



W3316664

When Recorded Return To:

Powder Mountain West
Land Owners Association
c/o Paul Fejtek, President
6720 E 6675 N
P.O. BOX 52
Eden, UT 84310

E# 3316664 PG 1 OF 6

LEANN H KILTS, WEBER CTY. RECORDER
04-MAR-24 410 PM FEE \$126.00 SW
REC FOR: POWDER MOUNTAIN WEST

**NOTICE OF REINVESTMENT FEE COVENANT
for
POWDER MOUNTAIN WEST LAND OWNERS ASSOCIATION**

Pursuant to Utah Code Ann. § 57-1-46, the Powder Mountain West Land Owners Association (“the Association”) hereby gives notice of a Reinvestment Fee Covenant and provides the following:

1. This document affects the real property located in Weber County, Utah, described with particularity on Exhibit A, attached hereto as incorporated by reference (“the Property”).

2. The Reinvestment Fee Covenant is authorized by the “First Amendment to the Agreement & Protective Covenants for Powder Mountain West”, recorded in the Weber County Recorder’s Office on March 4, 2024, as Entry No. 3316663 in Book , beginning at Page .

An “Agreement & Protective Covenants for Powder Mountain West” was recorded with the Weber County Recorder for Phase 1 of the development on or about June 20, 1979, as Entry No. 780715. An “Agreement and Protective Covenants for Powder Mountain West Phase II” was recorded with the Weber County Recorder on November 15, 1993, as Entry No. 1257619, in Book 1689, beginning at Page 0918. Letter agreements for Powder Mountain West Phase 3 & Phase 4 (which applied the aforementioned Phase 2 Covenants to all Phase 3 & Phase 4 lots) were recorded with the Weber County Recorder on May 17, 1995, as Entry No. 1345681, in Book 1757 at Page 539 and on August 16, 1995, as Entry No. 1358725, in Book 1767 at Page 2765 respectively. The Reinvestment Fee Covenant was adopted by resolution of the Association, through its Board of Trustees, on February 29, 2024. A copy of the resolution is attached hereto as Exhibit B.

3. The burden of the Reinvestment Fee Covenant is intended to run with the land described on Exhibit A and to bind owners of the Property, as well as their successors in interest and assigns.

4. The burden of the Reinvestment Fee Covenant is intended to be in effect until properly amended or eliminated, or until such time as it may become prohibited by operation of law. The existence of the Reinvestment Fee Covenant precludes the imposition of an additional reinvestment fee covenant on the Property.

5. The Reinvestment Fee is required to benefit, and shall be dedicated to benefitting,

EXHIBIT A
Legal Description of Property

Phase 1:

Beginning at a point S 89°52'18" W 1380.95 feet and N 46°28'33" W 350.00 feet from the southeast corner of Section 36, T8N, R1E, SLB & M; thence S 43°31'27" W 15.00 feet; thence S 46°28'33" E 94.20 feet; thence S 43°31'27" W 63.19 feet; thence S 60°23'45" W 264.20 feet; thence S 89°52'18" W 230.00 feet; thence N 68°01'08" W 172.70 feet; thence N 84°46'21" W 160.70 feet; thence N 0°07'42" W 317.90 feet; thence N 83°52'18" E 206.88 feet; thence N 32°52'18" E 167.50 feet; thence N 89°52'18" E 50.00 feet; thence S 47°10'59" E 75.97 feet; thence to the right on the arc of a curve a radius of 450.00 feet, length of 5.55 feet, long chord and chord bearing of 5.55 feet N 43°10'14" E; thence N 43°31'27" E 59.49 feet; thence S 46°28'33" E 440.00 feet to the point of beginning. Containing 7.163 acres.

