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DOC # 20160019718
Amended Restrictive Covenants Page 1 of 14
Russell Shirts Washington County Recorder
06/03/2016 01:38:35 PM Fee $ 42.00
By COMMUNITY ASSOC MANAGEMENT

Recorded at the request of:
Padre Lakes Townhomes Association

Record against the Property described in Exhibit A

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

FIRST AMENDMENT TO THE AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF PADRE LAKES TOWNHOMES

RECITALS

WHEREAS, the original Declaration of Covenants, Conditions, and Restrictions of Padre Lakes Townhomes was recorded in the records of the Washington County Recorder on April 4, 1994, as Entry No. 463799, in Book 811, beginning at Page 24 (the "Original Declaration"); and

WHEREAS, an Amendment to Declaration of Covenants, Conditions and Restrictions of Padre Lakes Townhomes was recorded in the records of the Washington County Recorder on September 29, 1994, as Entry No. 00480001, in Book 0854, beginning at Page 0008; and any and all supplements or amendments to the Declaration prior to the date of this Amendment, whether or not such were recorded in the records of the Washington County Recorder. Specifically, this Amendment replaces and supersedes Article VI of the Declaration. In the event of a conflict between the Declaration, the Bylaws or the Rules and Regulations for the Padre Lakes Townhomes Association, this Amendment shall control.

WHEREAS, Article XI of the Declaration provides the Amended Declaration may be amended by an instrument signed by not less than sixty-seven percent (67%) of the owners; and

WHEREAS, Owners in the Padre Lakes Townhomes 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 First Amendment, which shall take effect upon the date it is recorded in the records of the Washington County Recorder ("Amendment Date").

AMENDMENTS

NOW, THEREFORE, the Padre Lakes Association hereby amends the Amended Declaration of Covenants, Conditions and Restrictions of Padre Lakes Townhomes as follows:

A. NOW, THEREFORE, Article VI, of the Amended Declaration, titled "Architectural Control Committee" is hereby replaced in its entirety and amended to read as follows:

The Trustees may appoint an Architectural Control Committee Composed of three (3) or more representatives and until such appointment is made in writing the Trustees shall function in that capacity. NO structure, building, fence, wall or addition, extension or expansion of any of the foregoing nor any exterior addition or change alteration, including color changes, of any lot or townhome shall be made until the plans and specifications showing the nature, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee. In the event said committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and compliance with this article will be deemed to have been made. The Architectural Control Committee shall consider the harmony of external design and location in relation to surrounding structures and topography. However, an owner's request to construct appurtenant structures and personal landscaping outside the boundaries of the townhome and within the rear area of the surveyed boundaries of the lot shall be approved unless the action constitutes a violation of law or the use restrictions of this Declaration, or the rules and regulations of the Association.

Notwithstanding the foregoing, without the prior written consent of a majority of a quorum of Owners, neither the Association nor the Architectural Control Committee shall have the power, by act or omission, to change, waive or abandon any plan, scheme or regulations pertaining to the architectural design or the exterior appearance or maintenance of townhomes and lots, and the maintenance of the common and limited common areas, including walls, fences, driveways, lawns and plantings.

IN WITNESS WHEREOF, on the 25 day of April, 2016, the President of the Association hereby represents that a meeting was held regarding this First Amendment to the Amended Declaration and sixty-seven percent (67%) or more of the owners approved of the First Amendment to the Amended Declaration. Exhibit B hereto contains true and correct copies of the signatures of the members/owners that assent to this First Amendment.

Padre Lakes Townhomes ASSOCIATION
a Utah nonprofit corporation

By: _____
Its: President HENRY VANDERLAAN

Witnessed:

Marilee A. Riccate
Secretary
Padre Lakes Townhomes Association

STATE OF UTAH,)
: ss.
County of Washington.)

On the 25 day of April, 2016, personally appeared before me Henry Vanderlaan, who being by me duly sworn, did say that he/she is the President of the Padre Lakes Townhomes Association, the authorized individual empowered to sign this First Amendment and the Amended Declaration was signed on behalf of said Association and said person acknowledged to me that said Association authorized the execution of same.

Notary Public

TIFFANY OLSON
Notary Public
State of Utah
COMMISSION #662641
My Commission Expires January 16, 2017

TIFFANY OLSON
Notary Public
State of Utah
COMMISSION #662241
My Commission Expires January 16, 2015

EXHIBIT A

Legal Description

This Amendment to the Declaration of Covenants, Conditions and Restriction of Padre Lakes Townhomes effects the following real property, all located in Washington County, State of Utah:

All of Lots 1 through 25, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 1, according to the Official recorder of the Washington County Recorder; and

All of Lots 26 through 75, and 98 through 101, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 2, according to the Official recorder of the Washington County Recorder; and

All of Lots 151 through 185, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 3, according to the Official recorder of the Washington County Recorder; and

All of Lots 96 through 97, 102 through 106, 128 through 135, 141 through 150, and 186 through 188. including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 4, according to the Official recorder of the Washington County Recorder; and

All of Lots 86 through 95, 107 through 111, and 136 through 140, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 5, according to the Official recorder of the Washington County Recorder; and

All of Lots 77 through 85, and 112 through 119, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 6, according to the Official recorder of the Washington County Recorder; and

All of Lots 120 through 127, and 189 through 196, including any and all Common Area, as shown on the Official Plat for Padre Lakes Townhomes, Phase 7, according to the Official recorder of the Washington County Recorder; and

EXHIBIT B

LEGAL NOTICE

FOR TAKING WRITTEN CONSENTS WITHOUT A MEETING TO APPROVE THAT CERTAIN

AMENDMENT TO THE AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS PADRE LAKES TOWNHOMES

(Article VI Architectural Control Committee)

The Declaration of Covenants, Conditions and Restrictions for Padre Lakes (the "Declaration") requires the taking of written consents of at least sixty-seven percent (67%) of all members to amend the Declaration and to adopt the First Amendment to the Declaration of Covenants, Conditions and Restrictions Padre Lakes Townhomes relating to restrictions on leasing (the "Amendment").

Utah Code Ann. Section 16-6a-707 allows for the taking of written consents without a meeting of the members, provided the following are met:

1. The consents are signed by the number of members required to take the action if a meeting were held; in this instance sixty-seven percent (67%) of the members.

2. Unless 100% of the members sign a written consent, sixty-seven percent (67%) of the written consents must be obtained within a sixty (60) day period commencing on the date the first consent is executed.

3. The effective date of the Amendment will be the date the Amendment is recorded in the records of the Washington County Recorder.

4. Consents once given may only be revoked in a writing signed by the member(s) that references the Amendment, that states the member's prior written consent is revoked; and that is received by the Association prior to the expiration of the sixty (60) day period.

You are hereby given notice that if at least sixty-seven percent of the members consent in writing to the Amendment within the sixty (60) day period, that the Padre Lakes Townhomes Owners Association, through its Board, will immediately cause the Amendment to be recorded in the records of the Washington County Recorder.

A copy of the Amendment and Consent form are attached hereto and you have hereby been given notice that the enclosed Amendment has been provided to you more than ten (10) days in advance of the proposed effective date of the Amendment.

A copy of this Legal Notice has been attached as Exhibit B to the Amendment.

EXHIBIT C

BALLOT COUNT AND VERIFICATION:

The Board has counted and verified ballots. The attached spreadsheet identifies all votes received.

By: Henry Vanderlaan

Its: President

By: Ronald J Weed

Its: Vice-President