

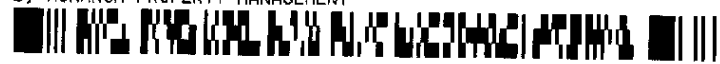
AFTER Recording Return to
MS

Monarch Property Management, LLC
1240 E 100 S Building 10
St. George, UT 84790

DOC # 20190018994

Amended Restrictive Covenants
Russell Shirts Washington County Recorder
05/16/2019 01:25:00 PM Fee \$ 40.00
By MONARCH PROPERTY MANAGEMENT

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**AMENDED AND RESTATED
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
SHADOWBROOK HOMEOWNERS ASSOCIATION
A PLANNED UNIT DEVELOPMENT, ST, GEORGE,
UTAH**

RECITAL

- A.** All previous amendments are adapted, amended, restated, superseded and replaced specifically as stated in this Amended and Restated Declaration of Covenants, Conditions and Restrictions of Shadowbrook Homeowners Association. The effective date of this CC&Rs document will be determined when and only if approved by a minimum of sixty recorded Owners, in accordance with Article XIII of the 1998 version of the CC&Rs as amended in 2006.
- B.** The official description of the Common Area as most recently recorded in the revised and amended Articles of Incorporation in March of 2017.

Commencing at a point in the East Boundary of 900 East Street said point being located N 00°08'44" E 26.91 feet from the SW corner of Fractional Block 2, Plat B, St. George City Survey, Washington County, Utah; thence S 89°44'45" E 985.40 feet; thence S 0°03'35" E 599.56 feet; thence S 89°56'25" W 905.48 feet; thence N 00°03'35" W 578.05 feet to the point of beginning. LESS AND EXCEPTING all lots 1 through 90 in Plats A, B, C, D amended, and E amended, recorded and filed in the Washington County Recorder's Office, St. George, Utah. The total area is 13.15 acres.

- C.** The individual Lots (1 through 90) are specifically owned by the entities recorded by the Washington County Recorder as Registered Owners. Any liens on said Lots apply only as officially recorded. Shadowbrook Homeowners Association cannot be held responsible or accountable for encumbrances held between any Lot Owner and other entities, whether public or private.

- D.** All of the Properties collectively known as Shadowbrook, (a Planned Unit Development in St. George, Utah) shall be held, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, assessments, charges and liens for the purpose of protecting the value and desirability of, and to be construed as, covenants of equitable servitude to run with the real Properties and be binding on all parties having any right, title or interest in the described Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.
- E.** It is the owners responsibility to inform purchasers, leasees, renters, or guests of their obligation to abide by Shadowbrook governing documents and where to access them.
- F.** The Shadowbrook Homeowners Association has and continues to desire to protect the value and desirability of the Properties. For this purpose, and for the benefit of the Properties and Owners, this Amended and Restated Declaration binds the Properties to the covenants, conditions, restrictions, easements, assessments, charges and liens set forth below.
- G.** Any declarations, supplements, or amendments to any preceding CC&Rs that were not recorded in the records of the Washington County Recorder prior to the date of this Amended and Restated CC&Rs are null and void. Any future declarations, supplements, or amendments must refer to any previous document that it is intended to replace or supplement and also show connection to this CC&R.

Article I

Definition of Terms

Section 1. "Declarant" refers to all persons who execute the Declaration in succession from the original declarant, Peay and Dean, to those creating this amendment.

Section 1. "Declaration" refers to this CC&Rs as amended and restated.

Section 2. "Development" shall mean and refer to Real Property and Common Area together with all buildings and improvements thereon.

Section 3. "Association" shall mean and refer to the Shadowbrook Homeowners Association, its successors and assigns.

Section 4. "Plats" refers to those maps and documents recorded by the Washington County Recorder as enumerated in the History, hereinabove

Section 5. "Properties" shall mean all that is described in the Declaration, paragraphs B through E, hereinabove, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 6. "Common Area" shall mean and refer to the survey area specifically described in the Declaration, paragraph B, hereinabove, dedicated to the common use and enjoyment of the Owners and understood to belong to the Association as a whole and not to any individual or collection of individual Owners.

Section 7. "Lot" shall mean and refer to a numbered and individually described plot of land shown on a specific Plat within the survey boundary described in the Declaration, paragraph B, that is dedicated to the exclusive use and enjoyment of the registered Owner.

Section 8. "Townhome" shall mean and refer to a single-family dwelling. Because of the quad-cluster or twin-cluster construction; all are technically attached to another dwelling and have a shared garage wall and a shared roof and may have a shared party wall.

Section 9. "Person" shall mean and refer to one individual or two or more individuals who act collectively, such as corporations, limited liability companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under the United States Bankruptcy Code, receivers and fiduciaries.

Section 10. "Owner" is a 'singular' term and shall mean and refer to the Owner as recorded by the Washington County Recorder, whether one or more persons or entities, of a fee simple title to any Lot which is part of the Properties, including contract sellers, but excluding those having an interest merely as security in the performance of an obligation.

Section 11. "Member" can be a 'multiple' term and shall mean and refer to any and all persons or entities that hold recorded title of ownership of a Lot within the Survey Boundary described in the Declaration, paragraph B, heretofore. Member and Owner designations are often interchangeable.

Section 12. "Quorum" shall mean sixty (60) recorded Owners to pass major amendments; and fifty four (54) recorded Owners for regular business of the Association.

Section 13. "Proxy" shall mean and refer to any person who holds a verifiable statement of Proxy signed by the Owner and attends a meeting where a vote is to be taken.

Section 14. "Board of Directors" shall mean and refer to the Board of Directors duly elected by the members to govern the affairs of the Shadowbrook Homeowners Association.

Section 15. "Assessment" means any charge imposed by the Association.

Section 16. "Mortgage" includes "deed of trust" and Mortgagee includes "trust deed beneficiary".

Section 17. "Lien" shall mean a charge upon real or personal property for the satisfaction of some debt or obligation ordinarily arising by operation of law.

Article II Property Rights

Section 1. Every lot owner shall have a right and easement of use and enjoyment in and to the Common Area which easement shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- a. The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area, provided that such fees charged by the Association shall in no way affect the status as a non-profit corporation.
- b. The right of the Association to limit the number of guests of members using the Common Area.
- c. The right of the Association, in accordance with its Articles of Incorporation and Bylaws and with approval of the City of St. George and sixty (60) recorded Owners, to sell, exchange, hypothecate, alienate, mortgage, encumber, dedicate, release or transfer all or part of the Common Area to any private individual, corporate entity, public agency, authority, or utility.
- d. The right of the Association to grant and reserve easements and right-of-ways through, under, over and across the Common Area, for the installation, maintenance and inspection of lines and appurtenances for public or private utilities.
- e. The right of the Association to take such steps as are reasonably necessary or desirable to protect the Common Area against foreclosure.
- f. The right of the Association to suspend the voting rights of a member and to deny said member use of any recreational facility for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations. The Association may thereafter place a Lien on the Owner's Lot that will remain until the debt with accrued interest is completely discharged.
- g. The terms and conditions of this Declaration shall prevail unless overwritten by state law.

Section 2. In accordance with Shadowbrook Bylaws, the following persons shall have rights of enjoyment to the Common Area and its facilities:

- a. Homeowners and their family members, supervised guests and/or visitors.
- b. Authorized tenants.
- c. Contract purchasers who reside on the property.
- d. No one who is non-resident shall have any such right of enjoyment. Written prior approval by the Board of Directors can be granted for individuals or groups of individuals not identified hereinabove for limited specified purposes and for a limited specified period of time.

