

**DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF ORCHARD VILLA TOWNHOMES**

**THIS DECLARATION** is made on the date hereinafter set forth by Orchard Villa Townhomes Homeowners Association, Inc. a Utah non-profit corporation, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the Declarant is the governing body of property in Moab, County of Grand, State of Utah, which is more particularly described as follows, to wit:

Orchard Villa Townhomes Phase I & Phase II, according to the plat(s) thereof recorded on 11/5/1993 & 7/11/1996 as Entry Number(s) 429748 & 437179 in book(s) 457 & 489 at page(s) 465 & 260 respectively; and

WHEREAS, the Declarant has received approval of the following amendments to the Declaration of Covenants, Conditions and Restrictions recorded on January 14, 1994, Entry 430211, Book 459, Pages 511-531 by a one hundred percent vote of the current property owners (6/6/2000).

- Article 1, page 2 – Section 5. Amended to include: "Townhome Unit or Unit"** - means and refers to one of the Townhome units intended for independent use as defined in the act. Mechanical equipment and appurtenances located within any one Unit or located without said Unit, but designated and designed to serve only that Unit, such as appliances, electrical receptacles and outlets, heating apparatus, air conditioning compressors and other air conditioning apparatus, fixtures and the like, shall be considered part of the Unit, as shall all decorated interiors, all surfaces of interior structural walls, floors and ceilings, windows and window frames, door and door frames, and trim, consisting of, inter alia and as appropriate, wallpaper, paint, flooring, carpeting and tile. All pipes, wires, conduits, or other public utility lines or installations constituting a part of the Unit and serving only the Unit, and any structural members or any other property of any kind, including fixtures and appliances within any Unit, which are removable without jeopardizing the soundness, safety or usefulness of the remainder of the building within which the Unit is situated, shall be considered part of the Unit.

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5/27/2000  
VAR

01-MOV-0

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Date 13-JUN-2000 11:46am 509  
Fee: 83.00 Check  
MERLENE MOSHER, Recorder  
Filed By VAR  
For ORCHARD VILLA TOWNHOMES HOA  
GRAND COUNTY CORPORATION

2. **Article VII, page 14 – Section 1. Amended to include:** The Association shall obtain and maintain a multi-peril type policy covering the entire Project, both Units and Common Areas and Facilities.
3. This Declaration of Amendment shall take effect upon recording hereof.  
**IN WITNESS WHEREOF,** The undersigned being the Declarant has hereunto set its hand and seal this 13<sup>th</sup> day of June 2000.

Orchard Villa Townhomes Homeowners Association, Inc.  
 Governing Board of Trustees

By [Signature]  
 Scott L. King – President

By [Signature]  
 Ilene D. Stewart – Vice-President


By [Signature]  
 Carolyn C. King – Secretary, Treasurer

STATE OF UTAH            )  
                                   ) ss  
 COUNTY OF GRAND        )

On the 13 day of June, 2000, personally appeared before me Scott L. King, Ilene D. Stewart, and Carolyn C. King who, being by me first duly sworn, did say, each for himself or herself, that they are members of the Governing Board of Trustees of Orchard Villa Townhomes Homeowners Association, Inc., a Utah non-profit corporation, and that the foregoing instrument was signed on behalf of said non-profit corporation by authority of its Articles of Incorporation and Bylaws and that said instrument was voted on by all current property owners of the Orchard Villa Townhomes Homeowners Association and passed with a one hundred percent vote, and each duly acknowledged to me that said Association executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.

[Signature]  
 Notary Public, in and for the State of Utah, residing at Moab

Page 2  NOTARY PUBLIC  
**HELEN G. DAVIS**  
 796 McCormick  
 Moab, Utah 84502  
 My Commission Expires  
 December 31, 2001