

**FOURTH AMENDMENT TO THE  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
ORCHARD VISTA P.U.D.**

**MIDVALE CITY, UTAH**

This FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ORCHARD VISTA P.U.D. ("Declaration") has been approved and adopted by the Orchard Vista P.U.D. Homeowners Association ("Association") and becomes effective when recorded with the Salt Lake County Recorder's Office.

**RECITALS**

A. Orchard Vista P.U.D. is a planned unit development located in Midvale, Utah, Salt Lake County that was originally made subject to certain covenants, conditions, and restrictions as provided in the "Declaration of Covenants, Conditions and Restrictions Orchard Vista P.U.D." as recorded on July 14, 2006 as Entry Number 9782903 with the Salt Lake County Recorder ("Declaration").

B. The Declaration was first amended by the "Amendment to Declaration of Covenants, Conditions, and Restrictions Orchard Vista P.U.D." as recorded on December 29, 2006 as Entry Number 9956964 with the Salt Lake County Recorder ("First Amendment").

C. The Declaration was next amended by the "Amendment to Declaration of Covenants, Conditions, and Restrictions Orchard Vista P.U.D." as recorded on July 9, 2007 as Entry Number 10157455 with the Salt Lake County Recorder ("Second Amendment").

D. The Declaration was next amended by the "Amendment to the Declaration of Covenants, Conditions, and Restrictions Orchard Vista P.U.D., as recorded on July 9, 2010 as Entry Number 10987849 ("Third Amendment"). The Third Amendment does not appear to have been recorded against the lots, only the Common Area parcel.

E. The Declaration was next amended by the "Amendment to Declaration of Covenants, Conditions, and Restrictions Orchard Vista P.U.D." as recorded on September 17, 2012 as Entry Number 11473086 with the Salt Lake County Recorder ("Fourth Amendment").

F. As used herein the term "Declaration" shall mean and refer to the Declaration and all amendments thereto.

G. The Association and Owners desire to further amend the Declaration as provided below.

H. Article XI, Section 4 of the Declaration provides that it may be amended with the affirmative vote of at least a majority of the Association's membership entitled to vote.

I. At least a majority of the Association's membership entitled to vote has approved this amendment to the Declaration, which shall be binding upon the Properties, including all Units and Lots. See Exhibit A.

J. Unless specifically modified herein, all remaining provisions of the Declaration whether listed above or not, shall remain in full force and effect.

K. In case of any conflict between the terms of this Amendment and the terms of the Declaration, the provisions of this Amendment shall control.

L. Unless otherwise provided in this Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.

## AMENDMENTS

### Amendment One

*Article II, Section 1 of the Declaration is hereby amended to read as follows:*

#### ARTICLE II

#### ANNEXATION OF ADDITIONAL PROPERTY

Section 1. No other real property may be annexed to and become subject to this Declaration by any methods except by approval of 67% of the Association's voting interests.

### Amendment Two

*Article III,, Section 3 is hereby amended to read as follows:*

Section 3. Voting Rights. The Association shall have one class of voting membership. Members shall be all those Owners as defined in Section 1. Each membership unit shall be entitled to one vote at a meeting of the Members of the Association. Owners' votes may be cast by a proxy appointed for that meeting, by a signed write-in ballot, or as otherwise allowed by applicable laws.

### Amendment Three

*Article IV, Section 2 is hereby amended as follows:*

Subsections (c) and (d) are hereby deleted in their entirety.

### Amendment Four

*Article VII, Section 4 is hereby amended as follows:*

Section 4 entitled "Lot Changes by Declarant" is hereby deleted in its entirety.

### Amendment Five

*Article IX, Section 2 is hereby amended as follows:*

Section 2 is hereby deleted in its entirety.

**Amendment Six**

*Article X, Section 16(a) is hereby amended to read as follows:*

(a) Dwelling style, design, alterations or addition will conform to standards determined by the Association.

**Amendment Seven**

*Article XI, Section 4 is hereby amended to read as follows:*

Section 4. Amendments. This Declaration may only be amended upon the affirmative vote of at least fifty-one percent (51%) of the voting interests of the Association. Any amendment(s) shall be effective upon recordation in the office of the Salt Lake County Recorder. In such instrument, the Board shall certify that the vote required by this Section for amendment has occurred. If a Lot is owned by more than one Owner, the vote of any one Owner shall be sufficient to constitute approval for that Lot under this Section. If a Lot is owned by an entity or trust, the vote of any one officer, trustee, or agent of the entity shall be sufficient to constitute approval for that Lot under this Section. No acknowledgment of any signature used for voting shall be required.

**Amendment Eight**

*Article XI, Section 5 is hereby amended as follows:*

Section 5 is hereby deleted in its entirety.

**Amendment Nine**

*Article XI, Section 6 is hereby amended as follows:*

The reference to the "Declarant" is hereby deleted in its entirety.