Section 3. The Board of Directors may adopt, amend, cancel, limit, create exceptions to, expand or enforce rules and design criteria of the Association that are not inconsistent with the Declaration or the Community Association Act, Utah Code § 57-8a-101 et. seq. except in the case of imminent risk of harm to a Common Area, an Owner, a Lot or a dwelling. The Board of Directors shall give at least fifteen (15) days notice of the date and time that the Board will meet to consider adopting, amending, canceling, limiting, creating exceptions to, expanding or changing the procedures for enforcing rules and design criteria. The Board may provide in the notice a copy of the particulars of the rule or design criteria under consideration. A rule or design criteria adopted by the Board is only disapproved if member action to disapprove the rule or design criteria is taken within sixty (60) days in accordance with the limitations under Utah Code § 57-8a-217.

Article III Governance

Section 1. The affairs of the Association shall be directed and managed by a Board of Directors duly elected by the recorded Owners at an Annual Meeting and shall exercise the powers set forth in this Declaration, the By-laws of the Shadowbrook Homeowners Association, and the Articles of Incorporation of the Shadowbrook Homeowners Association.

Article IV Membership and Voting Rights

Section 1. Every person or entity who is a recorded Owner of any Lot is a member of the Association. The term "Owner" shall include contract purchasers but shall not include persons or entities that hold an interest merely as security for the performance of an obligation unless and until said holder has acquired title pursuant to foreclosure or proceedings in lieu of foreclosure. Membership shall be appurtenant to and may not be separated from ownership of any Lot. Membership in the Association shall automatically transfer upon transfer of title by the record owner to another person or entity.

Section 2. When Association business requires a vote by the membership, only one vote may be cast for each Lot. Any person holding a verifiable Proxy statement from a member may cast a vote for and in behalf of that member who is unable to cast the vote in person. When more than one person holds an interest in any Lot, the group of such Persons shall count as one Member. The vote for that Lot may be exercised as they among themselves determine, but in no event, shall more than one vote be cast with respect to any Lot. A vote cast at any Association meeting by any such co-Owner, whether in person or by proxy, shall be conclusively presumed to be the vote attributable to the Lot concerned unless written objection is made prior to said meeting or verbal objection at such meeting, by another co-Owner of the same Lot. In the event objection is made, the vote shall not be counted for any purpose except to determine whether a quorum exists.

Section 3. A quorum for the Annual Meeting of the Members or any Special Meeting of the Members was defined by amendment to Article V, Section 6 of the CC&Rs in 2008 to be specifically fifty four (54) members. If such number is not present then a second meeting may be called not later than sixty (60) days after the first meeting with the quorum defined specifically as twenty seven (27) members.

Article V Covenant for Maintenance Assessments

Section 1. By assuming ownership of a specific Lot, the Owner accepts financial obligation to pay all assessments duly authorized by the Board of Directors as accepted by vote of the Members. Each such assessment together with interest, costs of collection and reasonable attorney fees shall be a charge on the land and shall be a continuing lien upon the property against which such assessment is made. Each such assessment shall also be the personal obligation of the Person who was the Owner at the time the assessment was made. This personal obligation for delinquent assessments shall not pass to successors-in-title unless expressly assumed by them.

Section 2. The classes of Assessments are defined as follows:

- a. Annual Dues presented at the Annual Meeting as part of the Budget.
- b. Special Assessments for Capital Improvements presented at any duly authorized meeting of the Association.
- c. Any other Assessment determined by the Board of Directors to be reasonably related to the provisions of the Declaration.
- d. The following properties subject to this Declaration are exempt from assessment.
 - (1). The Common Area,
 - (2). All properties dedicated to and accepted by any public authority.

Section 3. All Assessments must be adopted by majority vote of twenty eight (28) or more Owners, if a quorum of fifty four (54), as defined in Article I Section 12, is present.

- a. Assessments shall be used exclusively for promoting the recreation, health, safety and welfare of residents of the Properties and for the improvement and maintenance of the Properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Areas and the townhomes situated upon the Properties.
- b. The assessments must provide for but are not limited to the payment of taxes and insurance, gas to heat the pool and hot tub, electricity for auxiliary lights in Common Areas such as the Pool, Pavilion and main entrance, water for the lawns, shrubs and pool; Landscape contract; maintenance costs for sidewalks, streets and grounds; general repair costs for roofs and exterior of buildings; business and administrative expenses (e.g., management company); funds set aside for reserve; or other charges that the Board of Directors may deem necessary to meet the primary purposes of the Association . The reserve fund is intended to be maintained at a level that is projected to cover future costs of major repairs, maintenance and replacement of Common Areas that must be replaced on a periodic basis, such as roads and therefore reduce the need for Special Assessments.

Section 4. The Annual General Assessment is proposed by the Board of Directors as part of the Budget Proposal at the Annual Meeting of the Members.

- a. The annual fee may not be increased by more than ten percent above the maximum annual assessment for the previous year.
- b. The Association may change the basis and maximum for the assessments fixed by this Section prospectively for any annual period provided that any such change shall be approved by a majority of recorded Owners voting in person or by proxy, at a meeting duly called for the purpose wherein a minimum of 54 members are present or if not then 27 members at a

subsequent meeting called not later than sixty (60) days after the first meeting for the same purpose.

- c. At the discretion of the Board of Directors the actual general assessment need not increase annually.

Section 5. Capital improvement assessments may be approved by a minimum of sixty (60) recorded Owners at either the Annual Meeting of the Members, at a special meeting called for this specific purpose or by signed ballots from a mail solicitation.

- a. Such Special Assessment is only applicable for the designated item for which it is adopted.
- b. Special assessments may become necessary as a result of action by the City of St. George for the purpose of repairing and restoring the damage or disruption resulting to streets or other Common Areas from the activities of the City of St. George in maintaining, repairing or replacing utility lines and facilities throughout the Common Areas, it being acknowledged that the ownership of utility lines, whether underground or otherwise, is in the city up to and including the meters for individual Townhomes, and that they are installed and shall be maintained to City specifications.

Section 6. Notice of any meeting of Members called for the purpose of taking any action authorized under Article V shall be sent to all Members at least thirty days (30) in advance of the meeting. Such notice may be by mail, electronic transmission, hand delivered, specific phone call or similar means.

Section 7. Both annual and special assessments must be fixed at a uniform rate for all Lots. Both annual and special assessments may be collected monthly. Any assessment or installment thereof not paid within thirty (30) days after the due date shall be delinquent and shall bear interest up to the current legal maximum or such other rate that the Board of Directors may establish from time to time.

Section 8. The annual assessment period begins with the month directly following the month in which the annual meeting is held.

Section 9. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessment on a specified Lot has been paid. Such certificates, when specifically stated and properly issued, shall be conclusive evidence of the payment of any assessment or fractional part thereof.

- a. A first Mortgagee who has made a written request including the Mortgagee's name and address, and the Lot number of the Townhome it has the mortgage on is entitled to a written certificate from the Association advising of any default in the performance by an owner of any obligation due under the Declaration which is not cured within sixty (60) days.

