

RECORDED AT THE REQUEST OF:
Westview Estates HOA

Record against the Property
Described in Exhibit A

After Recording mail to:
Community Association Management
107 So. 1470 East Ste. 204
St. George, UT 84790

00758792

B: 1523 P: 1852 Fee \$630.00
Carri R. Jeffries, Iron County Recorder Page 1 of 6
12/16/2020 04:49:52 PM By COMMUNITY ASSOCIATION MANAGE

**SECOND AMENDMENT TO THE RESTRICTIVE COVENANTS
OF WESTVIEW ESTATES SUBDIVISION**

WHEREAS, the original Declaration of Covenants and Restrictions affecting Real Property known as Westview Estates, currently in effect, was executed and thereafter recorded in the office of the County Recorder of Iron County, Utah on March 3, 2004 in Book 921 Page(s) 471 through 497, Entry No. 00479926.

WHEREAS, the Declaration of Covenants and Restrictions describes certain real property identified as all lots within West View Estates Subdivision, Phase I, which was subsequently amended to include three additional phases, and supplemental real property was added to the Declaration and recorded with the office of the County Recorder of Iron County on February 22, 2005, in Book 963, Page(s) 130 through 132, Entry No. 4988827, (Phase II) August 3, 2005, in Book 985, Page 557 – 559, Entry No. 508660, (Phase III), and August 16, 2006, in Book 1048, Page 1233 – 1235, Entry 535921, (Phase IV).

WHEREAS, on December 7, 2016, Notice of Rescinded and Invalid Amended and Restated Declaration of Restrictions of Westview Estates was recorded in the records of the Iron County Recorder Book 1362 Page(s) 1282 through 1286, Entry No. 00691677, and therefore is the binding and governing declaration of the Association.

WHEREAS, Section X of the Declaration provides that Section II shall not be amended except upon unanimous vote of the Lot Owners and such document is signed and acknowledged by each Owner in favor of the modification.

WHEREAS, per Utah State Statute 57-8a-104 (1)(a)(i)(A), identifies that for an amendment adopted after the period of administrative control, the vote or approval of lot owners with more than 67% of the voting interests may approve such Amendment.

WHEREAS, Owners in the Westview Estates project were given notice of the requirements under Utah Code Ann. Section 16-6a-1607 for taking action without a meeting. A true and correct copy of such notice is attached hereto and incorporated here in as Exhibit "B".

NOW, THEREFORE, all of the Property (described in Exhibit A attached hereto and made a part hereof) shall be held, sold and conveyed subject to the Declaration as amended by this Second Amendment, which shall take effect upon the date it is recorded in the records of the Iron County Recorder ("Amendment Date").

AMENDMENTS

NOW, THEREFORE, the Westview Estates Association hereby amends the Declaration of Covenants, Conditions and Restrictions of Westview Estates as follows:

Section III, Paragraph 18 of the West View Estates Declaration of Covenants and Restrictions be restated in its entirety as follows:

18. Allow for the following in-home use(s) as permitted by and meeting the requirements and restrictions of the Iron County Land Use Ordinance(s).

- A. **Home Occupation:** Home Occupation. A "home occupation" means an accessory use consisting of a vocational activity conducted inside a dwelling unit and conducted only by the individuals who reside therein and provided that the home occupation:
- i. Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
 - ii. Is clearly subordinate to the use of the lot for dwelling purpose and does not change the character of the lot;
 - iii. Does not include the outside storage of goods, materials, or equipment;
 - iv. Does not produce traffic volumes exceeding that produced by the dwelling unit by more than ten average daily trips or a maximum of twenty trips during any twenty-four-hour period;
 - v. Does not include nursing homes, restaurants, vehicle repair businesses, or boarding houses; and
 - vi. Complies with all required Federal and State licensing requirements.

Home occupation shall include the care of not more than six children other than members of the family residing in the dwelling.

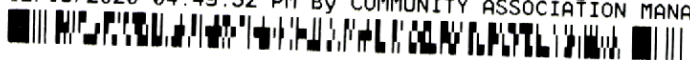
B. **Expanded Home Occupation:** "Expanded home occupation" means an accessory use consisting of a vocational activity that extends beyond the limitations of "home occupation" but can be conducted in residential neighborhoods without undue detrimental impacts to surrounding properties; is required to obtain an administrative land use permit as described in Chapter 17.38, and is regulated in Section 17.36.280, Iron County Code. Expanded home occupation includes any use where an employee does not reside inside the dwelling unit, where outside storage, use of an accessory building on the same property, or use of an attached garage is anticipated or requested in conjunction with a home occupation.

C. **Child Day Care Facility/Preschool Center:** "Child day care facility/preschool center" means any facility operated by a person qualified by the State of Utah which provides six or more children under fourteen years of age with day care and/or preschool instructions.

(Signature and I

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Dated this 3 day of DECEMBER, 2020.

