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Salt Lake City, UT 84124

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01/26/2022 09:44 AM By: ggasca Fees: \$104.00
AMEND- AMENDMENT
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: RICHARDS LAW, P.C.
4141 S HIGHLAND DR SALT LAKE CITY, UT 841242646

**AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENT FOR
PARKSTONE ESTATES**

A. Certain real property in Salt Lake County, Utah, known as Parkstone Estates was subjected to certain covenants, conditions, and restrictions pursuant to an amended and restated “Declaration of Covenants, Conditions and Restrictions and Reservation of Easement for Parkstone Estates – Amended and Restated as of January 6, 2006” (“Declaration”) was recorded on January 18, 2006, as Document Entry No. 9613396, Book 9244, Page 9083 et. seq., in the Salt Lake County Recorder’s Office, Utah;

C. This amendment shall be binding against the property described in the Declaration and any amendment or supplement thereto (**Exhibit A**);

E. This amendment is intended to clarify certain provisions of the Declaration, regarding use restrictions related to business related activities as well as the processes related to Architectural Committee approval and appeals;

F. Pursuant to Article XIV, Section 4 of the Declaration, approval of fifty-one percent (51%) of the voting power of the Members was duly received to adopt and record this amendment to the Declaration.

NOW, THEREFORE, the Association, hereby amends Article VIII, Section 4 of the Declaration by deleting Section 4 in its entirety and replacing it as follows:

Article VIII – Architectural Control

Section 4. No Waiver of Future Approvals.

The approval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed or in connection with any other matter requiring the approval and consent of the Architectural Committee shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matter whatever subsequently or additionally submitted for approval or consent. All recommendations of the Architectural Committee pursuant to this Declaration and the Bylaws shall be in writing and forwarded to the Board of Trustees.

NOW, THEREFORE, the Association, hereby amends Article VIII, by adding a new Section of the Declaration Article VIII as follows:

Article VIII – Architectural Control

Section 9. Appeal Process. The Architectural Committee shall work in harmony with and at the direction of the Board of Trustees. Recommendations of the Architectural Committee will be made to the Board within thirty (30) days. The Board will then decide on the Homeowner’s request and notify them in writing of their decision. Homeowners who wish to appeal the Board’s decision can do so in writing within 30 days of the Board’s written decision. The Board shall schedule a hearing with the Homeowner requesting the appeal within 14 days of receipt of the written appeal request. The hearing shall be scheduled no more than thirty (30) days from the date the appeal was received, with written notice of the appeal hearing to be sent to the appealing party. The right to appeal belongs to the Owner of the property about which the Board’s decision was made. The appeal decision of the Board shall be final as to the matter appealed.

NOW, THEREFORE, the Association, hereby amends Article X, by deleting Section 1 in its entirety and replacing Section 1 as follows:

Article X – Use Restrictions

Section 1. Single Family Residence, Business or Commercial Activity; Rentals. Each Lot shall be used as a residence for a single-family. No part of the Property shall ever be used or caused to be used or allowed or authorized for any business, commercial, manufacturing, mercantile, storing, vending or other such non-residential purpose without the vote of seventy-five (75%) of the votes eligible to be cast by Members of the Association. For purposes of this Section, the following business-related activities are permitted: (1) working from home, and (2) home-based businesses which do not bring additional pedestrian or vehicle traffic into the community, creates smells or sounds, or activities that may be determined a nuisance by the Board.

The leasing of a residence shall not be considered a trade or business within the meaning of this section. Provided further, however, the Association shall never be permitted to allow more than three (3) of the Lots to be used as non-owner-occupied residences. Individual room rentals are not permitted except where the owner-occupant of the Lot continues to reside on the Lot throughout the rental period. In all cases regarding rentals beyond the three (3) Lot limitation stated above, the Board shall adhere to the following concept: Parkstone Estates will, to the extent reasonably possible, be an “owner-occupied” community. No Owner may lease or rent any Lot until the Lot has been owner-occupied for at least one (1) year from the time of purchase. All rental agreements or leases shall be for a period of no less than one (1) year. There shall be no day-to-day, week-to-week, or month-to-month leases or rental agreements. The Board may adopt Rules and Regulations, consistent with Utah Code, as to permissible rental activities or restrictions and exceptions thereto.

PARKSTONE ESTATES OWNERS ASSOCIATION, INC.

Charlene Pineda

Name
Its: President

Lawrence Crandall

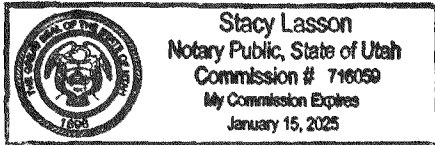
Name
Its: Secretary

STATE OF UTAH)

:SS

County of Salt Lake)

On the 21 day of January, 2022, personally appeared Charlene Pineda and Lawrence Crandall who, being first duly sworn, did that say that they are the members of the Board of Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.



Stacy Lasson
Notary Public for Utah

EXHIBIT A

Legal Description

All Lots and Common Area PARKSTONE EST PUD & AMD (42 total), according to the official plat thereof recorded in the records of the Salt Lake County Recorder.

Parcel Numbers: 28294020170000 through 28294020320000
28294760240000 through 28294760480000
28294760590000
28294760600000

All Lots and Common Area PARKSTONE EST PH 2 PUD (6 total), according to the official plat thereof recorded in the records of the Salt Lake County Recorder.

Parcel Numbers: 28294760530000 through 28294760580000