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DOC # 20230020622

Notice Page 1 of 9
Gary Christensen Washington County Recorder
07/11/2023 01:28:42 PM Fee \$ 40.00
By PARADISE VILLAGE AT ZION OWNERS ASSOCIATION



WHEN RECORDED, RETURN TO:

Paradise Village at Zion Owners Association
P.O. Box 117
Santa Clara, Utah 84765-0117

AMENDED AND RESTATED NOTICE OF REINVESTMENT FEE COVENANT
(Paradise Village at Zion Owners Association, Inc.)

Pursuant to Utah Code §57-1-46(6), The Paradise Village at Zion Owners Association, Inc. (“**Association**”) hereby provides this Notice of Reinvestment Fee Covenant which burdens all of the real property located in Washington County, State of Utah, as more particularly described in Exhibit A, attached hereto and incorporated herein (the “**Burdened Property**”), attached hereto, which is subject to the Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of June 27, 2014, and recorded on July 2, 2014, in the official records of Washington County, Utah as document number 20140020242, as modified and/or supplemented by that certain Amendment No. 1 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of March 23, 2016, and recorded on April 25, 2016, in the official records of Washington County, Utah as document number 20160014432, by that certain Amendment No. 2 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of June 20, 2016 and recorded on June 24, 2016, in the official records of Washington County, Utah as document number 20160022622, by that certain Amendment No. 3 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of April 3, 2017 and recorded on April 6, 2017, in the official records of Washington County, Utah as document number 20170014119, by that certain Amendment No. 4 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of August 24, 2017 and recorded on November 9, 2017, in the official records of Washington County, Utah as document number 20170045516, by that certain Supplement and Amendment No. 5 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of January 23, 2018 and recorded on February 8, 2018, in the official records of Washington County, Utah as document number 20180005819, by that certain Supplement and Amendment No. 6 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of February 3, 2020 and recorded on February 6, 2020, in the official records of Washington County, Utah as document number 20200006458, and by that certain Supplement and Amendment No. 7 to Declaration of Covenants, Conditions, Easements and Protective Covenants for Paradise Village at Zion dated as of March 1, 2023 and recorded on

March 1, 2023, in the official records of Washington County, Utah as document number 20230005451 (collectively, the "**Declaration**").

This Amended and Restated Notice of Reinvestment Fee Covenant amends and restates the Notice of Reinvestment Fee Covenant dated as of March 1, 2023 and recorded on March 1, 2023 in the official records of Washington County, Utah as Entry Number 20230005452.

The Reinvestment Fee Covenant requires, among other things, that upon the transfer of any of the Burdened Property subject to the Declaration, the transferee, other than the Declarant, is required to pay a reinvestment fee as established by the Association's Board of Directors in accordance with Section 5.17 of the Declaration to the Association, unless the transfer falls within an exclusion listed in Utah Code §57-1-46(8) or in the Declaration. In no event shall the reinvestment fee exceed the maximum rate permitted by applicable law.

BE IT KNOWN TO ALL OWNERS SELLERS, BUYERS, AND TITLE COMPANIES owning, purchasing, or assisting with the closing of a Burdened Property conveyance within **The Parkway** that:

1. The name and address of the beneficiary of the Reinvestment Fee Covenant is:

Paradise Village at Zion Owners Association, Inc.
P.O. Box 117
Santa Clara, Utah 84765-0117
2. The burden of the Reinvestment Fee Covenant is intended to run with the Burdened Property and to bind successors in interest and assigns.
3. The existence of this Reinvestment Fee Covenant precludes the imposition of any additional Reinvestment Fee Covenant on the Burdened Property.
4. The duration of the Reinvestment Fee Covenant is perpetual.
5. The purpose of the Reinvestment Fee is to assist the Association in covering the costs of Association expenses as permitted by applicable law. Association expenses, include, but are not limited to, (i) common planning, facilities, and infrastructure; (ii) obligations arising from an environmental covenant; (iii) community programming; (iv) resort facilities; (v) open space; (vi) recreation amenities; (vii) common expenses of the Association; or (viii) funding Association reserves.
6. The fee required under the Reinvestment Fee Covenant is required to benefit the Burdened Property.

