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RUSSELL SHIRTS & WASHINGTON CO RECORDER
2005 JUN 09 09:57 AM FEE \$14.00 BY SW
FOR: PARADISE COVE TOWNHOMES

After Recording Return To:
The Richards Law Office, P.C.
4190 South Highland Dr., Suite 111
SLC, UT 84124

**AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF**

PARADISE COVE TOWNHOMES

ALL Lots in phases 1, 2, & 3 P.V.

This Amendment to the Declaration of Covenants, Conditions and Restrictions ("Declaration") that established a planned residential community known as Paradise Cove Townhomes is executed on the date set forth below by the Paradise Cove Townhomes Association ("Association") having received the necessary approvals of the homeowners.

RECITALS

A. Certain real property in Washington County, Utah, known as Paradise Cove was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration dated July 16, 1994, and recorded as Document Entry No. 498005, Book 848, Page 411, et. seq., records of Washington County, Utah;

B. This amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto;

C. This amendment is intended to aid in the avoidance of the communal ills, including among other things, rule violations, abuse and destruction of community and private property and the consequent increase in insurance premiums, and the diminished safety of the owners, frequently associated with a high levels of tenancy;

D. Consequently, the Association deems requiring owners to occupy their townhomes for a minimum period of time prior to being permitted to rent their townhomes to be necessary and in the best interest of the owners collectively.

E. Ownership of a townhome, whether physically occupied by the owner or not, is considered "occupied" for purposes of this amendment. In other words, if an owner does not occupy their townhome on a full time basis, they can still qualify to rent their townhome if they have owned the townhome for at least twelve (12) months and no renters have been present during that time;

F. Pursuant to Article XI, Section 4 of the Declaration, owners representing more than sixty-seven percent (67%) of the voting rights have approved this Amendment and have directed that it be recorded with the Washington County Recorder's Office.

NOW, THEREFORE, The Association, by and through its Board of Trustees, hereby amends Article VIII, Section 14 of the Declaration entitled "Leases" in its entirety to read as follows:

Section 14. Leases / Required 12 Month Occupancy. Any lease or rental agreement shall be in writing and shall provide that the terms of the lease shall be subject in all respects to the provisions of this Declaration, the Articles of Incorporation, Bylaws and Rules and Regulations of the Association and that any failure by lessee to comply with the terms of such documents shall be a default under the lease. In addition, a townhome may not be rented unless the owner of record has occupied their unit, as defined above, for at least twelve (12) consecutive months prior to renting their townhome. Once an owner(s) has occupied their townhome for at least twelve (12) consecutive months, then it shall qualify as a permissible rental townhome subject to all of the provisions of this Declaration, the Articles of Incorporation, the Bylaws and Rules of the Association. All owners currently renting their townhomes shall be exempt from the force and effect of this amendment until such time as they sell their townhome or title otherwise changes from the current owner. Thereafter, any new owner(s) shall be subject to this Section 14.

IN WITNESS WHEREOF, THE PARADISE COVE TOWNHOMES ASSOCIATION, by and through its Board of Trustees, has executed this Amendment to the Declaration as of the 8 day of JUNE, 2005, in accordance with Article XI of the Declaration.

THE PARADISE COVE TOWNHOMES ASSOCIATION

Peter Voirol

President

Jeanne Burton

Secretary

STATE OF UTAH)
) ss
County of Washington)

On the June day of May, 2005, personally appeared Peter Voirol
and Jeanne Burton who, being first duly sworn, did that say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.



Tracy Wunningham
Notary Public for Utah
My Commission Expires: 3-18-2009

