

WHEN RECORDED, MAIL TO:
SPRING LEGACY HOMEOWNERS ASSOCIATION
c/o CCI Law
577 S 150 E
Smithfield, Utah 84335

**RESOLUTION OF
SPRING LEGACY HOMEOWNERS ASSOCIATION
Collection Resolution**

LOTS 14-28 & 36-53 OF SPRING HOLLOW SUBDIVISION as shown in the plat entitled SPRING HOLLOW SUBDIVISION PHASE 1 that was recorded as Entry No. 370025 in the recorder's office of Box Elder Country, Utah, on April 26, 2017, and the plat entitled SPRING HOLLOW SUBDIVISION PHASE 2 & AMENDMENT OF LOT 28 OF SPRING HOLLOW SUBDIVISION PHASE 1 that was recorded as Entry No. 434808 in the recorder's office of Box Elder Country, Utah, on June 17, 2021, and the plat entitled SPRING HOLLOW SUBDIVISION PHASE 3 that was re-recorded as Entry No. 452470 in the recorder's office of Box Elder Country, Utah, on May 24, 2022.

<u>Lot No.</u>	<u>Parcel No.</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Lot No.</u>	<u>Parcel No.</u>
14	06-188-0014	36	06-188-0041	51	06-188-0042
15	06-188-0015	37	06-188-0046	52	06-188-0043
16	06-188-0016	38	06-188-0047	53	06-188-0044
17	06-188-0017	39	06-188-0048		
18	06-188-0018	40	06-188-0049		
19	06-188-0019	41	06-188-0050		
20	06-188-0020	42	06-188-0051		
21	06-188-0021	43	06-188-0052		
22	06-188-0022	44	06-188-0053		
23	06-188-0023	45	06-188-0054		
24	06-188-0024	46	06-188-0055		
25	06-188-0025	47	06-188-0056		
26	06-188-0026	48	06-188-0057		
27	06-188-0027	49	06-188-0058		
28	06-188-0034	50	06-188-0059		

**THIS INSTRUMENT IS BEING
RECORDED BY
HICKMAN LAND TITLE COMPANY,
AS AN ACCOMMODATION
FOR *Spring Legacy Hol***

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**THIS INSTRUMENT IS BEING
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HICKMAN LAND TITLE COMPANY,
AS AN ACCOMMODATION
FOR *Spring Legacy HOA***

**RESOLUTION OF
SPRING LEGACY HOMEOWNERS ASSOCIATION
Collection Resolution**

BE IT KNOWN TO ALL PERSONS THAT:

WHEREAS, Spring Legacy Homeowners Association (the "Association") is organized as a Utah nonprofit corporation under, and is thus subject to, the Utah Revised Nonprofit Corporation Act¹ (the "Nonprofit Act"); and

WHEREAS, the Association is subject to the Utah Community Association Act² (the "Act"); and

WHEREAS, pursuant to the Association's declaration (the "Declaration"), the Association is comprised of lots 14-28 and 36-53 of the Spring Hollow Subdivision, which is located in Box Elder County, Utah;³ and

WHEREAS, the combination of the recorded Declaration, the Nonprofit Act, and the Act authorize and empower the Association to impose assessments and the like upon its members pursuant to at least the recorded Declaration and this written instrument;⁴ and

WHEREAS, the combination of the Utah Collection Agencies statute⁵ (the "Collection Statute") and the Act authorize and empower the Association to, via third-party debt collectors, collect delinquent assessments as well as the costs associated with such collection, including but not limited to interest, late fees, court costs, and attorney fees, and to charge a collection fee in addition to any delinquent amounts owed if there is a written agreement with a debtor that provides for the imposition of the collection fee;⁶ and

WHEREAS, the Utah Supreme Court held that restrictive covenants such as the recorded Declaration constitute a written agreement between the Association and its members,⁷ and the Act requires that each lot owner in the Association comply with its governing documents which include the recorded Declaration and this written instrument;⁸ and

WHEREAS, the Act authorizes and empowers the Association's board of directors (the "Board of Directors") to act in all instances on behalf of the Association, including the adoption of this Resolution, except as limited in the Declaration or the Association's bylaws, which do not include any limitations in relation to this Resolution;⁹

THEREFORE, BE IT RESOLVED that the following assessments and policies are adopted by the Association by and through its Board of Directors.

