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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/09/2005 12:31 PM
FEE \$60.00 Pgs: 5
DEP RT REC'D FOR JAMESTOWNE HOMEOWNERS ASSOC

NOV 09 2005

08-171-0001 thru
08-171-0043

Leasing of Homes--Restrictions

WHEREAS, the home owners of Jamestowne Square desire to preserve and enhance the quality of life at Jamestowne Square and have purchased their homes at Jamestowne Square for the purpose of using their home as an owner occupied single family residence; and

WHEREAS, the home owners believe the planned unit development living concept was developed to create a real property interest wherein individuals could own their own property and enjoy the benefits that accompany ownership of real property, including the stability associated with real property ownership, both individually and as a neighborhood, as well as the security that comes to a community by having residents who are owners and are committed to the long-term welfare and good of the community; and

WHEREAS, because the home owners at Jamestowne Square own a shared and undivided interest in the Common Area, the Common Area should be used and shared in common by those who own an interest in the Common Area and not be used by those who do not possess an ownership interest in the Common Area; and

WHEREAS, the home owners realize that the value of their homes is directly related to the ability to sell their homes, that the ability to sell their homes is directly related to the ability of prospective borrowers to obtain financing, and that underwriting standards at financial institutions and secondary mortgage markets restrict the percentage of non-owner occupied homes that can exist in a planned unit development, and further, when too high a percentage of non-owner occupied homes exist in a planned unit development, a buyer will not be able to qualify for favorable and competitive market interest rates and financing terms, thus inhibiting home owners' ability to sell their homes and depressing the value of all the homes at Jamestowne Square; and

WHEREAS, the home owners desire to live in a community that is orderly, peaceful, well maintained and desirable, and that will allow for and protect the comfortable enjoyment of all residents of Jamestowne Square, and have determined through the years of their collective experience that home owners are more responsive to the needs of the community, take a greater interest and care of the Common Areas, and are generally more respectful of the association rules;

THEREFORE, To accomplish the home owners' objectives, the following amendment is adopted limiting and restricting the number of homes that may be rented at Jamestowne Square:

1. The leasing of homes at Jamestowne Square is prohibited unless the leasing is consistent with this section.
2. Nor more than four homes at Jamestowne Square shall be occupied by non-homeowners at any one time except in case of hardship as described in #7.
3. Those homes that are currently occupied by non-home owners may continue to be occupied by non-home owners until the first of the following events occurs:
 - a. The home owner conveys his or her interest in the home to a new owner;

- b. The current occupant(s) of the home terminate their lease and move from the home;
 - c. No home which is currently occupied by a non-home owner shall continue to be occupied by a non-home owner after June 1, 2008.
4. No home may be leased for more than a total of twelve (12) months in any twenty-four month period.
 5. All leases, subleases, assignments of leases, and all renewals of such agreements shall be first submitted to the Jamestowne Square Trustees who shall determine compliance with this section.
 6. Any home owner desiring to lease his or her home or to have his or her home occupied by a non-homeowner shall notify the Trustees in writing of their intent to lease their home. The Trustees shall maintain a list of those home owners who have notified it of an intent to lease their home and shall grant permission to homeowners to lease their home in the same order the Trustees receives the written notice of intent to lease a home from the home owners. No permission shall be granted to lease a home until less than four of the homes at Jamestowne Square are occupied by a non-home owner, or as permitted by #7
 7. The restrictions herein shall not apply if a home owner moves from his home (a) due to temporary (less than four years) military, humanitarian, religious or charitable activity or service, and (b) leases his or her home with the intent to return to occupy his or her home when the military, humanitarian, religious or charitable service has concluded. Nor shall the restrictions herein apply if a parent or child leases their home to a family member (parent, grandparent, child, grandchild or sibling).
 8. Jamestowne trustees may fine any homeowner who violates this section. The home owner shall be subject to a fine of \$25.00 per day according to the provisions set forth in the Jamestowne Square Community Rules, and/or to a complaint for an injunction seeking to terminate the lease in violation of this section. If the Jamestowne Square Trustees is required to retain legal counsel to enforce this section, with or without the filing of legal process, the violating home owner shall be liable for all attorney fees and court costs incurred by the Trustees in enforcing this section.

All of lots 1 - 42 plus common area
Jamestowne Square - a cluster subdivision

Signature Page of Owners in Favor of Amending this Declaration

Tesse W. Asay 34
Name Lot #

Dorothy Larsen 15
Name Lot #

Ann J. Rees 3
Name Lot #

Alan V. Jensen 13
Name Lot #

Carma S. Gardner 1
Name Lot #

Joan V. Meyers 10
Name Lot #

Charles P. Lloyd 3
Name Lot #

Norma T. Johnson 11
Name Lot #

Lydia Willmore 18
Name Lot #

H. Jenne 32
Name Lot #

Edna M. Smedley 17
Name Lot #

Evelyn McDonough 33
Name Lot #

Carol C. Dunford 5
Name Lot #

Gay Windler 28
Name Lot #

Paul L. Moss 4
Name Lot #

Bessie Baldwin 37
Name Lot #

Letty R. Pennington 14
Name Lot #

Clifford W. Pad 38
Name Lot #

Doie M. Eldrum 4
Name Lot #

Leil W. Livers 39
Name Lot #

Signature Page of Owners in Favor of Amending this Declaration

William H. Craig 41
Name Lot #

Laura Wilson 12
Name Lot #

Shirley Van Meter 42
Name Lot #

Fern Jenkins
Name Lot # 27

Candice L. Sessions 22
Name Lot #

Name Lot #

Genea R. Wilhelmsen 23
Name Lot #

Name Lot #

La Rue Rogers 30
Name Lot #

Name Lot #

Apton W. Udell 35
Name Lot #

Name Lot #

Bruce J. Smith 9
Name Lot #

Name Lot #

Carol Gibson 25
Name Lot #

Name Lot #

Susan Lee Parker 26
Name Lot #

Name Lot #

for Howard Bowen
Mina Bowen 20
Name Lot #

Name Lot #

By Ann J. Rees

State of Utah)
 SS.
County of Davis)

On this 9 day of November 2005, before me personally appeared Ann J. Rees, who did say that (s)he is the president of the Jamestowne Square Homeowners Association, and (s)he acknowledged before me that (s)he signed this Amended and Restated Declaration in behalf of Jamestowne Square.

Peggy Romney
NOTARY PUBLIC

