

**BOARD RESOLUTION #12**  
**ADOPTION OF AFFIDAVIT OF ELIGIBILITY FOR**  
**RENTAL RESTRICTION EXEMPTION**

**HORIZON HEIGHTS CONDOMINIUMS OWNERS ASSOCIATION, INC.**

**WHEREAS**, Article 12.1(h) of the Declaration and Utah Code § 57-8-10.1(2)(a) establish exemptions from rental restrictions for certain Owners (including military deployment, family occupancy, employer relocation, entity ownership, and estate planning trusts), and Articles 7.11 and 12.1(i) of the Declaration authorize the Board to adopt Rules and forms to verify and administer those exemptions; and

**WHEREAS**, accurate exemption records are necessary to distinguish Exempt Non-Owner-Occupied Units from non-exempt rental Units, administer the rental caps established in Board Resolution #14, maintain FHA Certification eligibility, and enforce the Declaration; and

**WHEREAS**, the Board has adopted Board Resolution #13 (Twelve-Month Owner-Occupancy Requirement for New Unit Owners) and Board Resolution #14 (Rental Cap Calculation and Exempt Unit Treatment), both adopted contemporaneously herewith, which interact directly with the exemption 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 AFFIDAVIT FORM**

The Board hereby adopts the "Affidavit of Eligibility for Rental Restriction Exemption" form, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the "Exemption Affidavit").

**SECTION 2: WHEN EXEMPTION AFFIDAVIT IS REQUIRED**

- A. Before occupancy of a Unit by a non-owner occupant under any claimed exemption under Article 12.1(h) of the Declaration or Utah Code § 57-8-10.1(2)(a).
- B. Upon written request by the Association or designated Manager for periodic or renewed verification of continued eligibility, and
- C. Whenever circumstances change, that may affect exemption eligibility.

**SECTION 3: SUBMISSION REQUIREMENTS**

- A. The Exemption Affidavit must be completed in its entirety for the applicable exemption category claimed.
- B. All required supporting documentation specified in the Exemption Affidavit for the claimed exemption must be attached.
- C. The Exemption Affidavit must be executed under penalty of perjury and notarized.

- D. The executed and notarized Exemption Affidavit with all supporting documentation must be submitted to the Association's designated Manager or to the Board at the Association's principal address or via email at [contactus@horizonheightscoa.org](mailto:contactus@horizonheightscoa.org).
- E. The Association or designated Manager may request additional documentation or clarification as reasonably necessary to verify exemption eligibility.

## **SECTION 4: REVIEW AND APPROVAL PROCESS**

- A. The Board or its designated Manager shall review all submitted Exemption Affidavits and supporting documentation within thirty (30) days of receipt.
- B. Upon review, the Board or Manager shall: (i) approve the exemption claim upon a finding that the submitted documentation sufficiently establishes qualification under the applicable exemption category; (ii) request additional documentation if submitted materials are incomplete or insufficient to verify eligibility; or (iii) deny the exemption claim only where the Owner fails to provide sufficient documentation after reasonable opportunity to do so, or where the claimed qualifying condition is demonstrably not satisfied. The Board may not deny an exemption claim solely on the basis that the rental cap is full or that the Board finds the exemption inconvenient. Owners who genuinely qualify for a statutory exemption under Utah Code § 57-8-10.1(2)(a) have a legal right to that exemption.
- C. Written notice of the Board's decision shall be provided to the Owner within ten (10) days of the decision.
- D. Approved exemptions shall be reflected in the Association's records, and the Unit shall be classified as an Exempt Non-Owner-Occupied Unit for the duration of the exemption period.
- E. Denied exemptions may be appealed to the Board within thirty (30) days of the denial notice by submitting a written appeal with any additional supporting documentation.

## **SECTION 5: DURATION AND RENEWAL OF EXEMPTIONS**

- A. Each exemption remains valid only for the duration of the qualifying condition: military deployment ends when the Owner returns; employer relocation expires after two years or upon the Owner's return, whichever is earlier; family occupancy and entity ownership exemptions continue as long as the statutory occupancy and ownership requirements are met; and estate planning trust exemptions continue as long as the trust structure and occupancy satisfy Utah Code § 57-8-10.1(2)(a)(v).
- B. For all exemptions, the Association or designated Manager may require the annual resubmission of the Exemption Affidavit and updated supporting documentation no more than once per calendar year, and only where there is a documented, good-faith basis to believe the qualifying condition may no longer be satisfied.

## **SECTION 6: RECORDKEEPING AND PRIVACY**

- A. All completed Exemption Affidavits and supporting documentation shall be maintained as confidential Association records.

- B. The Association or designated Manager shall maintain records tracking each exempt Unit by exemption category, approval and expiration dates, renewal deadlines, and application status.
- C. Aggregate data regarding exemption categories may be shared with Owners and prospective buyers as necessary for FHA Certification purposes and transparency, but individual Owner information shall remain confidential except as required by law or court order.

