Ent 551083 Bk 954 Pg 489 -495
Date: 19-SEP-2023 4:00:29PM
Fee: $114.00 Charge Filed By: LWD
JOHN ALAN CORTES, Recorder
GRAND COUNTY CORPORATION
For: ANDERSON-OLIVER TITLE INSURANCE

WHEN RECORDED, RETURN TO:

Melanie R. Clark, Esq.
Foley & Lardner LLP
95 S. State St. Suite 2500
Salt Lake City, UT 84111

APN: 01-0KCC-001 through 01-0KCC-0047

AMENDMENT TO NOTICE OF REINVESTMENT FEE COVENENT

The undersigned, Tye Shumway, Dhananjay Rawal, and Amber Niesen, constituting all of the members of the Board of Directors (the "**Board**") of the Kane Creek Condominium Owners Association, a Utah nonprofit corporation (the "**Association**"), in accordance with applicable provisions of the Utah Revised Nonprofit Corporation Act, and the Declaration of Condominium for Kane Creek Condominiums, recorded on June 10, 2021 as Entry No. 541118 in the Official Records of Grand County, Utah, as amended by that certain Amendment to the Declaration of Covenants, Conditions, and Restrictions of Kane Creek Condominiums recorded on December 21, 2022 as Entry No. 548613 in the Official Records of Grand County, Utah (as amended, the "**Declaration**"), hereby adopt the following resolutions and consent to the actions set forth herein to be effective as of July 11, 2023 (the "**Effective Date**").

WHEREAS, Section 6.7 of the Declaration imposes a Reinvestment Fee covenant whereby whenever a Unit is sold, transferred, or conveyed to a new owner, the purchaser of the Unit must pay the Reinvestment Fee, unless an exception set forth in Section 6.7(h) of the Declaration applies;

WHEREAS, Kane Devco, LLC, a Utah limited liability company, recorded that certain Notice of Reinvestment Fee Covenant on June 01, 2021, as Entry No. 541119 in the Official Records of Grand County, Utah (the "**Notice**");

WHEREAS, Section 6.7(b) of the Declaration authorizes the Board to increase or decrease the amount of the Reinvestment Fee by written resolution; and

WHEREAS, the Board finds it in the best interest of the Association to increase the amount of the Reinvestment Fee.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD:

1. The Reinvestment Fee is hereby increased to the lower of: (a) five hundred dollars ($500) or (b) one half of one percent (0.5%) of the value of the applicable Unit.

2. The Reinvestment Fee shall be paid to the Association at 285 S 400 E, Suite 216, Moab, Utah 84532.

3. The burden of the Reinvestment Fee covenant is intended to run with the land and bind successors in interest and assigns.

4. The existence of the Reinvestment Fee covenant in the Declaration precludes the imposition of an additional reinvestment fee covenant on the property described in Exhibit A attached hereto.

5. The duration of the Reinvestment Fee covenant is for a period of 50 years, which period commenced on June 10, 2021.

6. The purpose of the Reinvestment Fee is for the use and improvement of the Kane Creek Condominiums Common Elements and to pay the Common Expenses (as such terms are defined in the Declaration).

7. The Reinvestment Fee is required to benefit the property described in Exhibit A attached hereto.

This Amendment to Notice of Reinvestment Fee Covenant may be executed in counterparts, each of which shall be an original and all of which counterparts taken together shall constitute one and the same instrument.

[Signatures on Following Page(s)]

This Amendment to Notice of Reinvestment Fee Covenant was executed to be effective as of the Effective Date.

Tye Shumway, Director

STATE OF Utah)
) SS.
COUNTY OF Grand)

The foregoing instrument was acknowledged before me this 22 day of August, 2023 by Tye Shumway, as a director for Kane Creek Condominium Owners Association, a Utah nonprofit corporation.

WITNESS my official hand and seal.

Dawn Renae Eddy

Notary Public

DAWN RENAE EDDY
Notary Public State of Utah
My Commission Expires on:
May 20, 2026
Comm. Number: 724370

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4857-1640-8681

DAWN RENAE EDDY
Notary Public State of Utah
My Commission Expires on:
May 20, 2026
Comm. Number: 724920

This Amendment to Notice of Reinvestment Fee Covenant was executed to be effective as of the Effective Date.

Dhananjay Rawal, Director

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by Dhananjay Rawal, as a director for Kane Creek Condominium Owners Association, a Utah nonprofit corporation.

WITNESS my official hand and seal.

Notary Public

CALIFORNIA ACKNOWLEDGMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles }

On Aug/08/2023 (Date) before me, Alex Zanier, Notary Public, (Here Insert Name and Title of the Officer)

personally appeared Dhananjay Bhaskarrai Rawal (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ALEX ZANIER
Notary Public - California
Los Angeles County
Commission # 2440232
My Comm. Expires Mar 2, 2027

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Alex Zanier
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Amendment to Notice of Reinvestment Fee Convent
Document Date: Aug/8/2023 Number of Pages: Six
Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name:	Signer's Name:
☐ Corporate Officer – Title(s):	☐ Corporate Officer – Title(s):
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☒ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer is Representing:	Signer is Representing:

This Amendment to Notice of Reinvestment Fee Covenant was executed to be effective as of the Effective Date.

Amber Niesen, Director

STATE OF Utah)
) SS.
COUNTY OF Grand)

The foregoing instrument was acknowledged before me this 11 day of July, 2023 by Amber Niesen, as a director for Kane Creek Condominium Owners Association, a Utah nonprofit corporation.

WITNESS my official hand and seal.

Notary Public

DAWN RENAE EDDY
Notary Public State of Utah
My Commission Expires on:
May 20, 2026
Comm. Number: 724370

EXHIBIT A

LEGAL DESCRIPTION

All of Units B101 through B113, B201 through B214, and B301 through B307, Kane Creek Condominiums, Phase I, Building B, Moab City, Grand County, Utah, according to the plat thereof recorded on June 10, 2021 in Book 917, Pages 721-722, together with the appurtenant undivided interest in the Common Elements.

All of Units A101 through A106 and A201 through A207, Kane Creek Condominiums, Phase II, Building A, Moab City, Grand County, Utah, according to the plat thereof recorded on June 10, 2021 in Book 917, Pages 723-724, together with the appurtenant undivided interest in the Common Elements.