Section 10. The Association may bring an action against the Owner personally obligated to pay any such delinquent assessment without waiving the lien of assessment, or may foreclose the lien against the property in accordance with the laws of the State of Utah applicable to the exercise of powers of sale in deeds of trust or to the foreclosure of mortgages, or in any other manner permitted by law, or may restrict, limit, or totally terminate any or all services performed by the Association in behalf of the delinquent Member, and there shall be

added to the amount of such delinquent assessment the costs and expenses of said action, sale or foreclosure, and reasonable attorney fees, together with an account for the reasonable rental for the Lot from the time of commencement of the foreclosure and the Association shall be entitled to the appointment of a receiver to collect the rental without regard to the value of the other security.

- a. A power of sale is hereby conferred upon the association that it may exercise and under which the Lot of an Owner may be sold in the manner provided by Utah law pertaining to deeds of trust as if the Association were the beneficiary under a deed of trust. The Association may designate any Person qualified to serve as Trustee for purposes of power of sale foreclosure.
- b. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 11. The lien of the assessments provided for herein shall be subordinate to the lien of any first Mortgage if the Mortgage was recorded prior to the date the assessment became due. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to foreclosure of a first Mortgage or any proceeding in lieu thereof, shall extinguish the lien of such assessment as to payments which became due prior to such sale or transfer. No such sale or transfer shall relieve such Lot or Owner from liability for assessments thereafter becoming due or from the lien.

Section 12. The Board of Directors may employ a manager or other persons who may contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association.

- a. Any contract with a person or firm appointed as a manager or managing agent shall be terminable by the Association for cause upon thirty (30) days written notice thereof.
- b. Any contract such as prepaid casualty and/or liability insurance policies shall not exceed three (3) years duration. Each such policy must permit short-term cancellation by the insured.
- c. Any contract with a third person wherein the third person is to furnish goods or services for any Common Area or the Association shall be limited to duration of one (1) year. Each such contract must permit short-term cancellation for cause with thirty (30) days written notice thereof. However, such contracts may be renewable for successive one (1) year periods. Said contracts are normally affirmed for each such period by vote or written consent of a majority of the required fifty four (54) recorded Owners of the Association taken at the Annual Meeting of the Members as part of the Budget process but if a quorum is not present then in a special meeting called for the same purpose with a required quorum of twenty seven (27) not later than sixty (60) days after the first meeting.

Section 13. The Board of Directors, or its duly authorized agent, shall have the authority to obtain and maintain insurance for all of the buildings and improvements as currently constructed, including without limitation, all Townhomes (including exteriors), all Common Areas and the improvements, buildings and amenities thereon. The fire and extended coverage on the Common Area and exteriors of the Townhomes shall be in the

amount of one hundred (100) percent of the replacement value. Any and all insurance policies should be reviewed annually by the Board of Directors. Any insurance obtained by the Association shall provide that:

- a. The named insured under any such policies shall be the Association, "for the use and benefit of the Lot Owners" and shall have standard mortgagee clauses.
- b. Property insurance shall include coverage for any fixture, improvement, or betterment installed at any time to an attached dwelling appurtenant to a dwelling on a lot, whether installed in the original construction or in any remodeled or later alteration, including floor covering, cabinet, light fixture, electrical fixture, heating or plumbing fixture, paint, wall covering, window, and any other item permanently affixed to an attached dwelling.
 - (1) The Association shall set aside an amount equal to the amount of the Association's property insurance policy deductible, but not less than \$10,000.
 - (2) The Owner of each individual Unit is responsible for the ordinary maintenance of all interior features such as furniture, appliances, floor covering, paint, wall covering and decorations, as well as all glass surfaces and the exterior heating and cooling units.
 - (3) The Owner is responsible for the deterioration and required replacement of interior gas, water, electric, telephone and cable lines.
 - (4) The Owner is also responsible for hidden damage and pursuant repair or replacement of the interior of the Unit such as mold and termite damage.
 - (5) If a casualty loss occurs the unit Owner is responsible for the deductible of the Association policy, but not less than \$10,000.
 - (6) Insurance coverage may not be brought into contribution with insurance purchased by the Owners or their Mortgagees.
- c. Coverage must not be prejudiced by (i) any act or neglect of the Owners when such act or neglect is not within the control of the Association or (ii) any failure of the Association to comply with any warranty or condition regarding any portion of the premises over which the Association has no control.
- d. Coverage may not be cancelled or substantially modified (including cancellation for nonpayment of premium) without at least thirty (30) days prior written notice to the Association.
- e. The insurer shall waive subrogation as to any and all claims against the Association, the Owner or their representative agents, employees or tenants, or invalidity arising from the act of the insured.
- f. The insurer shall waive any defenses based on co-insurance (i.e., the insurance shall be primary, even if an Owner has other insurance that covers the same loss).
- g. Any provisions that the carrier may effect to restore damage in lieu of a cash settlement shall not be exercisable without the prior written approval of the Association or when in conflict with any requirement of law.

Section 14. Premiums for insurance obtained by the Board of Directors pursuant to these sections shall be a common expense of the Association and shall be collectable

from Members of the Association as part of the annual assessments. Each Owner shall insure his own personal property and may insure his real property for his own benefit.

- a. Notwithstanding any other provisions herein, the Association shall continuously maintain in effect such casualty, and liability insurance and a fidelity bond meeting the insurance and fidelity bond requirement for planned unit development projects established by the Federal National Mortgage Association and Government National Mortgage Association, so long as either is a Mortgagee or Owner of a Lot with the Properties, except to the extent such coverage is not available or has been waived in writing by the Federal National Mortgage Association or Government National Mortgage Association.
- b. Such fidelity insurance shall name the Association as obligee or beneficiary and contain waivers of any defense based on the exclusion of persons who serve without compensation from any definition of "employee".
- c. Such fidelity insurance shall provide fidelity coverage against dishonest acts on the part of managers, directors, officers, employees, volunteers, management agents or others responsible for handling funds held and collected for the benefit of Owners or Members.

Section 15. In the event of damage or destruction by fire or other casualty to any portion of the Properties covered by insurance written in the name of the Association, the Board of Directors are empowered to and shall represent the Members in any proceedings, negotiations, settlements or agreements, the Association being appointed attorney-in-fact of each Owner for this purpose. The Association shall with concurrence of the Mortgagees, if any, upon the receipt of the insurance proceeds, contract to rebuild, restore, or repair such damaged or destroyed portions of the Properties to their former condition.

- a. The Board of Directors shall advertise with sealed bids with licensed contractors, and may negotiate with said contractors who shall be required to provide a full performance and payment bond for the repair, reconstruction or rebuilding of such building or buildings.
- b. The Association is liable for the insurance deductible for the Common Areas, grounds or building exteriors as originally constructed by Declarant.
- c. The Owner is responsible for the deductible applicable to his unit. Each Owner is encouraged to carry personal property insurance on the contents of his Townhome. Proof of such coverage shall be available to the Board of Directors upon request.
- d. If more than one property is involved in an insurance claim, the Board of Directors shall resolve the issue by determining fairly and impartially the proportionate share of the deductible and/or expense to be paid by the various claimants.
- e. Unless at least sixty seven (67) percent of first Mortgagees have given their prior written approval, the Association shall not be entitled to use insurance proceeds for other than the repair, replacement or reconstruction of the damaged or destroyed property. By approval of sixty (60) recorded Owners the Reserve Funds may be used to supplement the repair, replacement or reconstruction of the damaged or destroyed property.
- f. In the event that the insurance proceeds are insufficient to pay all of the costs of repairing, restoring or rebuilding, the Board of Directors shall be

empowered to levy a special assessment against all Owners of damaged Townhomes or Owners with damaged Common Areas in such proportion as the Board deems equitable to make up any deficiency for repair of the damaged Common Area and the Board shall be empowered further to levy a special assessment to make up any deficiency for repair or rebuilding of the Common Area.

