

After Recording Return to:
Grandview Farm Condominium, Inc.
1756 Cobblestone Drive
Provo, Utah 84604

ACCOMMODATION RECORDING ONLY.
FIRST AMERICAN TITLE MAKES NO
REPRESENTATION AS TO CONDITION
OF TITLE, NOR DOES IT ASSUME
ANY RESPONSIBILITY FOR VALIDITY,
SUFFICIENCY OR AFFECT OF DOCUMENT.

**AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS & RESTRICTIONS
IMPOSING AGE RESTRICTIONS ON SALES AND RENTALS OF UNITS**

For
Grandview Farm Condominium
Provo, Utah
An Adult Community – Age 55 and Older

THIS FIRST AMENDMENT TO THE AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Declaration”) **IMPOSING AGE RESTRICTIONS ON SALES AND RENTALS OF UNITS** (“Age Restriction Amendment”) TO AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS recorded June 9, 2017, as Entry No. 55833:2017 (“Declaration”) FOR THE PROPERTY (“Age Restriction Amendment”) KNOWN AS GRANDVIEW FARM CONDOMINIUM (the “Property”) is hereby adopted by GRANDVIEW FARM CONDOMINIUM, INC. (the “Association”), for and on behalf of its Members, and made effective as of the date recorded in the Utah County Recorder’s Office.

RECITALS:

- (A) The Declaration affects and concerns the real property located in Utah County, Utah and more particularly described in Exhibit “A,” attached to the Declaration, and incorporated therein by reference.
- (B) On or about January 4, 1982, a Plat Map depicting Grandview Farm Condominium was recorded in the Utah County Recorder’s Office, as Entry No. 1982-71.
- (C) On or about January 4, 1982, a Declaration of Condominium of Grandview Farm Condominium Phase 1 (“Enabling Declaration”) was recorded in the Utah County Recorder’s Office, as Entry No. 72:1982.
- (D) On or about September 7, 1982, an Amended Declaration of Condominium of Grandview Farm Condominium Phase I (“Amended Declaration”) was recorded in the Utah County Recorder’s Office, as Entry No. 22119:1982.
- (E) On or about November 3, 1982, By-Laws of Grandview Farm Condominium were recorded in the Utah County Recorder’s Office, as Entry No. 27466:1982.
- (F) On or about October 15, 1986, an Amendment to the Declaration of Condominium of Grandview Condominium Phase 1 (“Amendment – Phase 1”) was recorded in the Utah

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- (E) On or about November 3, 1982, By-Laws of Grandview Farm Condominium were recorded in the Utah County Recorder’s Office, as Entry No. 27466:1982.
- (F) On or about October 15, 1986, an Amendment to the Declaration of Condominium of Grandview Condominium Phase 1 (“Amendment – Phase 1”) was recorded in the Utah

County Recorder's Office, as Entry No. 35065:1986.

(G) On or about October 15, 1986, a Plat Map depicting Phase II Grandview Farm Condominium was recorded in the Utah County Recorder's Office, as Entry No. 1986-35067.

(H) On or about October 15, 1986, an Amendment to the Declaration of Condominium for Grandview Farm Condominium Phase 2 ("Amendment – Phase 2") was recorded in the Utah County Recorder's Office, as Entry No. 35068:1986.

(I) On or about November 8, 1989, a Plat Map depicting Phase III Grandview Farm Condominium was recorded in the Utah County Recorder's Office, as Entry No. 1989-34002.

(J) On or about November 8, 1989, an Amendment to the Declaration of Condominium for Grandview Farm Condominium Phase 3 (An addition to Phase 1 and 2) ("Amendment – Phase 3) was recorded in the Utah County Recorder's Office, as Entry No. 34003:1989.

(K) On or about January 27, 1993, a Plat Map depicting Phase IV Grandview Farm Condominium was recorded in the Utah County Recorder's Office, as Entry No. 1993-4614.

(L) On or about January 27, 1993, an Amendment to Declaration of Condominium of Grandview Condominium Phase 4 (An addition to Phases 1, 2 and 3) ("Amendment – Phase 4") was recorded in the Utah County Recorder's Office, as Entry No. 4615:1993.

(M) On or about April 15, 1996, an Amendment to the Amended Declaration of Condominium of Grandview Farm Condominium Phase 1 ("Amendment to Amended Phase 1") was recorded in the Utah County Recorder's Office, as Entry No. 30989:1996.

