

BOARD RESOLUTION #11
ADOPTION OF DECLARATION OF PRIMARY RESIDENCE FORM
FOR RENTAL MONITORING

HORIZON HEIGHTS CONDOMINIUMS OWNERS ASSOCIATION, INC.

WHEREAS, Horizon Heights Condominiums Owners Association, Inc. (the "Association") is organized and operated as a nonprofit corporation for the purpose of enforcing the terms and conditions of the Amended & Restated Declaration of Covenants, Conditions and Restrictions (the "Declaration"), the Bylaws, and the Articles of Incorporation; and

WHEREAS, Article 12 of the Declaration establishes rental and lease restrictions for the Project, including but not limited to:

- A. Prohibition of daily, nightly, weekly, or monthly occupation by non-owner occupants;
- B. Requirements that any lease or agreement for non-owner occupancy must be in writing and for an initial term of at least six months;
- C. Requirements that a copy of any lease or other agreement for non-owner occupancy shall be delivered to the Association prior to occupation of the Unit by the non-owner occupant;
- D. Maximum rental caps limiting non-exempt non-owner-occupied Units to less than 40% of total Units (fewer than 68 of 170), and prohibiting more than 50% of all Units in any individual Building from being non-owner-occupied (both exempt and non-exempt), as clarified in Board Resolution #14; and
- E. Provisions for Exempt Non-Owner-Occupied Units under specific conditions; and

WHEREAS, Article 12.1(i) of the Declaration authorizes the Association to adopt Rules requiring the reporting and procedural requirements related to non-owner-occupied Units and the occupants of those Units, including requiring informational forms to be filled out by Owners and/or residents; and

WHEREAS, Article 7.11 of the Declaration provides that the Board, from time to time and subject to the provisions of the Governing Documents, may adopt, amend, repeal, and enforce Rules governing the Project; and

WHEREAS, the Board recognizes the need to maintain accurate records regarding primary residence status of Units to:

- A. Monitor compliance with rental restrictions set forth in Article 12 of the Declaration;
- B. Maintain FHA and VA Certification eligibility as stated in Article 12.1(g) of the Declaration;
- C. Track Existing Non-Exempt and Exempt (Non-Owner-Occupied) Rental Units;
- D. Verify eligibility for primary residence exemptions;
- E. Ensure proper administration of the rental waiting list; and
- F. Enforce the Building-specific rental caps (no more than 50% of all Units in each Building may be non-owner-occupied, counting both exempt and non-exempt Units), consistent with Board Resolution #14, Section 4; and

WHEREAS, the Board has determined that the adoption of a standardized "Declaration of Primary Residence" form will facilitate the Association's ability to effectively monitor and enforce the rental restrictions contained in the Declaration and maintain compliance with applicable laws and regulations; and

WHEREAS, the Board has reviewed and approved the form entitled "Declaration of Primary Residence" as a tool for rental monitoring and compliance verification; and

WHEREAS, the Board has adopted Board Resolution #12 (Adoption of Affidavit of Eligibility for Rental Restriction Exemption), Board Resolution #13 (Twelve-Month Owner-Occupancy Requirement for New Unit Owners), and Board Resolution #14 (Clarification of Article 12.1(g) and 12.1(h): Rental Cap Calculation and Exempt Unit Treatment), all of which become operative upon the recording of the Amended & Restated Declaration and all of which interact with the primary residence monitoring process established by this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Horizon Heights Condominiums Owners Association, Inc. hereby adopts the following:

SECTION 1: ADOPTION OF DECLARATION OF PRIMARY RESIDENCE FORM

The Board hereby adopts the "Declaration of Primary Residence" form, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the "Primary Residence Form").

SECTION 2: PURPOSE AND USE

The Primary Residence Form shall be used for the following purposes:

- A. To document and verify that a Unit is occupied as the Owner's primary residence;
- B. To distinguish owner-occupied Units from non-owner-occupied Units for purposes of monitoring compliance with Article 12 of the Declaration;
- C. To verify eligibility for Exempt Non-Owner-Occupied Unit status under Article 12.1(h) of the Declaration;
- D. To maintain accurate records for FHA and VA Certification purposes;
- E. To assist in the administration of the rental cap provisions in Article 12.1(g);
- F. To provide documentation supporting enforcement actions when necessary.

