

NOTICE OF REINVESTMENT FEE COVENANT

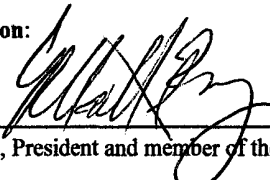
CEDAR CREEK #1 HOMEOWNER'S ASSOCIATION, INC. TOWNHOUSE DEVELOPMENT

Pursuant to the requirements of Utah Code § 57-1-46 (the "Code"), this Notice of Reinvestment Fee Covenant (the "Notice") satisfies the requirements of the Code and serves as record notice for that certain reinvestment fee covenant (the "Covenant") that was duly adopted by resolution of the board of trustees (the "Board") of Cedar Creek #1 Homeowner's Association, Inc. Townhouse Development (attached hereto as Exhibit B) against various parcels of real property located in Cache County, Utah, and described in Exhibit A attached hereto (each such parcel a "Burdened Property" and all parcels collectively the "Burdened Properties").

BE IT KNOWN TO ALL BUYERS, SELLERS, AND TITLE COMPANIES that:

1. The name and address of the beneficiary under the Covenant is Cedar Creek #1 Homeowner's Association, Inc. Townhouse Development (the "Association"), care of North HOA Management, 2723 S Hwy 89, Suite 1, Wellsville, Utah 84339. If and when this contact information becomes outdated, contact with the Association can be made through its registered agent of record. The current registered agent of the Association may be found through the Utah Department of Commerce, Division of Corporations.
2. The burden of the Covenant is intended to run with the land (i.e., the Burdened Properties) and to bind successors in interest and assigns. The duration of the Covenant shall be on-going until properly amended or eliminated, or until prohibited by operation of law.
3. As of the record date of this Notice, and as duly establish by resolution of the Board, an amount of 0.5% (1/2%) of the value (i.e., the purchase price) of a Burdened Property shall be charged. This amount shall be paid by the buyer of the Burdened Property unless otherwise agreed in writing by the buyer and the seller of the Burdened Property. This amount shall be in addition to any pro rata share of assessments due and adjusted at settlement. The existence of the Covenant precludes the imposition of an additional reinvestment fee covenant on any of the Burdened Properties. The purpose of the amount required to be paid under the Covenant is to facilitate the maintenance of common areas, facilities, and/or Association expenses and improvements, and is required to benefit the Burdened Properties.

The Association:

Signed: 
Matthew Brog, President and member of the Board

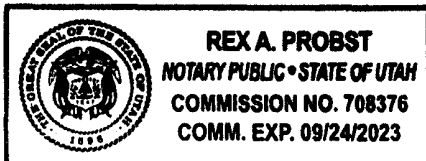
Date: 7/7
Ent 1292555 Bk 2021

STATE OF UTAH)
 : ss
COUNTY OF CACHE)

Ent 1292555 Bk 2268 Pg 960
Date: 9-Jul-2021 02:37 PM Fee \$116.00
Cache County, UT
Devron Andersen, Rec. - Filed By TJ
For ALLEN COLLINS

On the above-written date the above-named individual, proven by satisfactory evidence, did personally appear before me and, while under oath or affirmation, did say that he is a member of the Board, did say that he is authorized to execute this document on behalf of the Association, did voluntarily sign this document on behalf of the Association, and did acknowledge that the Association thereby executed the same.

(Seal)




NOTARY PUBLIC SIGNATURE

EXHIBIT A
Legal Description of the Property

All of Parcel Numbers 07-146-0001 – 07-146-0048, Cedar Creek #1 Townhouse Development, Logan, Cache County, Utah, according to the official plat thereof on record with the Cache County Recorder's Office, filed May 22, 1979, filing no. 423173.

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EXHIBIT B

A true and correct copy of the RESOLUTION OF CEDAR CREEK #1 HOMEOWNER'S ASSOCIATION, INC. TOWNHOUSE DEVELOPMENT establishing a Reinvestment Fee as duly adopted by the Board is attached following this page.