ARTICLE VI

Party Walls

Section 1. Any wall that is built as part of the construction of a Townhome upon the Properties and placed on the dividing line between two (2) separate living units intended for use and occupancy as a residence shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto. Party walls may be shared walls between garages or stand alone walls between Lots.

Section 2. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Section 3. If a party wall is destroyed or damaged by fire or other casualty, then, to the extent said destruction or damage is not covered by insurance and repair out of the proceeds of the same, any Owner who has used the wall may restore it and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice. However, any such Owner may call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions. The word "use" as referred to herein means ownership of a dwelling unit or other structure that incorporates such wall or part thereof.

Section 4. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements to the extent that said protection is not covered by insurance and paid for out of the proceeds of the same.

Section 5. The right of an owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such owner's successors in title.

Section 6. Notwithstanding anything in this Declaration to the contrary, the Association shall be responsible to maintain, repair and replace the perimeter walls surrounding the Properties, regardless of whether any portion of the perimeter wall is located on a Lot.

Section 7. If any portion of a party wall or other part of a building or structure now or hereafter constructed upon said property encroaches upon any part of the Common Areas or upon the Lot or lots used or designated for use by another lot owner, an easement for the encroachment and for the maintenance of same is granted and reserved and shall exist and be binding upon the Association and upon all present and future owners of any part of said

property for the benefit of the present and future owners of such encroaching building or structure for the purpose of occupying and maintaining the same. In the event a structure consisting of more than one dwelling unit becomes partially or totally destroyed or in need of repair or replacement, mutual and reciprocal easements are granted and reserved upon the Common Areas and in and upon each dwelling unit and lot for the benefit of the Association and the adjacent owner or owners to the extent reasonably necessary or advisable to make repairs and replacements. Minor encroachments resulting from any such repairs and/or replacements and the maintenance thereof are hereby granted and reserved for the benefit of the present and future owners thereof. The easements for encroachment herein granted and reserved shall run with the land.

Section 8. In the event of any dispute arising concerning a party wall, or under the provisions of this article, the disputing parties shall mediate their dispute in good faith before filing any court action.

Article VII Architectural Control

- Section 1.** The Board of Directors may act as the Architectural Control Committee or they may appoint a committee of three (3) or more representatives to serve in such capacity.
- a. No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, material, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography.
 - b. Conformity is required with such rules and regulations as may be adopted by the Board in accordance with this Article, and conformity of the plans and specifications to the purpose and general plan and intent of this Declaration.
 - c. In the event that action is not taken within sixty (60) days after said plans and specifications have been submitted, approval will not be required and compliance with this Article will be deemed to have been made.
 - d. Notwithstanding the foregoing, without the written approval of at least sixty (60) recorded Owners, neither the Association nor the Architectural Control Committee shall, by act or omission change, waive or abandon any scheme or regulations, or enforcement thereof, pertaining to the architectural design or the exterior appearance or maintenance of buildings, the maintenance of the Common Areas, including streets, sidewalks, walls, fences, and lawns.

Article VIII Exterior Maintenance

Section 1. In addition to the maintenance of the Common Area, the Association shall provide exterior maintenance upon each Lot which is subject to assessment, including but not limited to paint, repair, replacement and care of roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks, and other exterior improvements. Such exterior

maintenance shall not include glass surfaces or heating and cooling units or equipment located upon any Lot or upon the roof of any Townhome. Any tree planted by an Owner automatically becomes the responsibility of the Owner. The choice of tree must be consistent with currently accepted tree options adopted by the Board of Directors.

- a. In the event that the need for maintenance or repair is caused through willful or negligent act of the Owner, his family, or guests or invitees of the owners of the Lot needing such maintenance or repair, the cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject and, as part of such annual assessment or charge, it shall be a lien and obligation of the Owner and shall become due and payable in all respects as provided in Article V.

IX Use Restrictions

Section 1. No Owner shall occupy or use his Townhome or any part thereof to be occupied or used for any purpose other than a private residence for the Owner and the Owner's family or the Owner's lessees or guests.

- a. Neither the Association nor the Owner of any Lot shall allow or permit any form of time-sharing occupation.

Section 2. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said Lots, except that dogs, cats or other household pets, may be kept provided that they are not kept, bred or maintained for any commercial purposes. All pets must be kept on a leash when in the Common Areas. The Board of Directors may pass such further rules and regulations governing animals that are reasonable and appropriate. The number of pets is limited to two (2) with a combined weight limit of twenty (20) pounds.

Section 3. No noxious or offensive activity shall be allowed on any part of the Properties nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the Owners that shall in any way increase the rate of insurance.

Section 4. No signs of any kind shall be displayed for public view on or from any Lot or the Common Area without prior consent of the Board of Directors. Directional street and parking signs are allowed that are of reasonable size and conform to St. George City standards. Real Estate and political signs may only be allowed for specific location and limited time with special approval of the Board of Directors.

Section 5. No commercial activities of any kind are allowed in any building or on any portion of the Properties that infringe on the space allotted to other Owners. Business activities exclusively limited to mail or electronic communications are permitted.

Section 6. The Common Areas have optional use limitations. Temporary obstruction of any Common Area may be allowed for good and sufficient reason if granted by the Board of Directors. Alteration of the Common Areas is prohibited. Improvements of the pavilion and/or the pool could be approved by combined action of the Board and sixty recorded Owners.

- a. Lawn areas may be used for lounging and typical group sports activities with proper regard for the continual viability of the grass.
- b. The pool and the pavilion may be used on a limited first-come-first basis or may be scheduled for group activities within limits imposed by the Board of Directors.
- c. By definition, the Common Areas include streets and parking.
 - (1). Parking spaces within the Properties shall be used for parking of motor vehicles actually used by the Owner or his immediate family for personal use and not for commercial use. No motor vehicle that is inoperable or unlicensed shall be placed in parking areas, and any motor vehicle that remains parked over 72 hours in common parking areas shall be subject to removal at the owner's expense. Such expense of removal shall be secured by the lien for assessment obligations previously provided. All Owners shall have co-equal right to the use of common parking spaces, and no Owner may use more than his proportionate share of such common parking area.
 - (2). Recreational vehicles, boats, trailers, motor homes, U-Hauls and similar property may be parked in common parking areas. However, any such vehicles and similar property that remain parked over 72 hours in common parking areas shall be subject to removal at the owner's expense.

Section 7. All garages shall be maintained as such and shall not be converted to additional living space.

Section 8. No exterior radio, television, satellite or internet antennas shall be placed, allowed or maintained upon any Lot that are visible from the street in front of the Lot.

Section 9. Because the roof surface, tile and asphalt, is sensitive to damage, no structure may be placed thereon without approval of the Architectural Committee. Repairs to and replacement of heating and cooling units by licensed providers is allowed.

Section 10. The number of units rented or leased shall not exceed nine (9) units. A Unit must be owned by the same owner for at least twelve (12) consecutive months, whether physically occupied or not, before being made available for rent or lease but must be within the nine (9) unit limit.

