

7-4-2017
Jaye Kuchman
825 N. Valley View Dr #12
St. George, UT 84770

DOC # 20170006312

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
02/13/2017 12:09:56 PM Fee \$ 21.00
By RICHMAN FAYE

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After Recording Return To:
BALL JANIK LLP
2040 E. Murray-Holladay Rd., #106
Salt Lake City, UT 84117

**AMENDMENT 1
TO THE AMENDED AND RESTATED DECLARATION
OF THE
COVENANTS, CONDITIONS, AND RESTRICTIONS OF
WEST SPRINGS TOWNHOMES**

RECITALS

A. Certain real property in Washington County, Utah, known as West Springs Townhomes was subjected to certain covenants, conditions, and restrictions pursuant to an Amended and Restated Declaration of Covenants, Conditions, and Restrictions of West Springs Townhomes ("Declaration") recorded March 22, 2013, as Entry No. 20130010607 in the Recorder's Office for Washington County, State of Utah;

B. This amendment shall be binding against the property described hereto as **Exhibit A**;

C. Due to concerns with a certain area of Common Areas within the Association, specifically, Pond 5, and the costs associated with the continual repair thereof, the Association, through this amendment, desires to "fill in" Pond 5 yet remain its character as common area;

D. Whereas the Association, pursuant to Article 2, Section 2.2, of the Declaration has the authority to convey common area to private parties; this is not a conveyance, this area shall remain common property of the membership;

E. The Association deems that removing Pond 5 as a water feature within the Community is in the best interest of the Owners understanding that such use could always be reverted to in the future;

F. In addition, the property surrounding Pond 5 will remain Common Area;

G. Pursuant to Article 13, Section 13.4, of the Declaration, the Board of Trustees hereby certifies that votes necessary approved this Amendment and pursuant to Article 2, Section 2.2d, that no less than sixty percent (60%) of the total votes of the Membership affirmed this action.

NOW, THEREFORE, the Association, by and through its Board of Trustees, hereby amends the Declaration as follows:

Article 2. Section 2.2d is hereby amended to add the following:

[The original language of Section 2.2d remains the same; the following is added to the last sentence.]

The Association may "fill in" Pond 5, thereby changing its use but not nature as common area if the Board determines that doing so is in the Association's best interests, financial or otherwise.

DATED THIS 10th day of NOVEMBER, 2016.

WEST SPRINGS TOWNHOMES ASSOCIATION

Jerry Evans
JERRY EVANS, President

State of Utah)

County of Washington)

On the 10th day of November, 2016, personally appeared before me Gerald or Jerry Evans who, being first duly sworn, did say that they are the President of the Association and that this instrument was signed on behalf of the Association by authority of its Board of Directors, and they acknowledge said instrument to be their voluntary act and deed.

Thomas Cody Randall
Notary Public

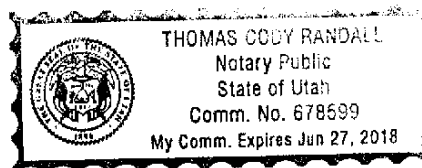


EXHIBIT A

All lots

WSPT-1-WEST SPRINGS TH 1 (SG)
WSPT-2-WEST SPRINGS TH 2 (SG)
WSPT-3-WEST SPRINGS TH 3 (SG)
WSPT-4-WEST SPRINGS TH 4 (SG)
WSPT-5-WEST SPRINGS TH 5 (SG)
WSPT-6-WEST SPRINGS TH 6 (SG)

**Amendment 1 to the
Amended and Restated Declaration of Covenants,
Conditions, and Restrictions of
West Springs Townhomes Association**

Date: May 25, 2016

Subject: Approval to Fill in Pond 5

Pursuant to and in accordance with the Amended and Restated Declaration of Covenants, Conditions, and Restrictions (CC&R), Article 13, Section 13.4, of the West Springs Townhomes Association, the required sixty percent (60%) of the owners have approved the attached Amendment 1 to their CC&Rs.

I certify that on May 24, 2016, the ballots were counted by two trustees representing the Board of Trustees and a representative from Preferred Property Management, 47 South 400 East Suite A, St. George, Utah 84770. The ballots were handled in a proper manner and the vote count is accurate. The results of the vote are 68 FOR and 27 AGAINST.

The ballots shall remain in a permanent confidential file at Preferred Property Management.

This Amendment 1 shall be recorded against all phases of the West Spring Townhomes Association properties.

EXECUTED the day and year first above written.

DECLARANT:

Gerald Evans
Gerald Evans, President
West Springs Townhomes Association

Attachment: Recital and Amendment 1

State of Utah)

:SS

County of Washington)

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Thomas Cody Randall
Notary Public