7. The amount of the Reinvestment Fee of each Lot at the time of transfer shall be equal to 0.5% of the Gross Sales Price (as such term is defined in the Declaration), provided that the Reinvestment Fee shall not exceed the maximum fee permitted by law.

8. The Reinvestment Fee is not payable and the covenant is not enforced upon (a) any transfer between the Declarant and any affiliated entity or a builder the Declarant agrees to exempt, as determined solely by the Declarant, (b) an involuntary transfer, such as a transfer as part of a condemnation proceeding or sale in lieu of condemnation, (c) a transfer that results from a court order, (d) a bona fide transfer to a family member of the seller within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity, (e) a transfer or change in interest due to death, provided in a will, trust or decree of distribution, or (f) the transfer of a burdened property by a financial institution, except to the extent the reinvestment fee covenant requires a payment of a common interest association's costs directly related to the transfer of the burdened property, not to exceed \$250.00.

IN WITNESS WHEREOF, the Declarant and the Association has executed this Notice of Reinvestment Fee Covenant on behalf of the Association as of the 11th day of July, 2023, to be effective upon recording with the Washington County Recorder.

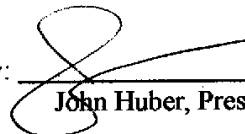
"Declarant"

MERRILL PROPERTIES, LLC,
a Utah limited liability company

By: 
Brad E. Merrill, Manager

"Association"

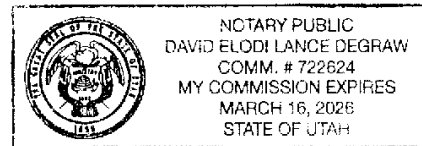
PARADISE VILLAGE AT ZION
OWNERS ASSOCIATION, INC.,
a Utah nonprofit corporation

By: 
John Huber, President

STATE OF UTAH)
) ss.
County of Washington)

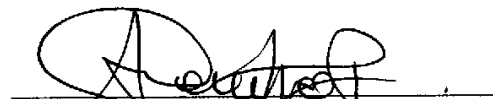
On the 11th day of July, 2023, before me David Elodi Lance Degraw, a notary public, personally appeared Brad E. Merrill, proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument on behalf of Merrill Properties, LLC, a Utah limited liability company, and who acknowledged to me that said entity executed it.


NOTARY PUBLIC



STATE OF UTAH)
) ss.
County of Washington)

On the 26 day of June, 2023, before me Alessander Cornejo, a notary public, personally appeared John Huber, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged that he executed the same as President of the Paradise Village at Zion Owners Association, Inc., a Utah nonprofit corporation.


NOTARY PUBLIC

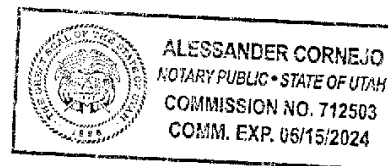


EXHIBIT "A"

(Legal Description of Property)

Beginning at a point on the southerly line of North Town Road, said point being North 89°26'54" East 1,324.41 feet along the section line and South 00°42'28" West 31.33 feet from the North Quarter Corner of Section 8, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence northeasterly the following (3) courses along said North Town Road;
thence northeasterly 135.65 feet along an arc of a 390.00 foot radius curve to the left (center bears North 12°39'31" West, long chord bears North 67°22'38" East 134.97 feet with a central angle of 19°55'42");
thence North 57°24'47" East 292.91 feet;
thence easterly 39.27 feet along an arc of a 25.00 foot radius curve to the right (center bears South 32°35'13" East, long chord bears South 77°35'25" East 35.35 feet with a central angle of 89°59'36") to the westerly line of Rachel Drive;
thence southeasterly the following (5) courses along said easterly line of Rachel Drive;
thence South 32°35'37" East 205.00 feet;
thence southeasterly 337.53 feet along an arc of a 390.00 foot radius curve to the left (center bears North 57°24'23" East, long chord bears South 57°23'14" East 327.09 feet with a central angle of 49°35'14");
thence South 82°10'51" East 268.54 feet;
thence southeasterly 376.07 feet along an arc of a 260.00 foot radius curve to the right (center bears South 07°49'09" West, long chord bears South 40°44'39" East 344.13 feet with a central angle of 82°52'25");
thence South 00°41'33" West 181.51 feet to the south line of Lot 6, Block 29, St. George and Santa Clara Bench Irrigation Company Survey;
thence South 89°37'38" West 1,263.42 feet along the southerly line of Lots 6 and 5 to the southwest corner of Lot 5, Block 29, St. George and Santa Clara Bench Irrigation Company Survey;
thence North 89°17'32" West 24.75 feet;
thence North 00°42'28" East 633.65 feet to the Point of Beginning.