## **SECTION 7: OWNER OBLIGATIONS**

- A. Owners must immediately notify the Association in writing if qualifying circumstances change, the non-owner occupant vacates, or any information in the Affidavit becomes inaccurate. Failure to notify within thirty (30) days constitutes a violation of the Declaration.
- B. Owners must cooperate with the Association or the designated Manager's requests for verification of continued exemption eligibility.

## **SECTION 8: ENFORCEMENT**

- A. Failure to submit a required Exemption Affidavit within thirty (30) days of written request by the Association or designated Manager may result in denial of the exemption claim, reclassification of the Unit as a non-exempt rental Unit subject to applicable caps, fines under Article 7.9, and such other enforcement actions as authorized by the Declaration and the Utah Community Association Act.
- B. Submission of false information constitutes a Declaration violation and may result in immediate exemption revocation, Unit reclassification, fines under Article 7.9, legal action, attorney fees under Article 8.7, and potential criminal liability for perjury under Utah law.
- C. 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 8(A) if the Owner fails to submit the required Affidavit within the extended deadline.

## **SECTION 9: AMENDMENTS TO FORM**

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

## **SECTION 10: INTEGRATION WITH RENTAL POLICIES**

The Exemption Affidavit 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 and approval processes.
- B. Rental waiting list administration.
- C. Monitoring of the 40% non-exempt overall 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 Certification compliance procedures.
- F. Declaration of Primary Residence procedures.
- G. The twelve-month owner-occupancy requirement for new Unit Owners under Board Resolution #13. Owners who qualify for an exemption under this Resolution are not subject to the twelve-month requirement, consistent with Board Resolution #13, Section 3(b). The completed and approved Exemption Affidavit shall serve as the required documentation for claiming that exception.
- H. The rental cap interpretation and exempt unit treatment rules established in Board Resolution #14. In the event of any conflict between this Resolution and Board Resolution #14 on matters of cap administration or exempt unit classification, Board Resolution #14 shall control.

## **SECTION 11: AUTHORITY**

This Resolution is adopted pursuant to Articles 7.11, 12.1(h), and 12.1(i) of the Declaration; Section 6.1 of the Bylaws; Article 6.4 of the Articles of Incorporation; Utah Code § 57-8-10.1(2)(a); and Board Resolutions #13 and #14, both adopted contemporaneously herewith.

## **SECTION 12: 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 #11, #13 and #14, which become operative on the same date. The Affidavit form attached as Exhibit A may be used and distributed to Owners prior to that date for informational and preparatory purposes.

## **SECTION 13: NOTICE TO OWNERS**

The Association shall provide notice of this Resolution, together with Board Resolution #11, #13 and #14, 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. Title companies and real estate agents involved in Unit transactions will be notified of Board Resolutions #11, #12, #13, and #14, as all four affect the rights and obligations of new Unit owners.

**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, 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

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**EXHIBIT A**

AFFIDAVIT OF ELIGIBILITY FOR RENTAL RESTRICTION EXEMPTION

[Attached separately]

# EXHIBIT A

## AFFIDAVIT OF ELIGIBILITY FOR RENTAL RESTRICTION EXEMPTION

Utah Code § 57-8-10.1(2)(a)

CONDOMINIUM NAME: HORIZON HEIGHTS CONDOMINIUMS

BUILDING LETTER AND UNIT NUMBER: \_\_\_\_\_

UNIT OWNER(S): \_\_\_\_\_

DATE: \_\_\_\_\_

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### PURPOSE

This Affidavit is required by the Horizon Heights Condominiums Association of Unit Owners ("Association") to verify eligibility for exemption from rental prohibitions, restrictions, or fees pursuant to Utah Code § 57-8-10.1(2)(a). Unit owners claiming an exemption must complete this form and provide supporting documentation as specified below.

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### EXEMPTION CLAIMED

I/We, the undersigned unit owner(s), hereby claim exemption under the following provision (check one):

**Military Deployment Exemption** [Utah Code § 57-8-10.1(2)(a)(i)]

Unit owner is in the military and is currently deployed.

**Family Occupancy Exemption** [Utah Code § 57-8-10.1(2)(a)(ii)]

Unit is occupied by the unit owner's parent, child, or sibling.

**Employer Relocation Exemption** [Utah Code § 57-8-10.1(2)(a)(iii)]

Unit owner's employer has relocated the unit owner for a period of two years or less.

**Entity Ownership Exemption** [Utah Code § 57-8-10.1(2)(a)(iv)]

Unit is owned by an entity and occupied by an individual with voting rights and 25% or greater ownership interest.

**Estate Planning Trust Exemption** [Utah Code § 57-8-10.1(2)(a)(v)]

Unit is owned by a trust or entity created for estate planning purposes for the current resident or their parent, child, or sibling.

## **REQUIRED DOCUMENTATION AND ATTESTATIONS**

### **FOR MILITARY DEPLOYMENT EXEMPTION:**

I certify that I am a member of the United States Armed Forces and am currently deployed.

