

WHEN RECORDED, MAIL TO:  
Scott Magnusson  
3278 West Harvest Chase Drive  
South Jordan, Utah 84095

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3/17/2021 4:25:00 PM \$192.00  
Book - 11138 Pg - 8476-8479  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
OLD REPUBLIC TITLE DRAPER/OREM  
BY: eCASH, DEPUTY - EF 4 P.

THIRD AMENDMENT TO DECLARATIONS  
OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS  
OF HARVEST CROSSING VILLAS

(A 55 & Older Townhome PUD Community located in South Jordan, Utah)

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF HARVEST CROSSING VILLAS (this "Amendment") is made and executed on the 16<sup>th</sup> day of March, 2021 by the undersigned Officers/Directors of the Harvest Crossing Villas Owners Association, Inc., a Utah non-profit corporation, on behalf of the property owners of Harvest Crossing Villas P.U.D.

1. RECITALS.

1.1 A Declaration of Covenants, Conditions, Easements, and Restrictions of Harvest Villas was recorded on March 18, 2015 in the office of the County Recorder of Salt Lake County, State of Utah as Entry No. 12013249 in Book 10306 at Pages 1942-1985 (the "Original Declaration").

1.2 A certain Plat of said project was recorded May 15, 2014 in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 11849485 known as Phase 1 and a certain Plat was recorded December 10, 2015 in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 12185688 known as Phase 2 and a certain Plat was recorded February 16, 2017 in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 12477575 known as Phase 3 (the "Plats").

1.3 The Declaration and Plats created the Harvest Crossing Villas (the "Project").

1.4 A First Amendment to the Declaration was recorded on November 12, 2015 in the office of the County Recorder of Salt Lake County, State of Utah as Entry No. 12169012 in Book 10378 at Pages 5475-5748.

1.5 A Second Amendment to the Declaration was recorded on January 15, 2016 in the office of the County Recorder of Salt Lake County, State of Utah, as Entry No. 12206111 in Book 10395 at Pages 8094-8110.

1.6 Pursuant to a Declaration of Surrender of Class B Membership recorded on August 31, 2018 in the office of the County Recorder of Salt Lake County, State of Utah as Entry No. 12840752 in Book 10708 at Page 4527-4536 the "Original Declarant," Harvest Crossing Homes, Inc. and its affiliate GA Villas, LLC, Peterson Development Company, L.L.C. and Peterson Homes in accordance with Section 22.2 of the Declaration surrendered its Class B Membership status and therefore the Class B Membership ceased as a class of Membership under the Declaration.

**Courtesy Recording**  
No assurances are given by the company either  
express or implied for accuracy or content.

1.7 The Project is a townhome community for persons fifty-five (55) years of age or older and is known as Harvest Crossing Villas. Each of the nineteen (19) buildings contains four (4) townhome Units. The Project contains seventy-six (76) Units. The project is located within the boundaries of the City of South Jordan, Salt Lake County, State of Utah.

Pursuant to Section 18.1 of the Declaration, at a meeting of the Owners duly held on 24th day of February, 2021, there was an affirmative vote of at least sixty-seven percent (67%) of the Total Votes of the Association. Therefore the necessary votes required to amend the specific clauses of Declaration as outlined in this instrument are hereby certified by the Board of Directors of the Association.

NOW, THEREFORE, in consideration of the foregoing Recital, the undersigned Officers/Directors of the Harvest Crossing Villas Owners Association, Inc., a Utah non-profit Corporation hereby amends the CC&Rs for this Project as follows:

2. DEFINITIONS.

Unless the context clearly indicates otherwise, the capitalization terms of this Declaration shall have the meanings given to them in the CC&R's.

3. AMENDMENTS.

The following provisions are incorporated into and made a part of the CC&R's:

16.2. Eminent Domain. With respect to the Common or Limited Common Areas and Facilities, any damages or awards shall be determined for such taking, injury or destruction as a whole and not for each Owner's interest therein. After such determination, any proceeds resulting from such an action shall be the property of the Association. The Board shall conduct a study to determine how said proceeds are to be used and provide two (2) options to the community. An affirmative vote or written consent or any combination thereof, of sixty-seven percent (67%) of the total votes of the Association must be obtained in favor of one of the options. If a majority vote for one of the options is not obtained, then the entire sum shall be deposited in the Reserve Fund.

24. Notices. Any notice permitted or required to be delivered as provided herein may be delivered either personally, by first class mail, by express mail or overnight courier service providing proof of delivery, or by electronic means or facsimile. Notice to Owners shall be addressed to each Owner at the address given by such Owners to the Board for the purpose of service of such notice or to the Unit of such Owner if no such address has been given to the Board. Notice shall be deemed given when actually received if personally delivered or sent by overnight courier; if faxed, when the fax is received at a time other than the normal business hours of the office at which it is received on the next regular business day; and if by mail, the earlier of the day actually received or the third business day after the notice is deposited in the United States Mail, properly addressed and postage prepaid. Such address may be changed from time to time by notice in writing to the Board.

4. EFFECT OF AMENDMENT.

The CC&R's, as amended by this Amendment, shall remain in full force and effect. This Amendment shall apply to the Project, as it now exists. This Amendment shall take effect when recorded in the Salt Lake County Recorder's Office. This Amendment shall be recorded against all of the same land currently encumbered by the CC&R's.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 16<sup>th</sup> day of March, 2021.

HARVEST CROSSING VILLAS OWNERS ASSOCIATION, INC., a Utah nonprofit corporation

By: Dianne Kelsey  
Dianne Kelsey  
Its: President/Director

By: James F. Kelsey  
James F. Kelsey  
Its: Vice President/Director

By: Bonnie Sutherland  
Bonnie Sutherland  
Its: Vice President/Director

By: Scott Magnusson  
Scott Magnusson  
Its: Secretary/Director

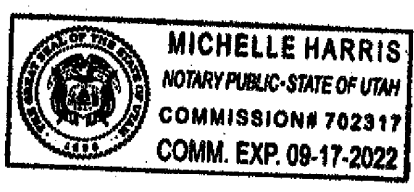
By: Kathleen Magnusson  
Kathleen Magnusson  
Its: Treasurer/Director

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of March, 2021, by Dianne Kelsey and James F. Kelsey and Bonnie Sutherland and Scott Magnusson and Kathleen Magnusson, as Officers/Directors of Harvest Crossing Villas Owners Association, a Utah nonprofit corporation.

[Signature]  
NOTARY PUBLIC

SEAL:



**LEGAL DESCRIPTION**

This instrument shall be recorded against all of PHASE 1 PUD, PHASE 2 PUD, AND PHASE 3 PUD of the HARVEST CROSSING VILLAS townhouse community located in Salt Lake County, Utah.

First Tax Parcel No.: 27-17-279-001

LESS AND EXCEPTING therefrom that certain property deeded to SOUTH JORDAN CITY, by Warranty Deed dated October 2, 2018 and recorded October 5, 2018, as Entry No. 12862353 in Book 10719 at Pages 1830-1832 and that certain Warranty Deed dated October 2, 2018 and recorded October 5, 2018, as Entry No. 12862355 in Book 10719 at Pages 1836-1838 at the office of the Salt Lake County Recorder.