¹ UCA 16-6a-101 *et. seq.*

² UCA 57-8a-101 *et. seq.* The Association is subject to the Act pursuant to UCA 57-8a-102(2)

³ Declaration of Covenants, Conditions and Restrictions for Spring Hollow Legends Subdivision, recorded as Entry No. 370026 on April 26, 2017, in the Box Elder County, Utah, recorder's office.

⁴ Decl., Art. 7; UCA 16-6a-302(2)(r); UCA 57-8a-102(1)(a); and UCA 57-8a-102(11)(a)

⁵ UCA 12-1-11 and UCA 57-8a-301

⁶ UCA 12-1-11(2)(B)

⁷ *Fort Pierce v. Shakespeare*, 2016 UT 28, ¶ 11

⁸ UCA 57-8a-212.5 and 57-8a-102(11)(a)

⁹ UCA 57-8a-501(5); the Declaration appears to be silent regarding the Association's governing body and there are no known recorded bylaws.

COLLECTION FEE ASSESSMENT

1. Pursuant to the Declaration, the Association hereby adopts the following collection fee provision consistent with the Utah Collection Fee Statute:

The Association may contract with various third-party debt collection agencies to collect delinquent assessments, fines, and any other delinquent amounts due and payable to the Association by any debtor.

Each debtor shall be deemed to covenant and agree to pay all assessments described in this Resolution and the Association's other governing documents, as they may be amended from time to time, together with any related costs, fees, and interest, as well as all collection costs and fees, including a fee in the amount of the maximum percentage allowed by law of the debtor's total delinquent assessments (the "Collection Fee"), in addition to all legal fees related to such collection, with or without suit, including attorney fees, court costs, filing fees, and all other costs and fees related to the delinquent amounts and their collection. The obligation to pay the Collection Fee and all other related fees and costs is imposed hereby at the time of assignment of the debt to a third-party debt collection agency or licensed attorney.

The term "debtor" as used herein means the owner(s) and any tenant(s) of a residential unit within the Association, jointly and severally, and also means any other party(s) obligated to pay an assessment or other amount to the Association whether or not such is related to a residential unit. As an exception to the foregoing, no tenant of a residential unit shall be liable for an assessment and its related collection costs imposed on an owner of the residential unit but not on the tenant(s).

LATE FEE ASSESSMENT

2. Pursuant to the Declaration, the Association hereby adopts a late fee in the amount of twenty-five dollars (\$25 U.S.) (the "Late Fee") that is due and payable in addition to each assessment or other amount due that is not paid in full within thirty (30) days of its due date.

INTEREST ASSESSMENT

3. Pursuant to the Declaration, the Association hereby adopts an interest rate in the amount specified in Utah Code § 15-1-1(2) as it may be amended from time to time (currently ten percent (10%) per annum) that is due and payable in addition to each assessment or other amount due that is not paid in full within thirty (30) days of its due date and that shall begin accruing as of the due date (the "Interest").

GENERAL

4. The Collection Fee, Late Fee, and Interest established by this Resolution are assessments as defined by the Act at least because they are charges imposed by the Association on or against a lot, unit, or owner thereof pursuant to a governing document recorded with the county recorder.¹⁰
5. This Resolution is adopted pursuant to the recorded Declaration, the Act, the Nonprofit Act, and the Collection Statute and, in combination with the recorded Declaration, constitutes a written agreement between the Association and debtors to the Association.

¹⁰ UCA 57-8a-102(1)

6. This Resolution is a governing document of the Association as defined by the Act at least because it is a written instrument by which the association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the Association,¹¹ but this Resolution is not a rule as defined by the Act at least because it does not govern the conduct of persons or the use, quality, type, design, or appearance of real property or personal property.¹²

7. The Board of Directors hereby authorizes and approves the recording of this Resolution in the Box Elder County recorder's office.