**Deployment Start Date:** \_\_\_\_\_

**Expected Return Date:** \_\_\_\_\_

### **REQUIRED ATTACHMENTS:**

- Copy of military ID
  - Copy of deployment orders or official documentation of deployment status
  - Contact information for commanding officer or military liaison (optional)
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### **FOR FAMILY OCCUPANCY EXEMPTION:**

I certify that the unit is occupied by my (check one):

Parent  Child  Sibling

**Occupant's Name:** \_\_\_\_\_

**Occupant's Relationship to Owner:** \_\_\_\_\_

**Occupant's Date of Birth:** \_\_\_\_\_

### **REQUIRED ATTACHMENTS:**

- Proof of relationship (birth certificate, court adoption records, or other official documentation)
  - Proof of occupancy (utility bills, driver's license, voter registration, or lease agreement showing occupant resides in the unit)
  - Signed statement from occupant confirming residency
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**FOR EMPLOYER RELOCATION EXEMPTION:**

I certify that my employer has relocated me for a period of two years or less.

**Employer Name:** \_\_\_\_\_

**Relocation Start Date:** \_\_\_\_\_

**Expected Return Date:** \_\_\_\_\_

**New Work Location:** \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- Letter from employer on company letterhead confirming relocation, duration, and expected return
- Employment verification (pay stub, employment contract, or HR documentation)
- Proof of relocation (new lease agreement, utility bills at new address, or other documentation)

**Note:** This exemption expires on the earlier of: (1) the end of the two-year relocation period, or (2) the date the unit owner returns to the area.

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**FOR ENTITY OWNERSHIP EXEMPTION:**

I certify that the unit is owned by an entity and occupied by an individual who meets the statutory requirements.

**Entity Name:** \_\_\_\_\_

**Entity Type:**  LLC  Corporation  Partnership  Other: \_\_\_\_\_

**Date Entity Formed:** \_\_\_\_\_

**State of Formation:** \_\_\_\_\_

**Occupant's Name:** \_\_\_\_\_

**Occupant's Title/Role in Entity:** \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- Copy of entity's organizing documents (Articles of Organization, Articles of Incorporation, Partnership Agreement, etc.)
- Documentation showing occupant has voting rights under the entity's organizing documents
- Documentation proving occupant has 25% or greater share of ownership, control and rights to profits and losses of the entity.
- Proof of occupancy (utility bills, driver's license, voter registration, or other documentation showing occupant resides in the unit)

**OCCUPANT CERTIFICATION:**

I, \_\_\_\_\_, certify that I occupy the unit located at the above address and that I have:

- Voting rights under the entity's organizing documents
- I have a 25% or greater share of ownership, control, and right to profits and losses of the entity

Signature of Occupant: \_\_\_\_\_ Date: \_\_\_\_\_

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**FOR ESTATE PLANNING TRUST EXEMPTION:**

I certify that the unit is owned by a trust or other entity created for estate planning purposes.

**Trust/Entity Name:** \_\_\_\_\_

**Date Trust/Entity Created:** \_\_\_\_\_

**Trustee Name(s):** \_\_\_\_\_

**Current Unit Occupant:** \_\_\_\_\_

The trust or estate planning entity was created for the estate of (check one):

- The current resident of the unit
- The parent of the current resident
- The child of the current resident
- The sibling of the current resident

**Name of person whose estate the trust was created for:** \_\_\_\_\_

**Relationship to current occupant:** \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- Copy of the trust agreement or organizing documents of the estate planning entity
- Documentation demonstrating the estate planning purpose of the trust/entity
- Proof of relationship between the person whose estate the trust was created for and the current occupant (if different individuals)
- Proof of occupancy by current resident (utility bills, driver's license, voter registration, or other documentation)

**OWNER ATTESTATION**

I/We declare under penalty of perjury under the laws of the State of Utah that:

1. I/We am/are the legal owner(s) of the condominium unit identified above;
2. The information provided in this Affidavit is true, accurate, and complete;
3. I/We have attached all required supporting documentation;
4. I/We understand that any false statement made herein may result in:
  - o Denial or revocation of the exemption
  - o Imposition of rental restrictions and/or fees
  - o Fines or other enforcement actions by the Association
  - o Legal liability for fraud or misrepresentation
5. I/We agree to immediately notify the Association if circumstances change such that the unit no longer qualifies for the claimed exemption;
6. I/We understand that the Association or designated Manager may periodically request updated documentation to verify continued eligibility for the exemption;
7. I/We authorize the Association to verify the information provided herein with third parties as necessary.

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**OWNER SIGNATURE(S):**

Print Name:

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name (if multiple owners):

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# INSTRUCTIONS FOR SUBMISSION

1. Complete all applicable sections of this Affidavit
2. Attach all required supporting documentation
3. Have the document notarized
4. Submit to the Association by email or mail:  
Email: [contactus@horizonheightscoa.org](mailto:contactus@horizonheightscoa.org)  
Mail: Horizon Heights COA  
13203 S Dominica Ln  
Herriman, UT 84096
5. Retain a copy for your records
6. **Questions?** Contact the Association at [contactus@horizonheightscoa.org](mailto:contactus@horizonheightscoa.org)

# 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]