(N) On or about April 15, 1996, Amendments to the By-Laws of Grandview Farm Condominium ("Amendment to Bylaws") was recorded in the Utah County Recorder's Office as Entry No. 30990:1996.

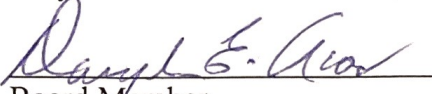
(O) On or about February 26, 2015, an Amendment to the Amended Declaration of Condominium of Grandview Farm Condominium Phase 1 was recorded in the Utah County Recorder's Office as Entry No. 15273:2015.

(P) On or about June 9, 2017, the Association and its Members, consistent with the Enabling Declaration and subsequent amendments (including any not referenced herein), adopted the Declaration. The Declaration replaced and superseded all prior declarations and amendments, rendering the prior declarations and amendments of no further force and effect. The Declaration, along with any future amendment(s), shall be the sole Declaration for the Property.

(Q) Fifty-seven owners of record, constituting eighty-nine percent (89%) of the total undivided interest in the Common Areas, voted on this Age Restriction Amendment, qualifying as a quorum. Forty votes, or 70%, of the total votes cast, were in favor. Seventeen votes, or 30%, of the total votes cast, were against. The following officers of the Board hereby certify that the requisite

number of votes was obtained accepting and approving of the recording of this Age Restriction Amendment.

Daryl Acor


Board Member

Tracie Rust


Board Member

(R) In preparation for this Age Restriction Amendment, the Association conducted age surveys of the Owners and residents in the community and determined that as of the date this Age Restriction Amendment was adopted, in excess of 80% of the Units had a least one resident age 55 or older.

(S) These Recitals are made a part of this Amendment.

(T) In the case of any conflict between the provisions of this Age Restriction Amendment and the provisions of the Declaration, the provisions of the Age Restriction Amendment shall in all respects govern and control. In the case of any existing provision within the Declaration that could be interpreted as prohibiting the modifications set forth in the Age Restriction Amendment, such provision is hereby modified in order to accomplish the purpose and intent of the Age Restriction Amendment.

Wherefore, the Declaration is hereby amended as follows:

AGE RESTRICTIONS ON SALES AND RENTALS OF UNITS

THE PROPERTY IS INTENDED, AND SHALL BE MANAGED, TO PROVIDE HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER PURSUANT TO THE FEDERAL FAIR HOUSING ACT AND HOUSING FOR OLDER PERSONS ACT OF 1995.

1. The sale and rental of Units shall be restricted such that not less than 80% (i.e., 52) of the Units (“Qualifying Units”), if occupied, shall be occupied by at least one person of age 55 years or older (the “Age 55 Criteria”). It is the objective of the Age Restriction Amendment for the Community to become and remain a Community of persons age 55 and older, moving over time in the direction that virtually all Units will be owned and occupied consistent with the Age 55 Criteria.

2. All new owners or residents shall certify and provide appropriate documentation to the Association that the Owner and/or Residents meet the Age 55 Criteria upon moving into the Community or upon the request of the Association. The Association has the authority to adopt policies and procedures related to gathering information, surveys, required documentation (such as a driver's license, birth certificate, passport, immigration card, or military identification), and enforcement of the Age 55 Criteria.
3. By accepting title to a Unit, each Owner hereby agrees and acknowledges that he or she shall be bound by the Age 55 Criteria and the Owner's sale or rental of such Unit shall be restricted by the Age 55 Criteria.
4. For the purposes of this Amendment, a Unit is "occupied" when an Owner or Occupant has possession of the Unit and has the right to actually use or control such Unit.
5. Although the objective of this amendment is to become and remain a community of 55+ Unit Owners and/or tenants, moving over time in the direction that virtually all Units will be owned and occupied consistent with the Age 55 Criteria, both non-discretionary and discretionary exceptions to the Age 55 Criteria are permitted by the terms of this Age Restriction Amendment as set forth in paragraphs 6 and 7 below.
6. The only non-discretionary exceptions to the Age 55 Criteria as applied to the necessary eighty percent (80%) of Units occupied by persons age 55 or older are (i) for the non-age qualified surviving spouse of an age qualified decedent Owner who had occupied the Qualified Unit, until such time as the non-age qualified surviving spouse remarries, at which time the exception expires; and (ii) in cases where the 55 or older occupant may be on vacation, hospitalized, or absent for a season (such as for humanitarian service, military service, or teaching abroad) without affecting the exempt status of the community, in which case the resident may, if he/she wishes, allow a younger relative or a house sitter under 55 years of age to live in the Unit during this absence. In either exception, the Unit would still be included in the calculation of the eighty percent (80%) occupancy requirement as long as the dwelling is not rented out, the owner/tenant returns on a periodic

basis, and maintains legal and financial responsibility for the upkeep of the Unit.

