

RETURNED

MAR 05 2008

2346508
BK 4483 PG 541

162 1/2
4
E 2346508 B 4483 P 541-544
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/05/2008 12:19 PM
FEE \$28.00 Pgs: 4
DEP. REC'D FOR BRYCE CUTLER

**ARTICLES OF INCORPORATION
OF
CANYON CREEK ESTATES OWNERS ASSOCIATION, INC.
(a Utah Nonprofit Corporation)**

Symphony Development Corp., the undersigned natural person over the age of twenty-one years, acting as incorporator of a nonprofit corporation pursuant to the Utah Nonprofit Corporation and Cooperative Association Act (Utah Code Annotated Section 16-6a-101, et seq.), hereby adopts the following Articles of Incorporation for such nonprofit corporation.

**ARTICLE I
NAME**

The name of the nonprofit corporation is **CANYON CREEK ESTATES OWNERS ASSOCIATION, INC.**, hereinafter referred to as the "Association." The Canyon Creek Estates Owners Association includes lots 1 through 12, and includes property tax id. 115050013.

Parcel A

01 through 0013

**ARTICLE II
DURATION**

The Association shall exist perpetually or until dissolved pursuant to law.

**ARTICLE III
PURPOSES AND POWERS**

The Association is organized as a nonprofit corporation and shall be operated exclusively for the purpose of maintaining, operating and governing a residential subdivision ("**Project**") located in the County of Davis, State of Utah. The Project has been created on or about the date of filing of these Articles of Incorporation by recording an instrument entitled **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF Canyon Creek Estates ("Declaration")** in the office of the Recorder of Davis County, State of Utah. The Declaration is hereby incorporated by reference and made a part of these Articles of Incorporation. The Association shall be operated to perform the functions and provide the services contemplated by the Declaration. Except as otherwise provided herein or as may be required by the context hereof, all terms defined in the Declaration shall have such defined meanings when used herein. Among other things, the Association shall have the authority and power to do any act permitted by Utah Code Annotated Section 16-6a-101, as from time to time amended, and including but not limited to:

a. Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

b. Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association

c. Borrow money, and with the assent of at least sixty-seven percent (67%) of the votes of the Members mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

d. Dedicate, sell or transfer with the assent of at least sixty-seven percent (67%) of the votes of the Members, all or any part of the Common Areas to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members;

e. Have and exercise any and all powers, rights and privileges which a corporation organized as not-for-profit under the corporation law of the State of Utah by law may now or hereafter have or exercise.

No dividend shall be paid to, and no part of the net income, if any, of the Association shall be distributed to, any of the Members, Board of Directors, or officers of the Association, except as otherwise provided herein, in the Declaration, or under Utah law.

ARTICLE IV
ADDITIONAL POWERS

In addition to the purposes and powers declared in Article III above and subject to any limitations herein expressed, the Association shall have and may exercise the power to do any and all things that the Association is authorized or required to do under the Declaration, as the same may from time to time be amended.

ARTICLE V
MEMBERSHIP AND STOCK

Each Owner of a Unit in the Project shall be a Member of the Association. The rights and duties appertaining to membership in the Association shall be governed by the Declaration. Neither the issuance, nor the holding, of shares of stock shall be necessary to evidence membership in the Association. Membership in the Association shall be mandatory, and not optional, and shall be appurtenant to and may not be separated from the ownership of any Unit in the Project. No persons or entity other than any Owner of a Unit may be a Member of the Association. Membership in the Association shall begin immediately and automatically upon becoming an Owner of a Unit and shall cease immediately and automatically upon ceasing to be an Owner of a Unit. No stock shall be issued.

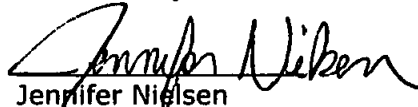
ARTICLE VI
ASSESSMENTS


Members of the Association shall be subject to assessments by the Association from time to time in accordance with the provisions of the Declaration and shall be liable to the Association for payment of such assessments.

ARTICLE VII
BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of at least three (3), but not more than seven (7) Directors, who need not be members of the Association. The names and addresses of the persons who are to act in the capacity of the Directors until the selection of their successor are:


Daniel Leininger
3072 E. Canyon Creek Circle
Layton, UT 84041


Jennifer Nielsen
3017 E. Canyon Creek Circle
Layton, UT 84041


Louis Rothery
389 N. Canyon Creek Circle
Layton, UT 84041

At the first annual meeting, after control of the Association is transferred from the Declarant under the Declaration, the members shall elect at least one (1) director for a term of one (1) year, at least one (1) director for a term of two (2) years; and at each annual meeting thereafter the members shall elect a director (to replace any retiring director for a term of two (2) years).

The number of Trustees or Directors may be changed by amendment of the Bylaws of the Association. The number may be increased or decreased by majority vote of the Members entitled to vote at a meeting, but shall never be more than seven (7), nor less than three (3).

ARTICLE VIII
DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than sixty-seven percent (67%) of the votes of the Members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE IX
PRINCIPAL OFFICE

The address of the initial principal office of the Association is: 526 North 400 West, North Salt Lake, UT 84054

ARTICLE X
REGISTERED OFFICE AND AGENT

The initial registered office of the Association is: 526 North 400 West, North Salt Lake, UT 84054

ARTICLE X
REGISTERED OFFICE AND AGENT

The initial registered office of the Association is: 526 North 400 West, North Salt Lake, UT 84054

The initial registered agent of the Association at the registered office is Robert C. Miller

ARTICLE XI
INCORPORATOR

The name and address of the incorporator of the Association is as follows:

Symphony Development Corp.
526 North 400 West
North Salt Lake, UT 84054

ARTICLE XII
BYLAWS

The Board of Directors shall adopt Bylaws which are not inconsistent with law or these Articles for the regulation and management of the affairs of the Association.

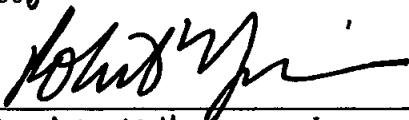
ARTICLE XIII
AMENDMENTS

These Articles may be amended by the affirmative vote of at least sixty-seven percent (67%) of the votes of Members of the Association cast at a duly called meeting of the Members. The Association will be required to change Articles IX, X, XI or any other names, addresses, etc. when the home owners take over association.

ARTICLE XIV
CONFLICT WITH DECLARATION


In the event of any conflict or inconsistency between the provisions of these Articles and the provisions of the Bylaws, the provisions of these Articles shall control; and in the case of any conflict between the Declaration and the Bylaws, the Declaration shall control.

DATED March 5, 2008



Robert C. Miller, Incorporator
Symphony Development Corp.

THE UNDERSIGNED ACKNOWLEDGES HIS APPOINTMENT AS REGISTERED AGENT:



Notary Public Signature