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Ent 1292555 Bk 2268 Pg 962

**RESOLUTION OF
CEDAR CREEK #1 HOMEOWNER'S ASSOCIATION, INC. TOWNHOUSE
DEVELOPMENT
Establishing a Reinvestment Fee**

WHEREAS, Cedar Creek #1 Homeowner's Association, Inc. Townhouse Development is a Utah homeowners association (the "Association") that is organized as a Utah nonprofit corporation;¹ and

WHEREAS, as a Utah nonprofit corporation, the Association is considered a common interest association under the Utah Real Estate Code² (the "Code"); and

WHEREAS, the Code provides for the establishment of a reinvestment fee covenant by a common interest association; and

WHEREAS, the declaration of the Association (the "Declaration") expressly provides that the Association has such rights and powers as prescribed by law, which includes the Code, together with such rights and powers reasonably necessary to effectuate the purposes of the Association, which includes funding a reserve fund;³ and

WHEREAS, the Declaration authorizes the board of trustees (the "Board") to act on behalf of the Association, unless applicable law of its governing documents require a vote of its members⁴ which is not the case for purposes of this resolution; and

WHEREAS, the Code provides for a maximum reinvestment fee amount of 0.5% (1/2%) of the value of a burdened property;⁵

THEREFORE, be it

RESOLVED, that, pursuant to the Code and in accordance with the powers and rights of the Association, the Board hereby establishes a reinvestment fee covenant (the "Covenant") providing for a reinvestment fee of up to the maximum amount allowed by law, as the law may change from time to time, that shall be paid to the Association at the time of transfer of ownership of a unit; such amount shall be paid by the buyer of the unit unless otherwise agreed in writing by the buyer and the seller of the unit; such amount shall be in addition to any pro rata share of Assessments due and adjusted at settlement; and

¹ Amendment No. 1 to the Declaration of Covenants, Conditions, and Restrictions for Cedar Creek #1 Homeowner's Association, Inc. Townhouse Development as recorded February 10, 2009, in the Cache County Recorder's Office, §§ 1.1(D) & 6.0

² UCA 57-1-46(1)(e)(i)

³ Amended Declaration, §§ 6.0(A) & 2.8

⁴ Amended Declaration, § 6.0(C)

⁵ UCA 57-1-46(5)

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RESOLVED FURTHER, that the Board hereby adopts 0.5% (1/2%) of the value of a burdened property as the amount of the reinvestment fee; and

RESOLVED FURTHER, that, to the fullest extent practicable, the reinvestment fee shall be collected at the closing of a purchase/sale transaction by the title company, escrow company, or other persons involved with the transaction, and paid directly to the Association; and

RESOLVED FURTHER, that funds received from payment of reinvestment fees shall be allocated to the Association's reserve fund; and

RESOLVED FURTHER, the obligation to pay the reinvestment fee shall be a joint and several personal and continuing obligation of a seller and buyer regardless of whether the buyer acquired title by regular conveyance, pursuant to a foreclosure sale (judicial or non-judicial), by inheritance or probate, or otherwise; and

RESOLVED FURTHER, the conveyance of a unit from an owner to a trust or similar structure of which the owner is a beneficiary or trustee, including a living trust, shall not be subject to the reinvestment fee; and

RESOLVED FURTHER, the Board hereby authorizes the Association to charge a fee in the amount of \$50 for providing payoff information needed at closing,⁶ such fee payable to the Association or its agent providing the information; and

RESOLVED FURTHER, that the Covenant shall become effective on the date that a Notice of Reinvestment Fee Covenant (the "Notice") as required by the Code⁷ has been duly recorded in the Cache County Recorder's Office; and

RESOLVED FURTHER, that the Board hereby authorizes and approves recording of the Notice in the Cache County Recorder's Office.

[SIGNATURES ON THE FOLLOWING PAGE]

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⁶ UCA 57-8-6.3 or UCA 57-8a-106 as applicable to the Association

⁷ UCA 57-1-46(6)

IN WITNESS WHEREOF, the undersigned, each being members of the Board, certify that the Board has ratified this resolution and that the Association has adopted the same effective the latest date executed below.

Signed:

<i>Matthew Brog</i>	dotloop verified 07/03/21 10:58 AM MDT IUX-IMBU-WSJC-PMAX
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Matthew Brog, Association Board Member

Date: _____

Signed:

<i>Jaden Maw</i>	dotloop verified 06/25/21 12:11 PM MDT J816-GA1C-HVJ3-JHRB
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Jaden Maw, Association Board Member

Date: _____

Signed:

<i>Tristan Spencer</i>	dotloop verified 07/06/21 6:09 PM MDT W5P9-V7GN-5G16-L35M
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Tristan Spencer, Association Board Member

Date: _____

Signed:

<i>Caroline Laine</i>	dotloop verified 06/23/21 1:46 PM MDT UMPC-JSMM-7BTS-G6KX
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Caroline Laine, Association Board Member

Date: _____

Signed:

<i>Elizabeth Lord</i>	dotloop verified 07/07/21 9:38 PM MDT IIEK-GI2K-FV4-AXPI
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Elizabeth Lord, Association Board Member

Date: _____

Ent-1 292555 Bk 2268 Pg 965