

70/6

E 3246181 B 7500 P 2714-2719
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/27/2020 02:10 PM
FEE \$70.00 Pgs: 6
DEF-RTT-REC'D-FOR-HELEDA BISHOP

After Recording Return to
Nelda Bishop
3772 Cardiff Way
Bountiful, Utah 84010

RETURNED

APR 27 2020

see attached for parcel ID#s

2020 Amendment to Declaration of Condominium Of the Newport Heights Condominiums

The 2020 Amendment to Declaration of Condominium of the Newport Heights Condominiums ("Tenth Amendment") is made and executed on the date shown below after being voted on and approved by the homeowners in accordance with the governing documents of the Newport Heights Homeowners Association, a Utah nonprofit corporation (hereinafter "Association").

Recitals

A. Amendment to Previously Recorded Document. This document modifies, relates to and refers to the previously recorded Declaration of Condominium of the Newport Heights Condominium Project (Enabling Declaration recorded July 18, 1986, at the Davis County Recorder's Office as Instrument No. 0744643, Book No. 1100, p. 725.) In the event of a conflict of terms, this 2020 Amendment shall supersede the prior Enabling Declaration and shall be the controlling document.

B. Amendment Supersedes and Has Priority Over Previous Amendments. This 2020 Amendment supersedes the previous Amendments to Declaration of Condominium, previously recorded as follows:

- i. Amendment to Declaration of Condominium recorded February 2, 1987, at the Davis County Recorder's Office as Instrument No. 0771265, Book No. 1141, p. 977;
- ii. Amendment to Declaration of Condominium recorded April 16, 1987, at the Davis County Recorder's Office as Instrument No. 0781774, Book No. 1159, p. 929;
- iii. Third Amendment to Declaration of Condominium recorded August 21, 1987 at the Davis County Recorder's Office as Instrument No. 0799010, Book No. 1189, p. 611;

- iv. Fourth Amendment to Declaration of Condominium recorded August 31, 1987, at the Davis County Recorder's Office as Instrument No. 0799900, Book No. 1190, p. 1066.
- v. Fifth Amendment to Declaration of Condominium recorded October 19, 1988, at the Davis County Recorder's Office as Instrument No. 839710, Book No. 1261, p. 377, 378 & 379.
- vi. Sixth Amendment to Declaration of Condominium recorded August 18, 1989, at the Davis County Recorder's Office as Instrument No. 866741, Book No. 1308, p. 381.
- vii. Seventh Amendment to Declaration of Condominium recorded August 6, 1990, at the Davis County Recorder's Office as Instrument No. 898491, Book No. 1364, p. 496.
- viii. Amendment to Declaration of Condominium recorded February 17, 2017, at the Davis County Recorder's Office as Instrument No. 3008918 Book No. 6724, p. 1729-1738.

ARTICLE IX of the Declaration is hereby amended to delete current Article 9.08 and replace it entirely with Article 9.08 "Reinvestment Fee Covenant"

1. By unanimous vote of those homeowners present and voting by proxy at the duly noticed meeting held March 11, 2020, Article 9.08, "Amendment of Article", was deleted, being contrary to other voting requirements stated in Article 16.06, Article 9.02(e), and Article 9.03 of this Declaration and contrary to voting requirements in Article 3.08 of the Newport Heights By-Laws.

2. The Amended Article 9.08 "Reinvestment Fee Covenant" shall read as follows:

"Pursuant to Utah Code Ann. § 57-1-46, the Association hereby creates a Reinvestment Fee Covenant as Amended Article 9.08 of the Declaration to be placed on the Lots and parcels upon which this notice is recorded, as described in Exhibit "A" attached hereto, each time a Lot is sold.

9.08(a). The fee shall be paid by the buyer and dedicated to benefitting Association expenses to maintain, repair and/or replace association properties, pay taxes, insurance, operating reserves, capital reserves, and emergency funds for the benefit of all Lots within the Association including the burdened property.

9.08(b). The fee collected from said Reinvestment Covenant is perpetual and runs with the land and binds all successors in interest and assigns, and precludes the imposition of any other reinvestment fee.

9.08(c). Notwithstanding Article 9.07, the Reinvestment Fee Covenant obligates the future buyer of the real property to pay a fee set by the Board of Trustees from time to time not to exceed half of one percent (.5%) of the purchase price of the real property upon closing of the purchase/sale of any real property. "

3. The fee is to be paid directly to the Association as follows:

Payee/ Contact: Newport Heights Condominium Owners Association
c/o Property Management Systems, Inc.
Attn: Charles Blackwood
Address: 262 East 3900 South, SLC, UT 84107
Phone (801) 262-3900
Email: charlesb@pmsystems.net

Signed Nelda Bishop
Print Nelda Bishop
Position Vice President

STATE OF UTAH)
) :ss
COUNTY OF DAVIS)

I hereby swear that on this 23 day of March, 2020, I did verify the identity of Nelda Bishop who did affirm that she is an authorized representative for the Newport Heights Condominium Owners Association and did execute this *Notice of Reinvestment Fee Covenant* in my presence.