- (1). All leases shall be for no less than a twelve (12) month term.
 - (2). Sale of a Lot with a Rental Agreement may allow the current tenant to continue renting. This exception does not transfer to a new tenant if the current tenant vacates.
 - (3). This exception will not prevail if the Rental unit becomes Owner occupied if the owner or any member of his immediate or extended family occupies the Unit for a period of seven days or more in any ten day consecutive period.
- b. At any given time a Rental Agreement that is in force is allowed to continue in that Lot.
- (1). All continuing leasing or rental agreements must conform with Governing Documents, be in writing and filed with the Board of

Directors. An agreement for a new tenant must be filed ten (10) days before occupancy.

- c. Hardship exemptions shall be expressly approved for up to a maximum of three (3) years, with the opportunity to obtain not more than one (1) year conditional exemption: religious service; government service; civic/humanitarian service; the recorded Owner is a mortgagee who has acquired title to the Unit through foreclosure or otherwise; and in the event the recorded Owner must reside in a skilled nursing or assisted living facility, the Owner or their designated or appointed agent shall be allowed to rent or lease the owners residence if it falls within the allowed nine units.

X

Easements

Section 1. The properties shall be subject to an easement for encroachments created by construction, settling and overhangs, as designed or constructed by the Declarant. A valid easement for said encroachments and for the maintenance of same, so long as it stands, shall and does exist. If a structure is partially, or totally destroyed, and then rebuilt, the Owners of the Lots so affected agree that minor encroachment of parts of the adjacent Lots or Common Areas due to construction shall be permitted and that a valid easement for said encroachment and the maintenance thereof shall exist.

Section 2. There is a blanket easement upon, over, and under all of the Properties for ingress, egress, limited to: water, sewer, gas, telephone, cable and electricity lines. Notwithstanding anything to the contrary contained in this section, none of said lines or other utilities may be installed or relocated on the Properties except as initially programmed and approved by the Association. Should any utility covered by this general easement request easement by separate recordable document, the Association shall have the right to grant such easement without conflicting with the terms of this Declaration.

Section 3. An easement is hereby granted to all police, fire protection, ambulance service and all similar persons to enter upon the streets and Common Area in the performance of their duties.

Section 4. An easement is hereby granted to the Association, its officers, agents, employees, and to any maintenance company selected by the Board of Directors to enter in or to cross over the Common Areas and any Lot to perform duties of maintenance and repair.

XI

Right of First Mortgagee

Section 1. First Mortgagees of Lots within this planned unit development may, jointly or singly, pay taxes or other charges that are in default and which may or have become a charge against any Lot or Common Area and may pay overdue premiums on hazard insurance coverage on the lapse of a policy for such Lot or Common Area and first mortgagees making such payment shall be owed immediate reimbursement therefor from the Association. Any

reimbursement made by the Association on behalf of a Lot Owner, provided herein, shall be deemed a lien and assessment under Article V.

XII General Provisions

Section 1. The Association or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration, including but not limited to any proceeding at law or in equity against any Person violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants. Failure of the Association or of any Owner to enforce any covenant or restriction contained in this Declaration shall in no event be deemed a waiver of the right of the Association or any Owner to do so later. In the event action, with or without suit, is undertaken to enforce any provision of this Declaration or any rule or regulation, the party against whom such enforcement is sought shall pay to the Association or enforcing Owner costs and reasonable attorney fees.

Section 2. All of the provisions in this Declaration shall be construed together, but if any one of the provisions, or any part thereof, shall at any time be held invalid, or for any reason become unenforceable, no other provision, or any part thereof, shall be thereby affected or impaired, and the Declarant, Association and owners, their successors, heirs, and assigns shall be bound by each article section, subsection, paragraph, sentence, clause and phrase of the Declaration, irrespective of the invalidity or unenforceability of any other article, section, subsection, paragraph, sentence, clause or phrase.

Section 3. The covenants and restrictions of this Declaration shall run with and bind with the land, and shall inure to the benefit of and be enforceable by the Association or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors, and assigns for a term of twenty (20) years from the date of this Declaration, after which time said covenants will be automatically extended for successive periods of ten (10) years.

Section 4. The covenants, conditions and restrictions of this Declaration may be amended by an instrument signed by not less than sixty recorded Owners. Any amendment must be properly recorded in the records of Washington County, Utah, to become effective.

Section 5. Notwithstanding any other provision in statute, the Declaration, the Articles of Incorporation, Bylaws or rules and regulations, the Association may provide notice by electronic means, including text message, email, or the Association's website (if any), except that an Owner may, by written demand, require the Association to provide notice to that Owner by mail. Any notice required to be given will be deemed to have been received and effective upon the earlier to occur of the following:

- a. when sent by facsimile, the notice is deemed effective when the sender receives acknowledgment confirming delivery of the facsimile.
- b. when sent via other electronic means such as an e-mail, text message or similar electronic communication, the notice is deemed effective within twenty four (24) hours of being sent and a rejection or undeliverable notice is not received by the sender.

- c. when placed into the care and custody of the United States Postal Service, first class mail, and addressed to the most recent address of the recipient according to the records of the Association, the notice is deemed effective at the earliest of the following: (1) when received; (2) six days after it is mailed; or (3) on the date shown on the return receipt if sent by registered or certified mail, sent return receipt requested, and the receipt is signed by or on behalf of the addressee.
- d. when posted on the Association's website (if any), the notice is deemed effective seventy two (72) hours after it was posted.
- e. when hand delivered, the notice is deemed effective immediately upon delivery, or
- f. when delivered by other means, the notice is deemed effective upon such circumstances and conditions as are reasonably calculated to give notice to the Owner.

Section 6. The singular shall be construed to mean the plural when applicable, and the necessary grammatical changes required to make the provisions hereof apply either to corporations or individuals, men or women, shall in all cases be assumed as though in each case fully expressed.

Section 7. No provision contained in the Declaration shall be deemed to have been waived because of any failure to enforce it, irrespective of the number of violations that may occur.

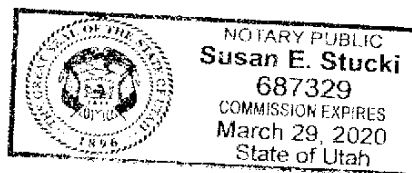
Execution of Amended and Restated Declaration

IN WITNESS WHEREOF, on the 10 day of April, 2019, the President of the Shadowbrook Homeowners Association hereby represents (i) that attached to this Amendment are true and exact copies of the signed consents of not less than sixty recorded Owners of Shadowbrook Townhomes and (ii) attached hereto as Exhibit 2 is a Verification that at least eighty percent of the Townhomes are occupied by the Owner or members of the Owners family. This amendment shall then be effective upon recording.

Miles M. Wade
President - Shadowbrook HOA

Subscribed and sworn to before me this

10 day of April, 2019
Susan E. Stucki
Notary Public



EXHIBIT

This amended Declaration of Covenants, Conditions and Restrictions of Shadowbrook Homes, a planned Unit Development, St. George, Utah, affects the property located in Washington County, State of Utah, more particularly described below:

All of lots 9-28 according to the Official Plat of Shadowbrook Homes Planned Unit Development Plat "A", recorded in the Records of the Washington County Recorder on January 16, 1986, as Entry No. 28741, in book 399, at Page 622.