SECTION 3: WHEN PRIMARY RESIDENCE DECLARATION IS REQUIRED

Owners shall be required to complete and submit a Primary Residence Form to the Association under the following circumstances:

- A. Upon written request by the Association or its Manager;
- B. When an Owner claims primary residence status for their Unit;
- C. When an Owner seeks to verify eligibility for an Exempt Non-Owner-Occupied Unit classification under Article 12.1(h) of the Declaration. Note: Owners claiming an exemption must also complete the Affidavit of Eligibility for Rental Restriction Exemption adopted under Board Resolution #12, which is the primary instrument for

exemption verification. The Primary Residence Form supplements but does not replace that Affidavit;

- D. When an Owner who previously rented their Unit now occupies it as their primary residence;
- E. As part of any rental application or approval process;
- F. At such other times as the Association may determine necessary for compliance monitoring, provided that the Association shall not require resubmission more than once per calendar year absent a specific, documented reason to believe the Owner's primary residence status has changed.

SECTION 4: SUBMISSION REQUIREMENTS

- A. The Primary Residence Form must be completed in its entirety and executed before a notary public.
- B. The executed Primary Residence Form must be submitted to the Association's designated Manager or to the Board by mail to the Association's principal address or by email to contactus@horizonheightscoa.org
- C. The Association or designated Manager may require and review supporting documentation to verify primary residence status, which may include, but is not limited to:
 - 1. Utah driver's license or state identification card showing the Unit address;
 - 2. Vehicle registration showing the Unit address;
 - 3. Voter registration showing the Unit address;
 - 4. Utility bills in the Owner's name for the Unit (in certain cases);
 - 5. Other documentation as reasonably requested by the Association or designated Manager.

SECTION 5: RECORDKEEPING AND PRIVACY

- A. All completed Primary Residence Forms shall be maintained as confidential Association records.
- B. The Association or designated Manager shall maintain a database or list tracking:
 - 1. Owner-occupied Units (primary residences);
 - 2. Existing Rental Units;
 - 3. Exempt Non-Owner-Occupied Units by category;
 - 4. Non-owner-occupied Units subject to the rental caps.
- C. Aggregate data regarding rental percentages may be shared with Owners and prospective buyers as necessary for FHA and VA Certification purposes and transparency, but individual Owner information shall remain confidential except as required by law or court order.

SECTION 6: ENFORCEMENT

- A. Failure to submit a requested Primary Residence Form within thirty (30) days of written request by the Association or designated Manager may result in:
 - 1. Fines as authorized under Article 7.9 of the Declaration;

2. Presumption that the Unit is a non-owner-occupied Unit for purposes of rental cap calculations;
 3. Such other enforcement actions as authorized by the Declaration and the Utah Condominium Ownership Act.
- B. If an Owner is unable to respond within thirty (30) days due to documented circumstances beyond their control, including but not limited to medical incapacity, military deployment, or extended travel, the Owner may request a one-time extension of up to thirty (30) additional days by providing written notice to the Association prior to the expiration of the original deadline. The Board shall not unreasonably deny such a request. Approval of an extension does not waive any enforcement action under Section 6(A) if the Owner fails to submit the required Primary Residence Form within the extended deadline.
- C. Submission of false information on a Primary Residence Form shall constitute a violation of the Declaration and may result in:
1. Fines as authorized under Article 7.9 of the Declaration;
 2. Reclassification of the Unit's occupancy status;
 3. Legal action to enforce compliance;
 4. Assessment of attorney fees and costs against the Owner as provided in Article 8.7 of the Declaration.

SECTION 7: AMENDMENTS TO FORM

The Board reserves the right to amend, modify, or replace the Primary Residence Form as necessary to ensure compliance with applicable laws, maintain FHA and VA Certification, and effectively administer the rental restrictions in the Declaration. Any amendments to the form shall not require a new Board Resolution but may be implemented by Board action.

SECTION 8: INTEGRATION WITH RENTAL POLICIES

The Primary Residence Form shall be integrated with all existing and future rental policies, Rules, and procedures adopted by the Association, including but not limited to:

- A. Rental application processes;
- B. Rental waiting list administration;
- C. Monitoring of the 40% (68 of 170) Non-Exempt Non-Owner-Occupied rental cap;
- D. Monitoring of the 50% per-Building cap on all non-owner-occupied Units (both exempt and non-exempt), consistent with Board Resolution #14, Section 4;
- E. FHA and VA Certification compliance procedures;
- F. The Affidavit of Eligibility for Rental Restriction Exemption process under Board Resolution #12. Where an Owner submits both a Primary Residence Form and an Exemption Affidavit that appear to contradict each other, the Exemption Affidavit shall control for purposes of exemption classification, and this Form shall control for purposes of ongoing primary residence verification; any remaining conflict shall be referred to the Board for resolution.
- G. The twelve-month owner-occupancy requirement for new Unit Owners under Board Resolution #13. Completion of the Primary Residence Form upon closing shall serve as supporting documentation of an Owner's intent to comply with that requirement;

- H. The rental cap interpretation and exempt unit tracking rules established in Board Resolution #14. Occupancy records maintained under this Resolution shall be used to calculate both the 40% overall non-exempt cap and the 50% per-Building cap consistent with Resolution #14.