Phase 2:

Beginning at a point located north 164.62 feet and west 2400.37 feet from the southeast corner of Section 36, T8N, R1E, SLB & M, such a point being also the NW corner of Lot 12 of Powder Mountain West Subdivision - Phase 1 running thence S 00°07'42" E 100.00 feet, thence S 84°46'21" E 160.70 feet, thence S 68°01'08" E 172.70 feet, thence N 89°52'18" E 230.00 feet, thence N 60°23'45" E 53.24 feet, thence S 07°16'30" E 120.25 feet to a point on the northern boundary of Aspen Drive so described as Parcel B of Powder Mountain West Subdivision - Phase 1; thence S 82°43'30" W 144.57 feet along such boundary, thence to the right on the arc of a curve whose radius is 590.00 feet, a distance of 230.08 feet (chord bears N 86°06'12" W 228.63 feet), thence N 74°55'53" W 117.79 feet, thence to the left on the arc of a curve whose radius is 415.00 feet, a distance of 109.14 feet (chord bears N 82°27'57" W 108.83 feet), thence N 90°00'00" W 70.14 feet, thence to the right on the arc of a curve whose radius is 235.00 feet a distance of 86.29 feet (chord bears N 79°28'52" W 85.80 feet), thence N 68°57'45" W 72.89 feet, thence to the left on the arc of a curve whose radius is 265.00 feet a distance of 29.00 feet (chord bears N 72°05'51" W 28.99 feet), thence N 15°25'03" E 118.38 feet, thence to the left on the arc of a curve whose radius is 355.00 feet a distance of 103.01 feet (chord bears N 73°32'16" E 102.65 feet), thence N 65°13'29" E 52.84 feet, thence to the right on the arc of a curve whose radius is 147.62 feet a distance of 48.04 feet (chord bears N 74°32'54" E 47.83 feet), thence N 83°52'18" E 7.37 feet to said point of beginning. Contains 11 lots and 2.563 acres. Basis of bearing is the north line of the northwest quarter of Section 6, T7N, R2E, SLB & M, as S 89°43'12" E marked by brass cap monuments.

Phase 3:

Beginning at a point located west 2644.99 feet and south 62.46 feet from the southeast corner of Section 36, T8N, R1E, SLB & M; such point being also located on the southern boundary of Aspen Drive so described as Parcel B of Powder Mountain West Subdivision - Phase 1; thence to the right on the arc of a curve whose radius is 215.00 feet, a distance of 24.10 feet, whose chord length is 24.08 feet and a bearing of S 72°10'23" E, along such Boundary, thence S 68°57'45" E 72.89 feet, thence to the left on the arc of a curve whose Radius is 285.00 feet, a distance of 104.64 feet, thence N 90°00'00" E 70.14 feet, thence to the right on the arc of a curve whose radius is 365.00

feet, a distance of 95.99 feet, thence S 74°55'53" E 117.79 feet, thence to the left on the arc of a curve whose radius is 640.00 feet, a distance of 249.58 feet, thence N 82°43'30" E 144.57 feet, thence S 07°16'30" E 134.70 feet, Thence S 84°27'03" W 355.87 feet, thence N 78°34'06" W 449.11 feet, thence N 39°56'02" W 156.20 feet, thence N 15°25'03" E 55.49 feet to said point of beginning. Contains 10 lots and 2.844 acres.

Phase 4:

Part of the southwest quarter of Section 36, T8N, R1E, SLB & M. Beginning at an angle point on the northeasterly boundary line of Powder Mountain West Subdivision – Phase 1, which is located S 89°52'18" W 1380.95 feet and N 46°28'33" W 790.00 feet from the southeast corner of Section 36, T8N, R1E, SLB & M, point of beginning also being the northeasterly corner of 6775 East Street, running thence along the boundary of said subdivision the following four courses: S 43°31'27" W 59.49 feet, left along the arc of a 450.00 foot radius curve a distance of 5.55 feet (chord bears S 43°10'14" W 5.55 feet), N 47°10'59" W 75.97 feet, S 89°52'18" W 50.00 feet to the northwesterly corner of Lot 20 of said subdivision, thence N 32°52'18" E 102.26 to the Weber-Cache County line, thence S 46°28'33" E 131.01 feet to the point of beginning. Contains 0.205 acres.