**Amendment Ten**

*Article XI is hereby amended to include the addition of the following Section 9:*

Section 9. Notices. Notwithstanding any other provision of the Declaration to the contrary, including without limitation, Article XI, Section 1, any notice required or permitted to be given to any Owner according to the provisions of the Declaration shall be deemed to have been properly furnished if the Association provides the notice in a manner allowed by the Utah Community Association Act or the Utah Revised Nonprofit Corporation Act. This includes, without limitation, personal delivery, email, text message, or mailing. Owners shall register with the Association their mailing address, email address, and a phone number capable of receiving text messages. If no mailing address has been provided, the physical address of the Unit owned by said Owner shall be used for notice purposes.

**Amendment Eleven**

*The Declaration is hereby amended as follows:*

The "Second Amendment" as identified in the Recitals above is hereby stricken and deleted in its entirety and shall have no binding effect on the Properties.

**Amendment Twelve**

*The Declaration is hereby amended as follows:*

The "Third Amendment" as identified in the Recitals above is hereby stricken and deleted in its entirety and shall have no binding effect on the Properties.

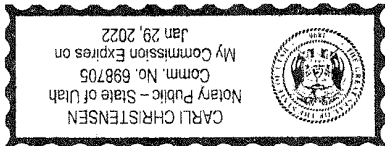
**ORCHARD VISTA P.U.D.  
HOMEOWNERS ASSOCIATION**

By: Michael Hiceon  
Its: President

State of Utah )  
County of Salt Lake ) ss.

On the 21 day of February 2020, personally appeared before me Michael Valentine who by me being duly sworn, did say that she/he is the President of Orchard Vista P.U.D. Homeowners Association, and that the foregoing instrument is signed and executed by authority of the consent of its members.

Notary Public Carli Christensen



**EXHIBIT A**  
**Legal Description and Parcel Numbers**  
**(13 Lots and 1 Common Area)**

All of the Lots and Common Areas as shown on the Orchard Vista P.U.D. plat, as recorded with the Salt Lake County Recorder.

**ORCHARD VISTA P.U.D.**

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BEGINNING AT A POINT N 00°02'05" E 1330.01 FEET AND WEST 33.00 FEET FROM THE SOUTHEAST CORNER SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, THENCE SOUTH 00°02'05" WEST 116.62 FEET; THENCE WEST 381.49 FEET; THENCE NORTH 10.02 FEET; THENCE WEST 190.21 FEET; THENCE NORTH 106.60 FEET; THENCE EAST 571.77 FEET TO THE POINT OF BEGINNING.

PROPERTY CONTAINS: 64,769.59 SQ. FT.  
OR 1.49 ACRES

**Parcel Numbers:**

22304760570000  
22304760580000  
22304760590000  
22304760600000  
22304760610000  
22304760620000  
22304760630000  
22304760640000  
22304760650000  
22304760660000  
22304760670000  
22304760680000  
22304760690000  
22304760700000 (Common Areas)

**EXHIBIT B**  
**Owner Signatures for Approval of Amendments**

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

YES I approve the 12 Declaration Amendments

       I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

YES I approve the 3 Bylaws Amendments

       I do not approve the 3 Bylaws Amendments

By signing below, I certify that I am the owner of the Lot I have addressed below at Orchard Vista. If I am the only signatory below, I hereby certify that I am either the sole owner of the Lot or that I have received proper consent from the other joint or co-owners to sign this ballot on behalf of the Lot as a whole.

**Owner #1**

**Owner #2 (if jointly or co-owned)**

645

Lot Address

Lot Address

DIRAVIAM THIRUGNANAM

Printed Name of Owner

Printed Name of Owner

M. Diraviam Thirugnanam

Signature of Owner

Signature of Owner

07 Feb 2020

DATE

DATE

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

I approve the 12 Declaration Amendments

I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

I approve the 3 Bylaws Amendments

I do not approve the 3 Bylaws Amendments

By signing below, I certify that I am the owner of the Lot I have addressed below at Orchard Vista. If I am the only signatory below, I hereby certify that I am either the sole owner of the Lot or that I have received proper consent from the other joint or co-owners to sign this ballot on behalf of the Lot as a whole.

**Owner #1**

\_\_\_\_\_  
Lot Address

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
DATE

**Owner #2 (if jointly or co-owned)**

655 E. Orchard Vista Ct.

\_\_\_\_\_  
Lot Address

ELISA IMONTI

\_\_\_\_\_  
Printed Name of Owner

Elisa Imonti

\_\_\_\_\_  
Signature of Owner

2/2/20

\_\_\_\_\_  
DATE



**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

  X   I approve the 12 Declaration Amendments

       I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

  X   I approve the 3 Bylaws Amendments

       I do not approve the 3 Bylaws Amendments

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**Owner #1**

687 E Orchard Vista Ct.

Lot Address

Michael Divricean

Printed Name of Owner



Signature of Owner

02/03/20

DATE

**Owner #2 (if jointly or co-owned)**

687 E Orchard Vista Ct.

Lot Address

Nelly Divricean

Printed Name of Owner



Signature of Owner

02/03/20

DATE

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

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X I approve the 12 Declaration Amendments

