

Amended Restrictive Covenants Page 1 of 5
Gary Christensen Washington County Recorder
02/02/2024 03:54:23 PM Fee \$40.00 By MILLER
HARRISON LLC

**2023 AMENDMENT TO THE
DECLARATION OF CONDOMINIUM FOR PELICAN HILLS**

This 2023 AMENDMENT TO THE DECLARATION CONDOMINIUM FOR PELICAN HILLS ("2023 Amendment") is effective when recorded with the Washington County Recorder's Office by the Pelican Hills Owners Association ("Association").

RECITALS

- A. The *Declaration of Condominium, for Pelican Hills Condominiums* was recorded on March 12, 2007 as Entry No. 20070012413 in the Office of the Washington County Recorder ("Declaration").
- B. The *First Amendment to Declaration of Condominium Pelican Hills Condominiums* was recorded on March 12, 2013 as Entry No. 20130009244 in the Office of the Washington County Recorder.
- C. A second *Amendment to Declaration of Condominium for Pelican Hills* was recorded on January 29, 2021 as Entry No. 20210006611 in the Office of the Washington County Recorder.
- D. This 2023 Amendment affects the real property situated in Washington County, Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated in this 2023 Amendment by reference (the "Project") and shall be binding on all parties having or acquiring any right, title, or interest to the Project or any part thereof.
- E. Pursuant to Article XIII, Section 3 of the Declaration, the undersigned hereby certifies that this 2023 Amendment was approved by at least 60% of the voting interests of the Association.
- F. Unless specifically modified herein, all remaining provisions of the Declaration, as previously amended, shall remain in full force and effect.
- G. In case of any conflict between the terms of this 2023 Amendment and the terms of the Declaration, the provisions of this 2023 Amendment shall control.
- H. Unless otherwise provided in this 2023 Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.

NOW, THEREFORE, the Declaration is amended as follows:

Article XII, Section 6 (§12.06) (Initial and Transfer Fees) is hereby is amended, replaced, and restated, in its entirety as follows:

12.06 Reinvestment Fee. The Association shall have the right to collect a "Reinvestment Fee" assessment in accordance with this Section and Utah Code §57-1-46. The following terms and conditions shall govern Reinvestment Fees:

- (1) Upon the occurrence of any sale, transfer, or conveyance of any Unit as reflected in the office of the Washington County recorder, regardless of whether it is pursuant to the sale of the Unit or not (as applicable, a "Transfer"), the party receiving title to the Unit (the "Transferee") shall pay to the Association a Reinvestment Fee.
- (2) The Board shall have the power to set the amount of the Reinvestment Fee, in the Board's sole discretion, provided that in no event shall the amount of the Reinvestment Fee exceed the maximum rate permitted by law. If no amount is otherwise set by the Board, the amount of the Reinvestment Fee shall be the maximum rate permitted by law.
- (3) The Association shall not levy or collect a Reinvestment Fee for any of the Transfers exempted by Utah Code §57-1-46.
- (4) The Reinvestment Fee shall be due and payable by the Transferee to the Association at the time of the Transfer giving rise to the payment of such Reinvestment Fee and shall be treated as an assessment against the Unit and, if unpaid, may be collected in the same manner as an unpaid assessment.

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CERTIFICATION

IN WITNESS WHEREOF, this 2023 Amendment to the Declaration of Condominium of Pelican Hills Condominiums was approved by at least 60 percent of the voting interests of the Association.

DATED as of the 2 day of February, ~~2023~~ 2024

Pelican Hills Owners Association
A Utah Nonprofit Corporation

Michael Claspell
By: Michael Claspell

Its: President

State of Utah)
) ss.
County of Washington)

On the 2 day of February, ~~2023~~ 2024, personally appeared before me Michael Claspell who by me being duly sworn, did say that she/he is the President of Pelican Hills Owners Association and that the foregoing instrument is signed on behalf of said corporation and executed with all necessary authority.

Notary Public Emily O Holt

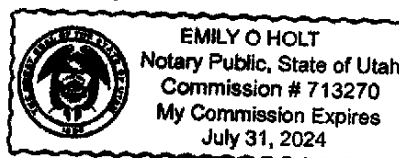


EXHIBIT A

Legal Description and Parcel Numbers

All of Units 1011 through 1014, Units 1025 through 1028, Units 1111 through 1114, Units 1125 through 1128, Units 1211 through 1214, Units 1225 through 1228, Units 2611 through 2614, Units 2625 through 2628, Units 2711 through 2713, Units 2724 through 2726, Units 2811 through 2813 and Units 2824 through 2826, together with all Common Areas, Pelican Hills Condominiums Phase 1, according to the Official Plat thereof, on file in the Office of the Washington County Recorder, State of Utah.

(44) Parcel Numbers: SG-PHC-1-10-1011 through SG-PHC-1-10-1014
SG-PHC-1-10-1025 through SG-PHC-1-10-1028
SG-PHC-1-11-1111 through SG-PHC-1-11-1114
SG-PHC-1-11-1125 through SG-PHC-1-11-1128
SG-PHC-1-12-1211 through SG-PHC-1-12-1214
SG-PHC-1-12-1225 through SG-PHC-1-12-1228
SG-PHC-1-26-2611 through SG-PHC-1-26-2614
SG-PHC-1-26-2625 through SG-PHC-1-26-2628
SG-PHC-1-27-2711 through SG-PHC-1-27-2713
SG-PHC-1-27-2724 through SG-PHC-1-27-2726
SG-PHC-1-28-2811 through SG-PHC-1-28-2813
SG-PHC-1-28-2824 through SG-PHC-1-28-2826

All of Units 1311 through 1314, Units 1325 through 1328, Units 1411 through 1414, Units 1425 through 1428, Units 1511 through 1514, Units 1525 through 1528, together with all Common Areas, Pelican Hills Condominiums Phase 2, according to the Official Plat thereof, on file in the Office of the Washington County Recorder, State of Utah.

(24) Parcel Numbers: SG-PHC-2-13-1311 through SG-PHC-2-13-1314
SG-PHC-2-13-1325 through SG-PHC-2-13-1328
SG-PHC-2-14-1411 through SG-PHC-2-14-1414
SG-PHC-2-14-1425 through SG-PHC-2-14-1428
SG-PHC-2-15-1511 through SG-PHC-2-15-1514
SG-PHC-2-15-1525 through SG-PHC-2-15-1528

All of Units 2111 through 2113, Units 2124 through 2126, Units 2211 through 2213, Units 2224 through 2226, Units 2311 through 2314, Units 2325 through 2328, Units 2411 through 2414, Units 2425 through 2428 together with all Common Areas, Pelican Hills Condominiums Phase 3, according to the Official Plat thereof, on file in the Office of the Washington County Recorder, State of Utah.

(28) Parcel Numbers: **SG-PHC-3-21-2111 through SG-PHC-3-21-2113**
 SG-PHC-3-21-2124 through SG-PHC-3-21-2126
 SG-PHC-3-22-2211 through SG-PHC-3-22-2213
 SG-PHC-3-22-2224 through SG-PHC-3-22-2226
 SG-PHC-3-23-2311 through SG-PHC-3-23-2314
 SG-PHC-3-23-2325 through SG-PHC-3-23-2328
 SG-PHC-3-24-2411 through SG-PHC-3-24-2414
 SG-PHC-3-24-2425 through SG-PHC-3-24-2428

(96 Total Parcels)