

SWAINS CREEK PINES LOT OWNERS ASSOCIATION
NOTIFICATION BY ELECTRONIC MEANS

RESOLUTION OF THE BOARD OF THE DIRECTORS

WHEREAS the Board of Directors of the Association is charged with the responsibility of managing and controlling the facilities to provide the owners of lots in the designated subdivisions with those services desirable and necessary to the health, safety and well-being of such owners and to the enhancement and preservation of the recreational and scenic values essential to the proper enjoyment of such subdivision lots by such owners.

WHEREAS the Board shall administer the enforcement of the protecting conditions, covenants, reservations and restrictions, and to this end shall have the power to adopt and enforce reasonable rules and regulations governing the use of lots and any other properties and facilities under its jurisdiction.

WHEREAS the several Covenants, Conditions and Restrictions (CC&Rs) of Swains Creek Pines include:

(a) Declarations of Establishment of Protective Conditions, Covenants, Reservations and Restrictions affecting the Real Property known as "Swains Creek Pines Unit No. 1" recorded in the records of the Kane County Recorder's Office 8-4-1969, sometimes referred to as Swains Creek Pines 1A";

(b) Declarations of Establishment of Protective Conditions, Covenants, Reservations and Restrictions affecting the Real Property known as "Swains Creek Unit No. 1" recorded in the records of the Kane County Recorder's Office 10-28-1976;

(c) Declarations of Establishment of Protective Conditions, Covenants, Reservations and Restrictions affecting the Real Property known as "Swains Creek Pines Unit No.2" recorded in the records of the Kane County Recorder's Office 6-12-1974;

(d) Declarations of Establishment of Protective Conditions, Covenants, Reservations and Restrictions affecting the Real Property known as "Swains Creek Pines Unit No. 3" recorded in the records of the Kane County Recorder's Office 5-17-1977; and

(e) Declarations of Establishment of Protective Conditions, Covenants, Reservations and Restrictions affecting the Real Property known as "Harris Spring Ranches" recorded in the records of the Kane County Recorder's Office 4-17-1978.

WHEREAS Utah Title 57-8a-214 sets forth fair and reasonable notice as follows:

(1) Notice that an association provides by a method allowed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, constitutes fair and reasonable notice, regardless of whether or not the association is a nonprofit corporation.

(2) Notice that an association provides by a method not referred to in Subsection (1) constitutes fair and reasonable notice if:

(a) the method is authorized in the declaration, articles, bylaws, or rules; and

(b) considering all the circumstances, the notice is fair and reasonable.

- (3) (a) If provided in the declaration, articles, bylaws, or rules, an association may provide notice by electronic means, including text message, email, or the association's website.
- (b) Notwithstanding Subsection (3)(a), a lot owner may, by written demand, require an association to provide notice to lot owner by mail.

WHEREAS the Board deems it is in the best interest of the Association to utilize timely and cost-effective methods for communicating with lot owners regarding the business of the Association.

NOW THEREFORE, BE IT RESOLVED that, based upon one or more of the foregoing, the Board of Directors of the Association adopts the following policy and practice effective May 11, 2015:

The Association may provide notice to lot owners by electronic means, including text message, email, or the Association's website. The lot owner shall be responsible for notifying the Association of their current electronic contact information, including email address and/or mobile phone number.

The lot owner may, by written demand, request that notification be sent by mail.

If any provision of this Policy is determined to be null and void, all other provisions of the Policy shall remain in full force and effect.

This resolution of the Board of Directors has been duly adopted at the May 11, 2015 meeting of the Board of Directors.

Signed: 
Chairman

Signed: 
Secretary