SECTION 9: AUTHORITY

This Resolution is adopted pursuant to the authority granted to the Board under:

- A. Article 7.11 of the Declaration (Association Rules);
- B. Article 12.1(i) of the Declaration (Permitted Rules for rental monitoring);
- C. Section 6.1 of the Bylaws (Powers and Duties of the Board);
- D. Article 6.4 of the Articles of Incorporation (Rules, Policies & Resolutions);
- E. The Utah Condominium Ownership Act, Utah Code 57-8;
- F. Board Resolution #12 (Adoption of Affidavit of Eligibility for Rental Restriction Exemption), Board Resolution #13 (Twelve-Month Owner-Occupancy Requirement for New Unit Owners), and Board Resolution #14 (Clarification of Article 12.1(g) and 12.1(h): Rental Cap Calculation and Exempt Unit Treatment), all adopted by the Board contemporaneously herewith.

SECTION 10: EFFECTIVE DATE

This Resolution shall become operative upon the recording of the Amended & Restated Declaration of Covenants, Conditions and Restrictions for Horizon Heights Condominiums in the Salt Lake County Recorder's Office, consistent with Board Resolutions #12, #13, and #14, which become operative on the same date. The Primary Residence Form attached as Exhibit A may be distributed to Owners prior to that date for informational and preparatory purposes.

SECTION 11: NOTICE TO OWNERS

The Association shall provide notice of this Resolution to all Owners by:

- A. Posting on the Association website and/or the homeowner portal maintained by the Association's designated Manager;
- B. Email notification to all Owners who have provided email addresses; and/or
- C. Such other means as the Board deems appropriate under Section 2.3 of the Bylaws. This Resolution shall be distributed together with Board Resolutions #12, #13, and #14 as a complete package. Title companies and real estate agents involved in Unit transactions will be notified of all four Resolutions as they collectively govern the rights and obligations of Unit owners with respect to rental and occupancy.

ADOPTED this 1 day of April, 2026.

HORIZON HEIGHTS CONDOMINIUMS OWNERS ASSOCIATION, INC.

By: _____

Monica West, President

By: _____

Sterling Mateer, Vice President

By: _____

Corbin Midgley, Secretary

By: _____

Neil Boyd, Treasurer

By: _____

Nick Crawford, Director

CERTIFICATE OF SECRETARY

I, the undersigned Secretary of Horizon Heights Condominiums Owners Association, Inc., hereby certify that the foregoing Resolution was duly adopted by the Board of Directors at a meeting held on March 18, 2026, 2026, at which a quorum was present, or by written consent of the Board in accordance with Section 3.5 of the Bylaws.

Corbin Midgley, Secretary: Corbin Midgley

Signature

Date: 4/1/26

EXHIBIT A

DECLARATION OF PRIMARY RESIDENCE FORM

[Attached separately]

EXHIBIT A

DECLARATION OF PRIMARY RESIDENCE

State of Utah

County of _____

I, _____ (Print Full Legal Name), being first duly sworn upon oath, do hereby declare and state as follows:

1. I am over the age of eighteen (18) years and am competent to make this declaration based upon my personal knowledge.
2. I am the owner of the property located at:

(Street Address and Unit Number)

(City, State, ZIP Code)

3. The above-referenced property is my primary residence and principal place of dwelling.
4. I currently reside at this address and maintain it as my domicile for all legal purposes.
5. I intend to continue residing at this address as my primary residence for the foreseeable future.
6. This property serves as my permanent home where I maintain my personal belongings, receive mail, and return to after any temporary absences.
7. I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

EXECUTED this _____ day of _____, 20_____.

Printed Name: _____

Signature: _____

NOTARIZATION

STATE OF UTAH

COUNTY OF _____

On this _____ day of _____, 20 _____,

(Full Legal Name)

personally appeared before me, the undersigned notary public. I verified the identity of the appearing person through:

- Photographic identification
- Oath or affirmation of a credible witness
- My personal knowledge

I confirm that the above-named individual is the person whose name is subscribed to the within instrument and that they acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Notary Public Printed Name: _____

Notary Public Signature: _____

My Commission Expires: _____

[Notary Seal]