All of lots 1-8 and 29-36 according to the Official Plat of Shadowbrook Homes Planned Unit Development Plat "B", recorded in the Records of the Washington County Recorder on January 16, 1986, as Entry No. 298553, in book 420, at Page 256.

All of lots 37-60 according to the Official Plat of Shadowbrook Homes Planned Unit Development Plat "C", recorded in the Records of the Washington County Recorder on January 16, 1986, as Entry No. 308776, in Book 439, at Page 724.

All of lots 61-82 according to the Official Plat of Shadowbrook Homes Planned Unit Development Plat "D", recorded in the Records of the Washington County Recorder on January 16, 1986, as Entry No. 338723, in book 500, at Page 21.

All of lots 83-90 according to the Official Plat of Shadowbrook Homes Planned Unit Development Plat "E", recorded in the Records of the Washington County Recorder on January 16, 1986, as Entry No. 458346, in book 795, at Page 757.

When recorded return to:

Monarch Property Management, LLC
1240 E 100 S Building 10
St. George, UT 84790

**SHADOWBROOK
HOMEOWNERS
ASSOCIATION
ST.
GEORGE, UTAH**

HISTORY

1985-2017

**AMENDED AND RESTATED
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

2018

TABLE OF CONTENTS

HISTORY and Commentary

RECITAL

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ARTICLE VI – Party Walls

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ARTICLE VIII – Exterior Maintenance

ARTICLE IX – Use Restrictions

ARTICLE X – Easements

ARTICLE XI – Rights Of First Mortgagee

ARTICLE XII – General Provisions

Utah Code Title 57 Chapter 8 Community Association Act

This Act governs much of what our Association can or cannot do. Specific sections are amended from time to time. The status of the Utah Code outranks the CC&Rs and requires the leadership of the Association to keep up with changes and inform the Owners accordingly. There are seven Parts in the Act with multiple sections in each Part.

Part 1 General Provisions

Part 2 Administration Provisions

Part 3 Collection of Assessments

Part 4 Insurance

Part 5 Association Board

Part 6 Consolidation of Associations

Part 7 Solar Access

HISTORY

The “Original Articles of Incorporation” and the “Original CC&Rs” were recorded for ‘**Shadowbrook Homes**’, Plat A **DOC # 1986290915 03/20/1986** by **R. E. PEAY AND D. C. DEAN CONSTRUCTION COMPANY**, a partnership, designated as “Declarant”. Most of the features were included that could apply to Shadowbrook as it would gradually develop with construction and occupancy occurring in numerous stages. The 1986 version was only specific to Plat A but did refer to additional property that could be annexed and designated as subject to the same CC&Rs. It also included two classes of ownership that were partially removed in 1997. Other recorded Amendments added Plat B in 1986, Plat C in 1987 and Plat D in 1988.

The 1989 Amendment recorded **DOC # 1989458316 04/29/1989** changed the name back to ‘**Shadowbrook Homeowners Association**’ with a revised description, including a larger area specifically referred to as Plat E, to allow for construction of Lots 83 to 90.

An ‘Amended Declaration of CC&Rs’ recorded **DOC # 199400596135 03/24/1998** elaborated on the 1986 version to include:

- Plat A, all of lots 9-28 recorded 16 January 1986
- Plat B, all of lots 1-8 and 29-36 recorded 29 January 1986
- Plat C, all of lots 37-60 recorded 26 January 1987
- Plat D, all of lots 61-82 recorded 5 October 1988
- Plat E, all of lots 83-90 recorded 16 February 1994

Amendment to Article XIII recorded **DOC # 20060000219 01/30/2006** changed voting requirement from 80 % to 67 %.

Amendment to Article XI, section 11 recorded **DOC # 20060023027 6/1/06** added requirement of one-year owner-occupancy before rental could be permitted.

The original Articles of Incorporation were amended and replaced on April 28, 2008, **DOC # 20170012606** but not recorded until **03/28/2017**.

The Bylaws were also amended and replaced on April 28, 2008 and recorded **DOC # 20080017526 04/29/2008**

An Amendment to Plat D, increasing the size of lots 81 and 82, was believed to have been recorded in 2006 before the houses on lots 81 and 82 were built and occupied. However, the document was apparently misplaced in the city

office but later found and recorded as **DOC # 20090032099**
08/18/2009.

Amendment to CC&Rs Article V, Section 6 recorded

DOC # 20090032483 08/20/2009, eliminated a residual reference to class of membership and added the following: Written Notice . . . shall be sent to all members not less than 30 days, nor more than 60 days, in advance of a special meeting . . . a special quorum requirement is set at 54 members or proxies. If the required quorum is not present, another meeting shall be called . . . with the required quorum . . . set at 27.

Amendment to Article XI, Section 11 recorded as

DOC#20170011439 03/20/2017, further defined Use Restrictions.

Commentary

Home buyers have been disappointed by the lack of a master plan in the design of Shadowbrook. There is not a consistent layout of underground water, electrical and communication lines. Some homes have outside water shutoff valves, others do not. The inside water shutoffs are not all in the same location in different homes. Units were built in small quad- and twin-clusters and numbered as built, leaving a mismatch of street addresses with mixed numbers: single digits, 50s and 60s on 900 E; single digits, 10s, 50s and 60s on A street; 10s, 49, 50s, 60s and 70 on B street; 40s, 50s and 70s on C street; 20s, 40s and 70s on D Street; 20s, 30s, 40s, 79, 80s on E street; 30s, 40s, 80s and 90 on F street (none of the addresses on F Street have matching number sets across the street). Even the mailboxes are mixed up. Four residents on C street go to B street to get their mail. Two residents on B street and two residents on C street go to D street to get their mail.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

Proposed Action to be Voted Upon: To approve the re-written CC&R's with the necessary statute updates, and other changes presented to you at your annual meeting.

A copy of the rewritten CC&Rs was presented to you at your annual meeting. Please review it carefully and cast your vote. Ballots must be received no later than Friday, April 5, 2019, in order to be counted. If you have misplaced your copy, you may review them on our website. Monarchpm.com. Login Username is: shadowbrook and password is: trout

Please cast your vote by returning the completed ballot to:

SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

Please mark one of the boxes below to indicate whether you are "FOR" or "AGAINST" approving the updated CC&Rs as written. In order for the proposed changed to be approved; At least sixty seven percent (67%) (61 units) of all members of the Association must respond in favor by marking "FOR"

FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Susan Jennings

Name (print): SUSAN JENNINGS

Unit #: 1

Address: 970 E 700S #1

Per home call to Mule Deer

MAIL-IN BALLOT

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AGAINST approving the updated CC&R's as written

Date: 4-5-19

Signature: Robyn Steed

Name (print): Robyn Steed

Unit #: 2

Address: 970 E. 700 S. #2

MAIL-IN BALLOT

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-21-19

Signature: 

Name (print): Brian W.

Unit #: 3

Address: 970 E. 700 S. #3

MAIL-IN BALLOT

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AGAINST approving the updated CC&R's as written

Date: 3-30-2019

Signature: *Jeanne M. Ford*

Name (print): Jeanne M. Ford

Unit #: 6

Address: 976 E. 700 S.

RECEIVED

MAR 30 2019

RECEIVED
APR 05 2019

MAIL-IN BALLOT

BY: SHADOWBROOK HOMEOWNERS ASSOCIATION

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- FOR** approving the updated CC&R's as written.
- AGAINST** approving the updated CC&R's as written

Date: 3-21-19

Signature:  Frank Spangler

Name (print): JEN SPANGLER & FRANK SPANGLER

Unit #: 7

Address: 970 E 700 S. #7

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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_____ **FOR** approving the updated CC&R's as written.