\_\_\_\_\_ I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

X I approve the 3 Bylaws Amendments

\_\_\_\_\_ I do not approve the 3 Bylaws Amendments

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**Owner #1**

**Owner #2 (if jointly or co-owned)**

663 Orchard Vista Cct.  
Lot Address

\_\_\_\_\_  
Lot Address

Chris Bentley  
Printed Name of Owner

\_\_\_\_\_  
Printed Name of Owner

  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

2/10/2020  
DATE

\_\_\_\_\_  
DATE

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

I approve the 12 Declaration Amendments

I do not approve the 12 Declaration Amendments

FEB 04 2020

**BYLAWS AMENDMENTS (choose one):**

I approve the 3 Bylaws Amendments

I do not approve the 3 Bylaws Amendments

By signing below, I certify that I am the owner of the Lot I have addressed below at Orchard Vista. If I am the only signatory below, I hereby certify that I am either the sole owner of the Lot or that I have received proper consent from the other joint or co-owners to sign this ballot on behalf of the Lot as a whole.

**Owner #1**

MIDDLEBURY, VT 84647  
659 ORCHARD VISTA CT  
Lot Address

KATH LAWSON  
Printed Name of Owner

  
Signature of Owner

1-28-2020  
DATE

**Owner #2 (if jointly or co-owned)**

659 Orchard Vista Ct  
Middlebury, VT  
Lot Address

Kenneth Lawson  
Printed Name of Owner

  
Signature of Owner

1-28-2020  
DATE

**WRITTEN BALLOT – ORCHARD VISTA**

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**DECLARATION AMENDMENTS (choose one):**

I approve the 12 Declaration Amendments

I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

I approve the 3 Bylaws Amendments

I do not approve the 3 Bylaws Amendments

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**Owner #1**

627 E Orchard Vista Ct  
Lot Address

Melissa Lin Hamilton  
Printed Name of Owner

Melissa Lin Hamilton  
Signature of Owner

February 1, 2020  
DATE

**Owner #2 (if jointly or co-owned)**

\_\_\_\_\_  
Lot Address

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
DATE

FFR 11 2020



**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

X I approve the 12 Declaration Amendments

       I do not approve the 12 Declaration Amendments

FEB 12 2020

RECEIVED

**BYLAWS AMENDMENTS (choose one):**

X I approve the 3 Bylaws Amendments

       I do not approve the 3 Bylaws Amendments

By signing below, I certify that I am the owner of the Lot I have addressed below at Orchard Vista. If I am the only signatory below, I hereby certify that I am either the sole owner of the Lot or that I have received proper consent from the other joint or co-owners to sign this ballot on behalf of the Lot as a whole.

**Owner #1**

**Owner #2 (if jointly or co-owned)**

675

Lot Address

Tamara Dangerfield

Printed Name of Owner

*Tamara Dangerfield*

Signature of Owner

2/9/20

DATE

Lot Address

Printed Name of Owner

Signature of Owner

DATE

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

I approve the 12 Declaration Amendments

FEB 18 2020

I do not approve the 12 Declaration Amendments

**BYLAWS AMENDMENTS (choose one):**

I approve the 3 Bylaws Amendments

I do not approve the 3 Bylaws Amendments

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**Owner #1**

655 E. Orchard Vista Ct

Lot Address

DAVID IMONTI

Printed Name of Owner

*[Signature]*

Signature of Owner

02/10/20

DATE

**Owner #2 (if jointly or co-owned)**

655 E. Orchard Vista Ct.

Lot Address

BROOKE IMONTI

Printed Name of Owner

*[Signature]*

Signature of Owner

2/10/20

DATE





**WRITTEN BALLOT – ORCHARD VISTA**

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**BYLAWS AMENDMENTS (choose one):**

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**Owner #1**

#10 641 E

Lot Address

Brian Lund  
Printed Name of Owner

*Brian Lund*  
Signature of Owner

2/11/20  
DATE

**Owner #2 (if jointly or co-owned)**

#10 641 E

Lot Address

Sue Mark Lund  
Printed Name of Owner

*Sue Mark Lund*  
Signature of Owner

2/11/20  
DATE

**WRITTEN BALLOT – ORCHARD VISTA**

**PROPOSED DECLARATION AND BYLAWS AMENDMENTS**

**DECLARATION AMENDMENTS (choose one):**

I approve the 12 Declaration Amendments

FEB 17 2020

I do not approve the 12 Declaration Amendments

RECEIVED

**BYLAWS AMENDMENTS (choose one):**

I approve the 3 Bylaws Amendments

I do not approve the 3 Bylaws Amendments

By signing below, I certify that I am the owner of the Lot I have addressed below at Orchard Vista. If I am the only signatory below, I hereby certify that I am either the sole owner of the Lot or that I have received proper consent from the other joint or co-owners to sign this ballot on behalf of the Lot as a whole.

**Owner #1**

**Owner #2 (if jointly or co-owned)**

683 E ORCHARD VISTA CT.

Lot Address

Lot Address

STEVEN L. BLONQUIST

Printed Name of Owner

Printed Name of Owner



Signature of Owner

Signature of Owner

02/12/2020

DATE

DATE