Containing 741,910 square feet or 17.03 acres.

AND THE FOLLOWING:

Beginning at a point on the southerly line of North Town Road, said point being North 89°26'54" East 911.74 feet along the section line and South 40.00 feet from the North Quarter Corner of Section 8, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running:

thence easterly along the following (2) courses along said southerly line of North Town Road;
thence North 89°26'54" East 330.56 feet;

thence easterly 82.41 feet along an arc of a 390.00 foot radius curve to the left (center bears North 00°33'06" West, long chord bears North 83°23'42" East 82.26 feet with a central angle of 12°06'24") to the northwest corner of Paradise Village at Zion Phase 2;

thence South 00°42'28" West 691.39 feet along and beyond said west line of Paradise Village at Zion Phase 2;

thence South 89°37'34" West 24.75 feet;

thence North 64°40'33" West 89.47 feet;

thence North 26°48'29" West 6.13 feet to the southerly line of Lot 6 Block 30, of the ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY;

thence South 89°37'34" West 553.69 feet to and along the southerly line of Lot 6 Block 30, of the ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY to the southwest corner of said Lot 6, said point also being the easterly line of Tuscany at Cliffrose Phase 2;

thence North 00°44'49" East 182.38 feet along the westerly line of said Lot 6 and said line being the easterly line of said Tuscany at Cliffrose Phase 2 to the southerly line of Hamblin Parkway;

thence Northerly 188.25 feet along an arc of a 706.00 foot radius curve to the left (center bears North 67°33'30" West, long chord bears North 14°48'11" East 187.69 feet with a central angle of 15°16'38") along the southwesterly line of Hamblin Parkway to the southwest corner of Snow Canyon KH Subdivision;

thence easterly and northerly the following (3) courses along said Snow Canyon KH Subdivision;

thence South 51°46'51" East 42.78 feet;

thence North 89°26'48" East 170.51 feet;

thence North 00°44'45" East 299.75 feet to the Point of Beginning.

Containing 347.327 square feet on 7.97 acres.

Also described as follows:

PARCEL 1: SC-6-2-8-11031

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF NORTH TOWN ROAD, SAID POINT BEING NORTH 89°26'54" EAST 1,324.41 FEET ALONG THE SECTION LINE AND SOUTH 00°42'28" WEST 31.33 FEET FROM THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING; THENCE NORTHEASTERLY THE FOLLOWING (3) COURSES ALONG SAID NORTH TOWN ROAD; THENCE NORTHEASTERLY 135.65 FEET ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 12°39'31" WEST, LONG CHORD BEARS NORTH 67°22'38" EAST 134.97 FEET WITH A CENTRAL ANGLE OF 19°55'42"); THENCE NORTH 57°24'47" EAST 292.91 FEET; THENCE EASTERLY 39.27 FEET ALONG AN ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 32°35'13" EAST, LONG CHORD BEARS SOUTH 77°35'25" EAST 35.35 FEET WITH A CENTRAL ANGLE OF 89°59'36") TO THE WESTERLY LINE OF RACHEL DRIVE; THENCE SOUTHEASTERLY THE FOLLOWING (5) COURSES ALONG SAID EASTERLY LINE OF RACHEL DRIVE; THENCE SOUTH 32°35'37" EAST 205.00 FEET; THENCE SOUTHEASTERLY 337.53 FEET