Weber County Parcel Numbers:

Phase 1:

23-085-0001
 23-085-0002
 23-085-0003
 23-085-0004
 23-085-0005
 23-085-0006
 23-085-0007
 23-085-0008
 23-085-0009
 23-085-0010
 23-085-0011
 23-085-0012
 23-085-0013
 23-085-0014
 23-085-0015

23-086-0001
 23-086-0002
 23-086-0003
 23-086-0004
 23-086-0005
 23-086-0006
 23-086-0007
 23-086-0008
 23-086-0009
 23-086-0010
 23-086-0011
 23-086-0012
 23-086-0013
 23-086-0014

 23-086-0016
 23-086-0017

Phase 2:

22-110-0001
 22-110-0002
 22-110-0003
 22-110-0004
 22-110-0005
 22-110-0006
 22-110-0007
 22-110-0008
 22-110-0009
 22-110-0010
 22-110-0011

Phase 3:

22-119-0001
 22-119-0002
 22-119-0003
 22-119-0004
 22-119-0005
 22-119-0006
 22-119-0007
 22-119-0008
 22-119-0009
 22-119-0010

Phase 4:

23-119-0001

EXHIBIT B

Powder Mountain West Land Owners Association

Resolution to Establish Reinvestment Fee Covenant

WHEREAS, the Corporation/Association desires to establish a Reinvestment Fee Covenant in accordance with Utah Code Ann. § 57-1-46 for the benefit of the Association in the payment of its expenses, including but not limited to any common planning, facilities, and infrastructure; any obligations arising from an environmental covenant; any recreation amenities; and any other Association expenses; and

WHEREAS, the First Amendment to the Agreement and Protective Covenants for the Association expressly permits the Association's Board of Trustees to establish a Reinvestment Fee Covenant;

BE IT THEREFORE RESOLVED, that the Board of Trustees for the Corporation/Association adopts the following Reinvestment Fee Covenant:

Upon the sale or transfer of a lot within the Association, the buyer/transferee shall pay a fee to the Association in the amount of 0.5% of the value of the property. For purposes of calculation, the value of the property shall be the sales price or the value as assessed by the Weber County Assessor for the calendar year in which the sale takes place, whichever is higher.

The Reinvestment Fee Covenant may not be enforced against: (a) an involuntary transfer; (b) a transfer that results from a court order; (c) a bona fide transfer to a family member of the seller (which shall, for purposes hereof, include parents, children, spouses (legal or common law), siblings, grandchildren, great grandchildren, nieces, nephews, aunts, uncles, and grandparents who, before the transfer, provides adequate proof of such relationship; (d) a transfer to a trust for the benefit of the current owner or an Immediate Family Member of the owner or to a legal entity controlled by the grantor or his or her Immediate Family member(s); (e) a transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution; or (e) the transfer of burdened property by a financial institution, except to the extent that the reinvestment fee covenant requires the payment of the association's costs directly related to the transfer of the burdened property, not to exceed \$250.

FURTHER RESOLVED, that the president of the Corporation/Association, Paul Fejtek, is authorized to record a notice of the Reinvestment Fee Covenant as provided in Utah Code Ann. § 57-1-46(6)(a).

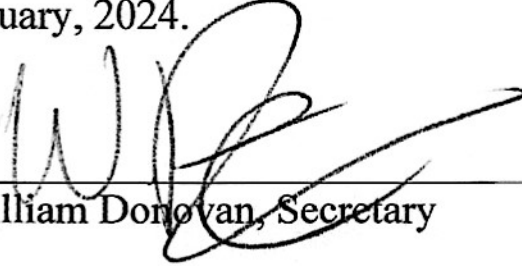
The undersigned hereby certifies that he/she is the duly elected and qualified Secretary of Powder Mountain West Land Owners Association, a corporation/association duly formed pursuant to the laws of the state of Utah and/or pursuant to the applicable documents governing the Corporation/Association and that the foregoing is a true record of a resolution duly adopted at a meeting of the Board and that said meeting was held in accordance with state law and any bylaws or other appropriate governing document of the above-named Corporation/Association on Feb. 29, 2024, and that said resolution is now in full force and effect without modification or rescission.

The following trustees were in attendance at the meeting and voted as follows for this resolution:

As to the resolution:

Trustee	Voted in favor	Voted against
<u>Audrey Levy, Treasurer</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Brian Matthias, Vice Chairman Operations</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Paul Fejtek, President & Chairman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Gretchen Moisen, Vice Chairwoman</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>William Donovan, Secretary</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IN WITNESS WHEREOF, I have executed my name as Secretary of the above-named Corporation/Association this 29th day of February, 2024.



William Donovan, Secretary