8. The provisions of this Resolution shall become effective on the date that this Resolution is recorded in the Box Elder County recorder's office.

IN WITNESS WHEREOF, the undersigned hereby certify and attest that this Resolution has been duly adopted by the Board of Directors of the Spring Legacy Homeowners Association.

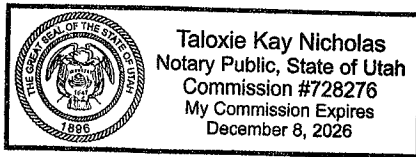
Susan Chadaz
Susan Chadaz, Director

State of Utah)
) ss.
County of Box Elder

On the 8th day of June, in the year 2023, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a duly-authorized Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)

Taloxie Kay Nicholas
NOTARY PUBLIC SIGNATURE

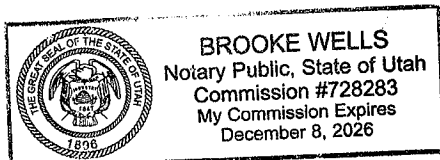


Keely M. Draper
Keely Draper, Director

State of Utah)
) ss.
County of Box Elder

On the 9 day of June, in the year 2023, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a duly-authorized Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



Brooke Wells
NOTARY PUBLIC SIGNATURE

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

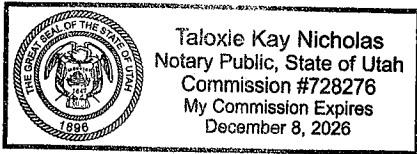
¹¹ UCA 57-8-3(20) and 57-8a-102(11); E.g., this Resolution is a written instrument by which the Association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the Association.
¹² UCA 57-8a-102(25)

Denise Fichter
Denise Fichter, Director

State of Utah)
) SS.
County of Box Elder

On the 8th day of June, in the year 2023, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a duly-authorized Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



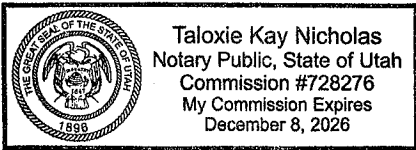
Taloxie Kay Ni
NOTARY PUBLIC SIGNATURE

Joellyn Harris
Joellyn Harris, Director

State of Utah)
) SS.
County of Box Elder

On the 8th day of June, in the year 2023, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a duly-authorized Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



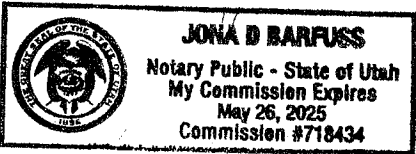
Taloxie Kay Ni
NOTARY PUBLIC SIGNATURE

Lisa Park
Lisa Park, Director

State of Utah)
) SS.
County of Box Elder

On the 7th day of June, in the year 2023, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a duly-authorized Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



Jona D. Barfuss
NOTARY PUBLIC SIGNATURE

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APPENDIX "A" – Legal Description

PHASE 1: LOTS 14-28 OF SPRING HOLLOW SUBDIVISION as shown in the plat entitled SPRING HOLLOW SUBDIVISION PHASE 1 that was recorded as Entry No. 370025 in the recorder's office of Box Elder Country, Utah, on April 26, 2017; and

PHASE 2: LOTS 36 & 51-53 OF SPRING HOLLOW SUBDIVISION as shown in the plat entitled SPRING HOLLOW SUBDIVISION PHASE 2 & AMENDMENT OF LOT 28 OF SPRING HOLLOW SUBDIVISION PHASE 1 that was recorded as Entry No. 434808 in the recorder's office of Box Elder Country, Utah, on June 17, 2021; and

PHASE 3: LOTS 37-50 OF SPRING HOLLOW SUBDIVISION as shown in the plat entitled SPRING HOLLOW SUBDIVISION PHASE 3 that was re-recorded as Entry No. 452470 in the recorder's office of Box Elder Country, Utah, on May 24, 2022.