XXX _____ **AGAINST** approving the updated CC&R's as written

Date: 3/22/2019

Signature: 
The Associates Group for Affordable Housing, Inc.

Name (print): Gerald B. Gibbs President

Unit #: 8

Address: 903 calle amanecer, st 215
San Clemente CA 92673

RECEIVED
MAR 26 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3/27/19

Signature: Robert Wagner

Name (print): Robert Wagner

Unit #: #9

Address: 970 E 100 50 #9
St George, ut
84790

RECEIVED
MAR 28 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: _____

Signature: William Barben

Name (print): WILLIAM BARBEN

Unit #: 10

Address: 970 E 200S # 10
St George UT 84790

Per Phone call

MAIL-IN BALLOT

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AGAINST approving the updated CC&R's as written

Date: 4/7/19

Signature: Clyde Olsen

Name (print): Clyde Olsen

Unit #: 11

Address: 970 E. 700 S # 11

*Per phone call to
Miles D. ...*

MAIL-IN BALLOT

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4/5/2019

Signature: Cathie Rasmussen

Name (print): Cathie Rasmussen

Unit #: 12

Address: 970E 700S St George

MAIL-IN BALLOT

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AGAINST approving the updated CC&R's as written

Date:

4/5/19

Signature:

Earl E. Mankham

Name (print):

Earl E. Mankham

Unit #:

13

Address:

970 E. 700 So.

MAIL-IN BALLOT

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: _____

Signature: _____

Name (print): _____

Unit #: _____

Address: _____

RECEIVED
MAR 21 2019

BY:

Sandra Marshall
SANDRA MARSHALL
14
970 E 700 So
St. George, ut
84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

Proposed Action to be Voted Upon: To approve the re-written CC&R's with the necessary statute updates, and other changes presented to you at your annual meeting.

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SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

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 X **FOR** approving the updated CC&R's as written.

 AGAINST approving the updated CC&R's as written

Date: _____

Signature: _____

Yvonne Whipple

Name (print): _____

Yvonne Whipple

Unit #: _____

16

Address: _____

970 E. 700 south

unit 16

st George Utah 84790

Logandale Address

PO Box 235

Logandale W 89021

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: Mar. 25

Signature: Debra Haws

Name (print): Debra F. Haws

Unit #: 17

Address: 970 E. 7005

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MAR 27 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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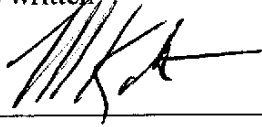
SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written.


Date: 3/25/19

Signature: 

Name (print): Terry Kartchner

Unit #: 18

Address:

 Terry H. Kartchner 1924 W. Rivers Edge Ln. Saint George, UT 84770
--

RECEIVED
MAR 27 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: _____

Signature: _____

Name (print): JOHN H. WHITING

Unit #: 19

Address: 9214 COVEREN WAGON, CIRCLE #D
WEST JORDAN, UTAH 84088

RECEIVED
MAR 26 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Larry H. Davis

Name (print): LARRY H. DAVIS

Unit #: 20

Address: 970 E

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APR 07 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: April 5, 2019

Signature: 

Name (print): Mike Humphries

Unit #: 21

Address: 970 E. 700 So.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4/17/2019

Signature: Jongmi B

Name (print): Jongmi Brown

Unit #: 22

Address: 990 E 100 S

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Laura Taggart

Name (print): Laura TAGGART

Unit #: 24

Address: 920 E 200 S #24

Per phone to Muel W. Reed

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Leland R. Anderson

Name (print): Leland R. Anderson

Unit #: 25

Address: 970 East 700 South #25

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-21-19

Signature: *Ben A Jones*

Name (print): BEN A JONES

Unit #: 26

Address: 970 E 700 So St George, UT

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: April 5, 2019

Signature: Jacqueline J. Smith

Name (print): JACQUELINE J. SMITH

Unit #: 27

Address: 970 E 700 S #27
St. George, ut. 84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-21-19

Signature: Robert Kiser

Name (print): Robert Kiser

Unit #: 28

Address: 970 E 700 S.
84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4.5.19

Signature: Karen Barton

Name (print): KAREN BARTON

Unit #: 29

Address: 970 E 700 S

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/21/19

Signature: *Grant Tidwell*

Name (print): Grant Tidwell

Unit #: 30

Address: 970 E. 700 S.
St. George UT. 84790
or
525 N. Isabella Dr.
Layton, UT. 84040

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-6-19

Signature: Mark Gehrig

Name (print): MARK GEHRIG

Unit #: 31

Address: 970 E 700 S

RECEIVED
MAR 22 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION.....

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X **FOR** approving the updated CC&R's as written.

 AGAINST approving the updated CC&R's as written

Date: 21 Mar 2019

Signature: R Brent Beckstead

Name (print): R Brent Beckstead

Unit #: 32

Address: 970 E 700 So

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/22/19

Signature: [Handwritten Signature]

Name (print): Noelle Baudel

Unit #: 33

Address: 1268 S 2865 W
ST UT

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Norene Vink

Name (print): NORENE VINK

Unit #: 34

Address: 970 E 700S # 34

per phone call to Mela Jude

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3.26.2019

Signature: Charlotte Moulton

Name (print): Charlotte Moulton

Unit #: 35

Address: 970 East 700 South

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MAR 27 2019

BY:

RECEIVED
MAR 22 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

BY:

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FOR approving the updated CC&R's as written.
 AGAINST approving the updated CC&R's as written

Date: March 22, 2019

Signature: Terek and Jessica Esplin

Name (print): Terek and Jessica Esplin

Unit #: 36

Address: 970E 700S Unit 36

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-21-19

Signature: Branden Decker

Name (print): Branden Decker

Unit #: 37

Address: 970 E. 700 W.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 21 Mar 2019

Signature: Raylene Brown

Name (print): Raylene Brown

Unit #: 38

Address: 970 E 700 S.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-22-19

Signature: *Diane Pierson*

Name (print): Diane Pierson

Unit #: 40

Address: 970E 700S, Unit 40

RECEIVED
APR 04 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

Proposed Action to be Voted Upon: To approve the re-written CC&R's with the necessary statute updates, and other changes presented to you at your annual meeting.

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SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-21-2019

Signature: Clarence Matthews

Name (print): CLARENCE MATTHEWS

Unit #: 41

Address: 970 E 100 SOUTH

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-4-2019

Signature: *Sharon Gherkins*

Name (print): SHARON GHERKINS

Unit #: 43

Address: 970 E. 700 S, UNIT 43
ST GEORGE, UTAH
84790

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MAR 30 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/26/19

Signature: Diana Porter

Name (print): Diana Porter

Unit #: 46

Address: 970 E. 700 S.
St. George, UT 84790

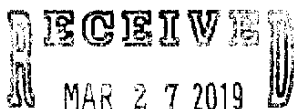
MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

BY:

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AGAINST approving the updated CC&R's as written

Date: 3/21/19

Signature:

Name (print): CHARLES M. MUELLER

Unit #: # 50

Address: 970 E 700 S

Please mark one of the boxes below to indicate whether you are "FOR" or "AGAINST" approving the updated CC&Rs as written. In order for the proposed changes to be approved; At least sixty seven percent (67%) (61 units) of all members of the Association must respond in favor by marking "FOR"

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AGAINST approving the updated CC&R's as written

Date: 4/4/2019

Signature: Lance L Smith

Name (print): Lance L Smith

Unit #: #44

Address: _____

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 4-5-19

Signature: Mary Jo Pelt

Name (print): Mary Jo Pelt

Unit #: 52

Address: 1240 E 100 South # 52
St. George UT 84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-3-19

Signature: *Monty Coy Wiley*

Name (print): Monty Coy Wiley

Unit #: 54

Address: 970 E. 700 S.