Mikelle Cottrell
NOTARY PUBLIC

EXHIBIT "A"

Legal Description of Lots

All Lots within Newport Heights Condominium, Bountiful City, Davis County, Utah

Unit No.	Tax ID	Phase
1	01-155-0001	1
2	01-155-0002	1
3	01-155-0003	1
4	01-155-0004	1
5	01-155-0005	1
6	01-155-0006	1
7	01-155-0007	1
8	01-155-0008	1
9	01-159-0009	2 Amended
10	01-159-0010	2 Amended
11	01-159-0011	2 Amended
12	01-159-0012	2 Amended
15	01-159-0015	2 Amended
16	01-159-0016	2 Amended
17	01-159-0017	2 Amended
18	01-159-0018	2 Amended
19	01-166-0019	3
20	01-166-0020	3
21	01-169-0021	4
22	01-169-0022	4
23	01-171-0023	5
24	01-171-0024	5
25	01-217-0025	6
26	01-217-0026	6
27	01-217-0027	6

01-021-0077

EXHIBIT "A"

Legal Description of Lots

All Lots within Newport Heights Condominium, Bountiful City, Davis County, Utah

All of units 1 thru 8 of Newport Heights Condominium, Phase 1, Tax ID numbers 01-155-0001 thru 0008

All of units 9 thru 12 ^{and 15-16} of Newport Heights Condominium, Phase 2, Amended, Tax ID numbers 01-159-0009 thru 0012 and 01-159-0015 thru 0018

All of units 19 and 20 of Newport Heights Condominium, Phase 3, Tax ID numbers 01-166-0019 and 0020

All of units 21 and 22 of Newport Heights Condominium, Phase 4, Tax ID numbers 01-169-0021 and 0022

All of units 23 and 24 of Newport Heights Condominium, Phase 5, Tax ID numbers 01-171-0023 thru 0024

All of units 25 thru 27 of Newport Heights Condominium, Phase 6, Tax ID numbers 01-217-0025 thru 0026 and 01-021-0077

Parcel Vesting Information**08/28/1995 to Present****Serial Number: 01-021-0077****Mailing Address: 3773 CARDIFF WY
BOUNTIFUL, UT 84010****Tax District**

1

Location

Location: 1 N 1 E 6 SE

Vested OwnersCARROLL, MELVIN L – TR
CARROLL, BARBARA M – TR
CARROLL FAMILY TRUST 01/19/2006**Vesting Documents**

Entry Number	Recorded Date & Time	KOI	Party	Execution Date	Fee
2140043	01/25/2006 08:35	QUIT CLAIM DEED	Grantee CARROLL, MELVIN L TR CARROLL FAMILY TRUST 01/19/2006 CARROLL, BARBARA M TR	01/19/2006	\$12.00
2092241	07/28/2005 15:34	WARRANTY DEED	Grantee CARROLL, BARBARA M CARROLL, MELVIN L	07/27/2005	\$12.00

Legal Description

BEG AT THE NE COR OF NEWPORT HEIGHTS CONDO PH 3, WH PT IS S 0°08'42" E 249.72 FT & W 1,223.82 FT FROM THE E 1/4 COR OF SEC 6-T1N-R1E, SLM; & RUN TH S 89°34'23" W 87.97 FT ALG THE N LINE OF SD NEWPORT HEIGHTS CONDO PH 3 TO NW COR OF SD NEWPORT HEIGHTS CONDO PH 3; TH N 0°25'37" W 117.23 FT ALG THE E BNDRY OF LOT 3 HALE OAKS SUB TO THE W COR OF AMD NEWPORT HEIGHTS CONDO PH 2; TH ALG THE BNDRY OF SD AMD NEWPORT HEIGHTS CONDO PH 2 IN THE FOLLOWING 5 COURSES TO THE POB: S 85°34'40" E 5.00 FT, SE'LY 62.57 FT ALG THE ARC OF A 30.00 FT RADIUS CURVE TO THE LEFT THRU A CENTRAL ANGLE OF 119°30'08" (RAD PT BEARS S 85°34'40" E FROM THE BEG OF THE CURVE), E'LY 13.70 FT ALG THE ARC OF A 15.00 FT RAD CURVE TO THE RIGHT THRU A CENTRAL ANGLE OF 52°19'48" (RAD PT BEARS S 25°04'48" E FROM THE BEG OF THE CURVE), SE'LY 33.55 FT ALG THE ARC OF 8°58'21" RAD CURVE TO THE LEFT THRU A CENTRAL ANGLE OF 8°58'21" (RAD PT BEARS N 27°15'00" E FROM THE BEG OF THE CURVE), S 2°15'58" W 73.55 FT. CONT. 0.17 ACRES