ALONG AN ARC OF A 390.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 57°24'23" EAST, LONG CHORD BEARS SOUTH 57°23'14" EAST 327.09 FEET WITH A CENTRAL ANGLE OF 49°35'14"); THENCE SOUTH 82°10'51" EAST 268.54 FEET; THENCE SOUTHEASTERLY 376.07 FEET ALONG AN ARC OF A 260.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 07°49'09" WEST, LONG CHORD BEARS SOUTH 40°44'39" EAST 344.13 FEET WITH A CENTRAL ANGLE OF 82°52'25"); THENCE SOUTH 00°41'33" WEST 181.51 FEET TO THE SOUTH LINE OF LOT 6, BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE SOUTH 89°37'38" WEST 1,263.42 FEET ALONG THE SOUTHERLY LINE OF LOTS 6 AND 5 TO THE SOUTHWEST CORNER OF LOT 5 BLOCK 29, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY; THENCE NORTH 89°17'32" WEST 24.75 FEET; THENCE NORTH 00°42'28" EAST 633.65 FEET TO THE POINT OF BEGINNING.

LESS LAND IN PARADISE VILLAGE AT ZION PHASE 1 AMENDED
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 2 AMENDED
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 3 AMENDED
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 4
LESS LAND IN PARADISE VILLAGE AT ZION PHASE 5

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 2: (SC-PVZ-1-1,2,3,4,5,6,7,37,38,39,40,41,42,43)
ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 37, 38, 39, 40, 41, 42 AND 43, PARADISE VILLAGE AT ZION PHASE 1, AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 3 (SC-PVZ-2-51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 67, 69, 70)
ALL OF LOTS 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 67, 69, 70, PARADISE VILLAGE AT ZION PHASE 2, AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH, AS AMENDED BY THE PARADISE VILLAGE AT ZION, PHASE 2, 2ND AMENDED PLAT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 4: (SC-PVZ-3-22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,44,45,46,47,48,49,50)
ALL OF LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 44, 45, 46, 47, 48, 49 AND 50, PARADISE VILLAGE AT ZION PHASE 3, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

PARCEL 5: (SC-PVZ-4-8,9,10,11,12,13,14,15,16,17,18,19,20,21)
ALL OF LOTS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, PARADISE VILLAGE AT ZION PHASE 4, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY, STATE OF UTAH.

**PARCEL 6: (SC-PVZ-5-71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,89)
ALL OF LOTS 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89 PARADISE
VILLAGE AT ZION PHASE 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON
FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY STATE OF
UTAH.**

**PARCEL 7: (SC-PVZ-6-90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106,
107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121) ALL OF LOTS 90,
91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,
112, 113, 114, 115, 116, 117, 118, 119, 120, 121 PARADISE VILLAGE AT ZION PHASE 6,
AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE
OF THE RECORDER OF WASHINGTON COUNTY STATE OF UTAH.**

**LESS AND EXCEPT ANY PORTION OF THE FOREGOING THAT IS LOCATED WITHIN
THE FOLLOWING DESCRIBED PROPERTY:**



Exhibit "A"

Beginning at a point being North 00°44'49" East 74.40 feet from the southwest corner of Paradise Village at Zion Phase 6 Amended as found on file at the Washington County, Utah Recorder's Office, and running;

thence North 54°04'59" West 46.90 feet to the southeasterly line of Hamblin Parkway;
thence Northeasterly 146.15 feet along an arc of a 706.00 feet radius curve to the left (center bears North 60°16'58" West, long chord bears North 23°47'13" East 145.89 feet with a central angle of 11°51'39") along the southeasterly line of said Hamblin Parkway;

thence South 67°43'34" East 51.92 feet;

thence South 22°16'26" West 5.34 feet to the northerly line of Lot 107, said Paradise Village at Zion Phase 6 Amended;

thence following along said Lot 107 the following (3) courses;

thence South 67°39'15" East 44.26 feet;

thence South 22°20'45" West 50.00 feet;

thence North 67°39'15" West 45.03 feet;

thence South 22°20'45" West 17.32 feet;

thence South 70°08'36" West 11.88 feet;

thence South 47°00'09" West 5.06 feet;

thence South 27°33'43" West 27.47 feet;

thence South 30°42'53" West 24.87 feet to the westerly line of said Paradise Village at Zion Phase 6 Amended;

thence South 00°44'49" West 21.20 feet along said westerly line to the Point of Beginning.

Containing 8,923 square feet or 0.21 acres.



January 8, 2018