Westview Estates Homeowners Association

Ferrin P. Affleck

By: FERRIN P. AFFLECK

It's: President

Witnessed:

Martha Bayer

Secretary

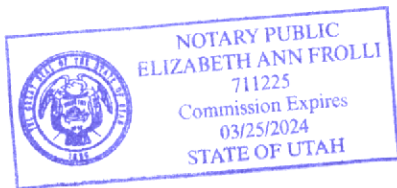
Westview Estates Homeowners Association

State of Utah)

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County of Iron)

On the 3rd day of December, 2020 personally appeared before me Ferrin Affleck, who being first duly sworn did say that he/she is the President of Westview Estates Homeowners Association, and that the foregoing instrument was signed in behalf of said corporation by authority or resolution of its Board of Directors, and that the said Martha Bayer, acknowledged to me that said corporation executed the same.



[Signature]

Notary Public

Residing in: Cedar City

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EXHIBIT A

This Notice of Seconded Amendment to the Declaration of Restrictions shall be filed and recorded against the real property described as follows:

All of Lots 1-10, WEST VIEW ESTATES PHASE 1 BLK A, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000A-0001 through D-1197-000A-0010

All of Lots 2-4, WEST VIEW ESTATES PHASE 1 BLK B, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000B-0002 through D-1197-000B-0004

All of Lots 1A, 1B, 1C, 1D, AND 1E, WEST VIEW ESTATES PHASE 1 BLK B, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000B-001 A, D-1197-000B-001B, D-1197-000B-001C, D-1197-000B-001D, and D-1197-000B-001E

All of lots 1-8, WEST VIEW ESTATES PHASE 1 BLK C, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000C-0001 through D-1197-000C-0008

All of Lots 1-14, WEST VIEW ESTATES PHASE 1 BLK D, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000D-0001 through D-1197-000D-0014

All of Lots 1-6, WEST VIEW ESTATES PHASE 1 BLK E, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1197-000E-0001 through D-1197-000E-0006

All of Lots 1-6, WEST VIEW ESTATES PHASE 2 BLK A, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

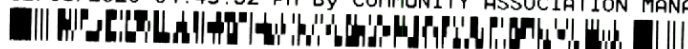
TAX ID NOS: D-1207-000A-0001 through D-1207-000A-0006

All of Lots 1-18, WEST VIEW ESTATES PHASE 2 BLK B, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

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TAX ID NOS: D-1207-000B-0001 through D-1207-000B-0018

All of Lots 1-11, WEST VIEW ESTATES PHASE 2 BLK C, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1207-000C-0001 through D-1207-000C-0011

All of Lots 1-11, WEST VIEW ESTATES PHASE 3 BLK A, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000A-0001 through D-1209-000A-0011

All of Lots 1-22, WEST VIEW ESTATES PHASE 3 BLK B, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000B-0001 through D-1209-000B-0022

All of Lots 1-22, WEST VIEW ESTATES PHASE 3 BLK C, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000C-0001 through D-1209-000C-0022

All of Lots 1-14, WEST VIEW ESTATES PHASE 3 BLK D, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000D-0001 through D-1209-000D-0014

All of Lots 1-20, WEST VIEW ESTATES PHASE 3 BLK E, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000E-0001 through D-1209-000E-0020

All of Lots 1-18, WEST VIEW ESTATES PHASE 3 BLK F, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1209-000F-0001 through D-1209-000F-0018

All of Lots 1-5, WEST VIEW ESTATES PHASE 3 BLK G, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

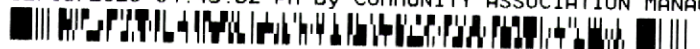
TAX ID NOS: D-1209-000G-0001 through D-1209-000G-0005

All of Lots 1-9, WEST VIEW ESTATES PHASE 4 BLK A, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

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TAX ID NOS: D-1213-000A-0001 through D-1213-000A-0009

All of Lots 1-6, WEST VIEW ESTATES PHASE 4 BLK B, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1213-000B-0001 through D-1213-000B-0006

All of Lots 1-12, WEST VIEW ESTATES PHASE 4 BLK C, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1213-000C-0001 through D-1213-000C-0012

All of Lots 1-3, WEST VIEW ESTATES PHASE 4 BLK D, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1213-000D-0001 through D-1213-000D-0003

All of Lots 1-24, WEST VIEW ESTATES PHASE 4 BLK E, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX TD NOS: D-1213-000E-0001 through D-1213-000E-0024

All of Lots 1-23, WEST VIEW ESTATES PHASE 4 BLK F, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX TD NOS: D-1213-000F-0001 through D-1213-000F-0023

All of Lots 1-18, WEST VIEW ESTATES PHASE 4 BLK G, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1213-000G-0001 through D-1213-000G-0018

All of Lots 1-14, WEST VIEW ESTATES PHASE 4 BLK H, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX TDNOS: D-1213-000H-0001 through D-1213-000H-0014

All of Lots 4A, 5A, 6A and 7A, WEST VIEW ESTATES PHASE 4 BLK H, according to the official plat thereof on file and of record in the Iron County Recorder's Office.

TAX ID NOS: D-1213-000D-004A, D-1213-0000-005A, D-1213-000D-006A, and D-1213-0000-007A

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