- 7. Discretionary exceptions to the Age 55 Criteria may be made with HOA Board approval for up to a maximum of twelve (12) Units (i.e., just under twenty percent (20%) of the total number of Units). Such discretionary exceptions may be granted upon such terms and conditions as the Board deems advisable, and would be considered in case of hardship situations and Units with temporary non-conforming circumstances. The discretion of the HOA Board, to be exercised in good faith, prudence and caution, is absolute. Discretionary exceptions, if granted, do not become a matter of right, and may be revoked by the same or a later Board.

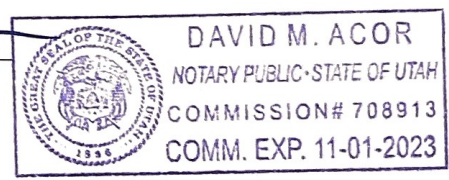
GRANDVIEW FARM CONDOMINIUM

Daryl Acor
 By: Daryl Acor
 Its: Board Member

STATE OF UTAH)
 : ss
 COUNTY OF UTAH)

On this 22 day of July, 2021, personally appeared before me Daryl Acor, who being by me duly sworn, did say the he is a Board Member of Grandview Farm Condominium, a Utah non-profit corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.

David M. Acor
 Notary Public



GRANDVIEW FARM CONDOMINIUM

Tracie Rust
 By: Tracie Rust
 Its: Board Member

STATE OF UTAH)
 : ss
 COUNTY OF UTAH)

On this 22 day of July, 2021, personally appeared before me Tracie Rust, who being by me duly sworn, did say the she is a Board Member of Grandview Farm Condominium, a Utah non-profit corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.

David M. Acor



~~Notary Public~~

GRANDVIEW FARM CONDOMINIUM

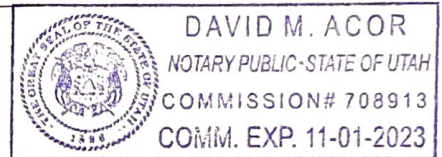
John O. Christensen

By: John Christensen
Its: Board Member

STATE OF UTAH)
: ss
COUNTY OF UTAH)

On this 22 day of July, 2021, personally appeared before me John Christensen, who being by me duly sworn, did say the he is a Board Member of Grandview Farm Condominium, a Utah non-profit corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.

[Signature]
Notary Public



GRANDVIEW FARM CONDOMINIUM

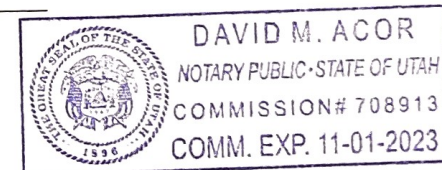
Grace Marie Dennis

By: Grace Marie Dennis
Its: Board Member

STATE OF UTAH)
: ss
COUNTY OF UTAH)

On this 22 day of July, 2021, personally appeared before me Grace Marie Dennis, who being by me duly sworn, did say the she is a Board Member of Grandview Farm Condominium, a Utah non-profit corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.

[Signature]
Notary Public



GRANDVIEW FARM CONDOMINIUM

Carlos Watters

By: Carlos Watters
Its: Board Member

STATE OF UTAH)
: ss
COUNTY OF UTAH)

On this 22 day of July, 2021, personally appeared before me Carlos Watters, who being by me duly sworn, did say the he is a Board Member of Grandview Farm Condominium, a Utah non-profit corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.

[Signature]
Notary Public

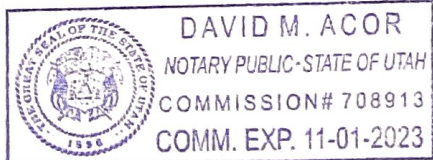


EXHIBIT "A"

Legal Description

Phase I, II, III and IV of Grandview Farm Condominium, as recorded in the office of the Recorder, Utah County, Utah

Tax ID Nos:

<u>40:093:0001</u>	<u>40:172:0063</u>
<u>40:093:0002</u>	<u>40:172:0064</u>
<u>40:093:0003</u>	
<u>40:093:0004</u>	
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