

4-73

**AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS OF  
HIGHLAND COVE CONDOMINIUMS**

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Pursuant to the affirmative vote of more than sixty-seven percent (67%) of the Unit Owners of Highland Cove Condominiums ("Unit Owners") and in compliance with Paragraph 25 of the Declarations of Covenants, Conditions, and Restrictions of Highland Cove Condominiums the ("the Declaration") which is dated November 17, 1981, and recorded on March 30, 1982 in the office of the Salt Lake County Recorder in Book No. 5356 at Page 741 as Entry No. 3661596, the Declaration of Highland Cove Condominiums is hereby amended as follows:

**RECITALS**

A. Whereas, a special meeting of the Unit Owners or members of the Highland Cove Homeowners Association was called by the Management Committee to consider designating Highland Cove as age fifty-five (55) or older housing and to consider appropriate and necessary amendments to the Declaration to effectuate that designation if it was so voted; and

B. Whereas, written notice of the special meeting scheduled for January 24, 2001, was duly given by Management Committee members Arlene Lynn, Lotte Lamont and Alene Hansen hand delivering the same to all resident Unit Owners on January 12, 2001, and mailing the notice to non-resident Unit Owners pursuant to Paragraph 6 (b) of the duly adopted Bylaws of Highland Cove Condominiums; and

C. Whereas, seventeen (17) Unit Owners appeared in person and nineteen (19) others gave proxies to Unit Owners in attendance, which total constitutes a quorum

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pursuant to Paragraph 9 of the duly adopted Bylaws of Highland Cove Condominiums;  
and

D. Whereas, thirty-four (34) of forty-eight (48) Unit Owners or 70.83%,  
either in person or by proxy, voted in favor of designating Highland Cove Condominiums  
as age fifty-five (55) or older housing and in favor of making appropriate and necessary  
amendments of the Declaration to effectuate that designation; and

E. Whereas, the Management Committee presented reliable information and  
documentation that forty-two (42) of the forty-five (45) occupied units of Highland Cove  
Condominiums or ninety-three percent (93%) included at least one resident of fifty-five  
(55) years of age or more qualifying Highland Cove Condominiums for an exemption  
under the Fair Housing Act of 1968 pursuant to 42 U.S.C. § 3607.

**NOW THEREFORE**, the Declaration is duly amended in the following particulars:

Paragraph 15 (a) which currently states:

- (a) **Each of the Units in the Project is intended to be used for  
single family residential housing and is restricted to such use.**

Is deleted in its entirety and replaced with following provision:

- (a) *Highland Cove Condominium has been designated as age fifty-five (55)  
or older housing. The condominiums qualify for such designation based  
on the occupancy of more than eighty percent (80%) of all occupied  
units by at least one person fifty-five (55) years of age or older.  
Highland Cove Condominiums is intended and operated to provide  
housing for persons fifty-five (55) years of age or older. Accordingly,  
from the date of this Amendment and forward, all units must be  
occupied by at least one person fifty-five (55) years of age or older and  
persons under eighteen (18) years of age may not reside in any unit  
without the express written authorization of the Management  
Committee. Because the occupants in units 214, 219 and 319 did not  
meet the age requirements and restrictions, they shall be exempt from  
the over fifty-five (55) age requirement and under eighteen (18) age  
restriction for so long as they shall continuously occupy their respective  
units. Any change in the occupants of the units shall terminate the*

*exemption from the age requirements and restrictions. As a condition of continued occupancy of any unit of Highland Cove Condominiums, all occupants shall complete periodic surveys or questionnaires and provide reliable documentation concerning their ages. Further, all occupants shall comply with Rules, Regulations, Policies and Guidelines promulgated by the Management Committee to accommodate age fifty-five (55) and over residents and to preserve Highland Cove Condominium's designation as fifty-five (55) and older housing.*

Paragraph 15 (i) of the Declaration is deleted in its entirety.

Paragraph 29 (g) of the Declaration which currently states:

- (g) **With the exception of a lender in possession of a unit following default in a first mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure, no Unit Owner shall be permitted to lease his Unit for transient or hotel purposes. No Unit Owner may lease less than the entire unit. Any lease agreement shall provide that the terms of the lease shall be subject in all respects to the provisions of the Declaration and By-Laws and that any failure by the lessee to comply with the terms of such document shall be a default under the lease. All leases shall be in writing and for a period of not less than thirty (30) days.**

is deleted in its entirety and replaced with the following provision:

- (g) *With the exception of a lender in possession of a Unit following default in a first mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure, no Unit Owner shall be permitted to lease his Unit for transient or hotel purposes. No Unit Owner may lease less than the entire unit. Any lease agreement shall provide that the terms of the lease shall be subject in all respects to the provisions of the Declaration, By-Laws and Rules, Regulations, Policies and Guidelines, including the requirement that each unit be occupied by a person age fifty-five (55) or older and restrictions against occupancy by persons younger than eighteen (18) years of age. Any failure by the lessee to comply with the terms of such documents shall be considered a default under the lease. All leases shall be in writing and for a period of not less than thirty (30) days.*

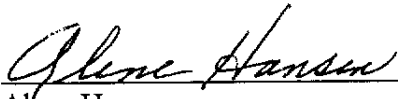
Paragraph 32 of the Declaration which currently states:

**Any Unit Owner who sells, leases, or otherwise disposes of his Unit shall submit to the Committee pertinent information concerning the transferee or new occupant within one week of any transfer of title or possession on a form furnished by the Committee.**

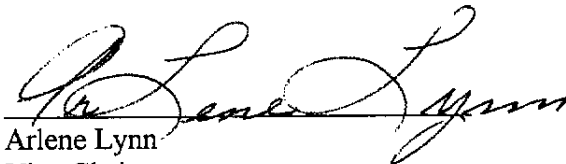
is be deleted in its entirety and replaced with the following provision:

*Any Unit Owner who sells, leases, transfers or otherwise disposes of his or her Unit shall provide notice to all prospective buyers, lessees or transferees that Highland Cove Condominiums is age fifty-five (55) or older housing and that occupancy of each unit requires at least one person of age fifty-five (55) or older, excludes persons eighteen (18) years of age and younger. Further, each unit owner, upon sale, lease or transfer of their unit shall provide to the Management Committee pertinent information concerning the new occupants and other information required under the rules, regulations, policies and guidelines within one week of any transfer of title or possession.*

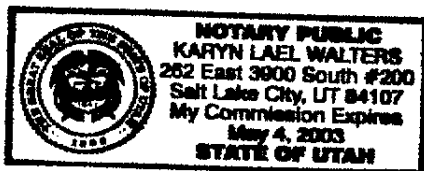
DATED this 6<sup>th</sup> day of April, 2001.

  
Alene Hansen  
Chairperson

DATED this 6<sup>th</sup> day of April, 2001.

  
Arlene Lynn  
Vice Chairperson

Personally appeared before me Alene Hansen and Arlene Lynn on this 6<sup>th</sup> day of April, 2001 who after being duly sworn and upon oath acknowledged that they are the Chairperson and Vice Chairperson respectively of the Highland Cove Condominiums Management Committee and that they are authorized to and did sign the foregoing Amendment of the Declaration of Covenants, Conditions, and Restrictions of Highland Cove Condominiums.



  
Notary Public

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04/06/2001 03:18 PM 89.00  
Book - 8443 Pg - 3547-3550  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
ALENE HANSEN  
1450 E HIGHLAND COVE LN #209  
SLC UT 84106  
BY: ZJN; DEPUTY - WI 4 P.

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