RECEIVED

APR 03 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4/7/19

Signature: Lavan A. Brooks

Name (print): LAVAN A. BROOKS

Unit #: ~~54~~ - 55

Address: _____

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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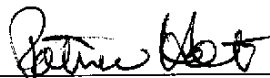
SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

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AGAINST approving the updated CC&R's as written

Date: 3/26/19

Signature: 

Name (print): PATRICIA HOLT

Unit #: 57

Address: 970 E 700 S #57

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: 

Name (print): RICHARD A. KETT

Unit #: 58

Address: 970 E 700 S

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3/22/19

Signature: Kenneth A. Bliss

Name (print): Kenneth A. Bliss

Unit #: 59

Address: 970 E. ~~500~~ 700 S
#59

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MAR 22 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3-22-19

Signature: Miles M Diede

Name (print): Miles M Diede

Unit #: 60

Address: 970 E 700S #60
St George UT 84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Donna Jolly

Name (print): DONNA JOLLY

Unit #: 61

Address: 5705 700S #61

*Per phone call to Troy Anderson
Miss Dreda*

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: March 29, 2019

Signature: Melvin Block

Name (print): Melvin Block

Unit #: 62

Address: 970 E. 700 S.
St. George, UT 84790

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APR 03 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-5-19

Signature: *A Hastings*

Name (print): Alaina Hastings

Unit #: 63

Address: 970 E 700 S.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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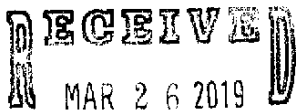
Date: 23 Mar '19

Signature: Carol J Moore

Name (print): CAROL J. MOORE

Unit #: 64

Address: 970 E 100 So



BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 5 APR '19

Signature: Richard M. Warnick

Name (print): RICHARD M. WARNICK

Unit #: 65

Address: 970 E. 700 SO.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-9-19

Signature: [Handwritten Signature]

Name (print): Danny Meadows

Unit #: 66

Address: 970E. 700 S. #66 84790

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APR 05 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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St. George, Utah 84790

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AGAINST approving the updated CC&R's as written

Date: _____

Signature: Donna S Hill

Name (print): Donna S Hill

Unit #: 67

Address: 970 E. 700 S. #67

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/23/19

Signature: E. Keeki Weaver

Name (print): E. Keeki Weaver

Unit #: 6B

Address: 970 E 700 S #6B
ST. GEORGE, UT
84790

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MAR 26 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: March 22, 2019

Signature: Darrell Hansen

Name (print): Darrell Hansen

Unit #: 70

Address: 970 E 700 S. St. George Ut.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3-23-2019

Signature:

Name (print)

Unit #:

Address:

Jack G. Linde
JACK G. LINDE

72

2723 COUNTRY CLUB DR.
PROVO, UT. 84604

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: April 5 2019

Signature: 

Name (print): DOUG G LAHTI

Unit #: 73

Address: 970 E. 700 S.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

Proposed Action to be Voted Upon: To approve the re-written CC&R's with the necessary statute updates, and other changes presented to you at your annual meeting.

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Please cast your vote by returning the completed ballot to:

SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: April 5 2019

Signature: *Doug Glaitzi*

Name (print): DOUG GLAITZI

Unit #: 73

Address: 970 E. 700 S.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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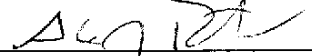
SHADOWBROOK HOA
C/O Monarch Property Management
1240 East 100 South Bldg. #10
St. George, Utah 84790

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/24/19

Signature: 

Name (print): Alan J Peters

Unit #: 74

Address: 970 E 700 So, St. George, UT
84790

RECEIVED
MAR 27 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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 X FOR approving the updated CC&R's as written.

 AGAINST approving the updated CC&R's as written

Date: 3-22-19

Signature: *Murian Belmont*

Name (print): MURIAN BELMONT

Unit #: 16

Address: SE

RECEIVED
MAR 27 2019

BY:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Leroi Nelson
~~Sakoe Nelson~~

Name (print): Leroi Nelson

Unit #: 75

Address: 970 E. 700 S #75
per phone call with Debra

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date:

4/5/2019

Signature:

Mary Buckell

Name (print):

Mary Buckell

Unit #:

4977

Address:

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-5-19

Signature: Robert Johnson

Name (print): Robert Johnson

Unit #: 78

Address: _____

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4-7-19

Signature: Diane Downing

Name (print): DIANE DOWNING

Unit #: 79

Address: 970 E. 700 S.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3-30-2019

Signature: Norma Turner

Name (print): Norma Turner

Unit #: 20

Address: 970 E 700 S SG, UT

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3/28/19

Signature: Michael M. Anderson

Name (print): Michael M. Anderson

Unit #: 81

Address: 970 E. 700 S. St. George
UT 84790

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3-29-2019

Signature: Leonard Christensen

Name (print): Leonard Christensen

Unit #: 82

Address: 970E, 700th St. George ut.

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 4/6/19

Signature: Ruth C. Hansen by

Name (print): JAMES K. HANSEN, son,
via POA
ROTH C. HANSEN

Unit #: 83

Address: 970 E. 700 S. # 83

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION



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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written.

Date: 3/21/19

Signature: *R. Jameson*

Name (print): R Jameson

Unit #: 84

Address: 970 E 700 S. #84

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR FOR approving the updated CC&R's as written.

 AGAINST approving the updated CC&R's as written

Date: 3-25-19

Signature: Rolland H Knight

Name (print): Rolland H, Knight

Unit #: 85

Address: 970 E, 700 So

RECEIVED
MAR 28 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 20 MAR 2019

Signature: [Handwritten Signature]

Name (print): H. ARNOLD WAGNER TIE

Unit #: 86

Address: 970 East 700 South #86
St. George, UT 84790

RECEIVED
APR 03 2019

BY:

RECEIVED

APR 01 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 3/29/19

Signature: M. Dayle Jeffs

Name (print): M. Dayle Jeffs

Unit #: 87

Address: 160 E 4320 D.
Provo, UT,
84604

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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AGAINST approving the updated CC&R's as written

Date: 6 April 2019

Signature: Roger S. Jensen

Name (print): Roger S. Jensen

Unit #: 88

Address: 970E. 700S. St George

RECORDED

APR 01 2019

MAIL-IN BALLOT

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/28/19

Signature: Craig R Peay

Name (print): Craig R. Peay

Unit #: 89

Address: 970 E. 700 S.

RECEIVED

MAIL-IN BALLOT

APR 01 2019

SHADOWBROOK HOMEOWNERS ASSOCIATION

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FOR approving the updated CC&R's as written.

AGAINST approving the updated CC&R's as written

Date: 3/28/19

Signature: Craig R Peay

Name (print): Craig R. Peay

Unit #: 90

Address: 970 E. 700 S.