

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, BLOOMINGTON TOWNHOUSE ASSOCIATION TOGETHER WITH AND SIMULTANEOUSLY, AN AMENDMENT TO AN AMENDMENT OF SAID DECLARATION OF COVENANTS

DATED AUGUST 6, 1971 AND RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER SEPTEMBER 15, 1971, ENTRY NO. 146126 BLOOMINGTON COUNTRY CLUB #3 B1k 1

Whereas, it has been noted that Article V, Section 4 of said Declaration of Covenants dated October 14, 1970, and the Amendment thereof dated August 6, 1971, contain such inconsistencies and ambiguities, as to make orderly administration of the affairs of the Townhouse Association difficult, even possibly litigious (the amendment of Article V, Section 4 certainly conflicts with Article V, Section 1a, "The right of the Association to limit number of guests of members", and in Article X, Section 1, "All of the lots contained in said area shall be used of residential purposes only").

Whereas, said Amendment dated August 6, 1971 changing Article V, Section 4, Delegation of Use, Declaration of Covenants, to read "In accordance with these covenants", instead of "In accordance with the bylaws", has resulted in irresponsible agencies, representing a very small minority of the membership consisting of nonresident owners, assuming more and more power in the "business" of townhouse rentals; whereas, in this environment, the rights of the very large majority of the membership, the resident homeowners, have been almost completely ignored; it is the purpose of this current amendment to:

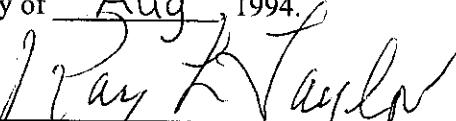
1. Nullify that part of Article V, Section 4 of the amendment dated August 6, 1971 which reads "In accordance with these covenants";
2. Provide the Board of Directors, in accordance with the bylaws, with the necessary authority to truly represent the majority of the membership as opposed to outside agencies being in control.
3. Amend Article V, Section 4 of said Declaration of Covenants to read as follows:

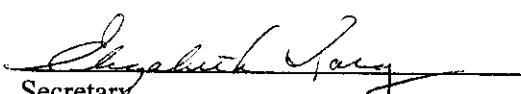
DELEGATION AND REGULATION OF USE

- a) Any member may designate, in accordance with the Bylaws, his right or enjoyment to the Common Area and facilities to the members of his family, his tenants, or contract purchasers who reside on the property.
- b) The Board of Directors, in accordance with the Bylaws, shall be empowered to regulate all phases of Townhouse Rentals, including, but not limited to, the approval or disapproval of all rental or lease applicants, the term of the rental or lease and the power of eviction when appropriate. The Board will also have the authority to levy penalties and fines for violations.

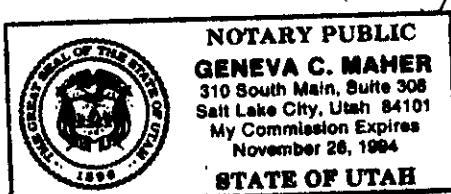
The requirement for passage of the aforesaid Amendment is set out in Article X, Section 14 of the Declaration of Covenants, namely "Instruments signed by not less than sixty percent (60%) of the lot owners" must have indicated approval. Valid evidence that this requirement has been met is contained in the minutes of the Board of Directors meeting held August 3, 1994.

IN WITNESS WHEREFORE, the undersigned have hereunto set their hands this 3 day of Aug, 1994.

  
Vice President  
Bloomington Townhouse Association

  
Secretary  
Bloomington Townhouse Association

In the County of Washington, State of Utah, subscribed and sworn to before me this 3 day of Aug, 1994.



  
Notary Public

11-26-94

My Commission Expires