drive	1.25
1C	4789 West Valley Villa Drive	1.25
1D	4789 West Valley Villa Drive	1.25
2A	3560 South Vista Villa Lane	1.25
2B	3560 South Vista Villa Lane	1.25
2C	3560 South Vista Villa Lane	1.25
2D	3560 South Vista Villa Lane	1.25
3A	4759 West Valley Villa Drive	1.25
3B	4759 West Valley Villa Drive	1.25
3C	4759 West Valley Villa Drive	1.25
3D	4759 West Valley Villa Drive	1.25
4A	4739 West Valley Villa Drive	1.25
4B	4739 West Valley Villa Drive	1.25
4C	4739 West Valley Villa Drive	1.25
4D	4739 West Valley Villa Drive	1.25
5A	4734 West Valley Villa Drive	1.25
5B	4734 West Valley Villa Drive	1.25
5C	4735 West Valley Villa Drive	1.25
5D	4735 West Valley Villa Drive	1.25
6A	4719 West Valley Villa Drive	1.25
6B	4719 West Valley Villa Drive	1.25
6C	4719 West Valley Villa Drive	1.25
6D	4719 West Valley Villa Drive	1.25
7A	4706 West Valley Villa Drive	1.25
7B	4706 West Valley Villa Drive	1.25
7C	4707 West Valley Villa Drive	1.25
7D	4707 West Valley Villa Drive	1.25
8A	4699 West Valley Villa Drive	1.25
8B	4699 West Valley Villa Drive	1.25
8C	4699 West Valley Villa Drive	1.25
8D	4699 West Valley Villa Drive	1.25
9A	4680 West Valley Villa Drive	1.25
9B	4680 West Valley Villa Drive	1.25
9C	4681 West Valley Villa Drive	1.25
9D	4681 West Valley Villa Drive	1.25

<u>Building Number/Unit Letter</u>	<u>Street Address</u> <u>West Valley City</u>	<u>Percentage of Undivided Interest</u> <u>in Common Area</u>
10A	4675 West Valley Villa Drive	1.25
10B	4675 West Valley Villa Drive	1.25
10C	4675 West Valley Villa Drive	1.25
10D	4675 West Valley Villa Drive	1.25
11A	4655 West Valley Villa Drive	1.25
11B	4655 West Valley Villa Drive	1.25
11C	4655 West Valley Villa Drive	1.25
11D	4655 West Valley Villa Drive	1.25
12A	3589 South Villa View Drive	1.25
12B	3589 South Villa View Drive	1.25
12C	3589 South Villa View Drive	1.25
12D	3589 South Villa View Drive	1.25
13A	3575 South Villa View Drive	1.25
13B	3575 South Villa View Drive	1.25
13C	3575 South Villa View Drive	1.25
13D	3575 South Villa View Drive	1.25
14A	3549 South Villa View Drive	1.25
14B	3549 South Villa View Drive	1.25
14C	3549 South Villa View Drive	1.25
14D	3549 South Villa View Drive	1.25
15A	4666 West Villa View Drive	1.25
15B	4666 West Villa View Drive	1.25
15C	4666 West Villa View Drive	1.25
15D	4666 West Villa View Drive	1.25
16A	4692 West Villa View Drive	1.25
16B	4692 West Villa View Drive	1.25
16C	4692 West Villa View Drive	1.25
16D	4692 West Villa View Drive	1.25
17A	4716 West Villa View Drive	1.25
17B	4716 West Villa View Drive	1.25
17C	4716 West Villa View Drive	1.25
17D	4716 West Villa View Drive	1.25
18A	4732 West Villa View Drive	1.25
18B	4732 West Villa View Drive	1.25
18C	4732 West Villa View Drive	1.25
18D	4732 West Villa View Drive	1.25
19A	4754 West Villa View Drive	1.25
19B	4754 West Villa View Drive	1.25
19C	4754 West Villa View Drive	1.25
19D	4754 West Villa View Drive	1.25
20A	4776 West Villa View Drive	1.25
20B	4776 West Villa View Drive	1.25
20C	4776 West Villa View Drive	1.25
20D	4776 West Villa View Drive	1.25