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E# 2273118 PG 1 OF 11 147  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
25-JUN-07 826 AM FEE \$147.00 DEP SGC  
REC FOR: HELGESEN WATERFALL JONES

# AMENDMENT

TO THE

## COVENANTS, CONDITIONS & RESTRICTIONS

OF

## COUNTRY HILLS MANOR CONDOMINIUM

This amendment (hereinafter "Amended Declaration") is made and executed on the date shown below by the Country Hills Manor Condominium Management Committee after having been voted upon and approved by the Owners at Country Hills Manor Condominium.

### RECITALS

WHEREAS, Country Hills Manor Condominium was created by Declaration of Covenant, Conditions and Restrictions [of] Country Hills Manor Condominium ("Enabling Declaration"), recorded in the records of Weber County, Utah, on July 18, 1966, in Book 841, beginning on page 569; and

WHEREAS, the property that is the subject of this Amended Declaration is situated in and upon that certain real property located in Weber County, State of Utah, as specifically described in Exhibit "A", attached hereto and incorporated herein by this reference, and including the common area that is appurtenant to each unit as shown on the plat maps for Country Hills Manor Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 118 units at Country Hills Manor Condominium.

WHEREAS, The unit owners in Country Hills Manor are desirous to create the Country Hills Manor Condominium Homeowners Association, Inc., a Utah non-profit corporation ("Association"), which will be created by filing Articles of Incorporation with the Utah Division of Corporations and Commercial Code, which Association shall operate for the purpose of managing the common area and enforcing the provisions of the Enabling Declaration and any amendments thereto. The Association will be the governing body of Country Hills Manor Condominium and will operate in accordance with the Enabling Declaration, any amendments to the Enabling Declaration, this Amended Declaration, the Articles of Incorporation (Exhibit "B" attached hereto and incorporated herein by this reference) and the Association Bylaws which are incorporated herein by reference as they are currently set forth in Sections 7 and 8 of the Amended and Restated Declaration of Country Hills Manor Condominium, recorded in the records of Weber County, Utah, on August 13, 2004 as Entry # 2050155.

NOW THEREFORE, To accomplish the unit owners' objectives, the following amendment is adopted creating the Country Hills Manor Condominium Homeowners Association, Inc., a Utah non-profit corporation. If there is any conflict between this Amended Declaration and Bylaws and the original Declaration and Bylaws, this document shall control.

This Amended Declaration shall become effective upon recording. The Country Hills Manor Condominium Declaration and Bylaws are hereby amended as follows:

**AMENDMENT**

**Creation of Non-profit Corporation**

- 1.1 The Unit Owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Country Hills Manor Condominium Homeowners Association, Inc. ("Association"), by filing with the State of Utah the Articles of Incorporation for the Association in a form substantially similar to those contained in Exhibit "B", attached hereto. The Association shall be responsible for managing the common area within Country Hills Manor and governing the affairs of Country Hills Manor in accordance with the provisions of this Amended Declaration, the Enabling Declaration, any amendment to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.2 By voting to approve this Amended Declaration, the lot owners hereby agree to adopt the following documents:
  - a. this Amended Declaration;
  - b. the Articles of Incorporation (Exhibit "B" attached hereto);
  - c. and the Bylaws of the Association herein referenced.

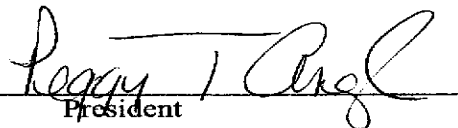
as the governing documents of Country Hills Manor Condominium Homeowners Association, Inc., which documents shall constitute equitable servitudes that shall run with the real property described in Exhibit "A".

**CERTIFICATION**

It is hereby certified that at least sixty-seven percent (67%) of the undivided ownership interest in the common areas and facilities, voted in favor of this amendment as required pursuant to the amendment to the Country Hills Manor Declaration as recorded on August 13, 2004, as entry number 2050155 at the Weber County Recorders Office.

IN WITNESS WHEREOF, this 14 day of June, 2007.

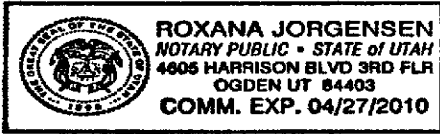
Country Hills Manor Condominium Homeowners Association

By   
 President

STATE OF UTAH            )  
                                  :ss.  
COUNTY OF WEBER        )

On this 14 day of June, 2007, personally appeared before me Peggy Anglin  
who, being by me duly sworn, did say that she is President of the Country Hills Manor  
Condominium Management Committee and that the within and foregoing instrument was  
signed in behalf of said Management Committee and she duly acknowledged to me she  
executed the same.

Roxana Jorgensen  
Notary Public



9 pages  
143<sup>02</sup> record

# EXHIBIT "A"

## Legal Description

**EXHIBIT "A"**  
Legal Description of Units

The following units in the buildings indicated, in Country Hills Manor Condominium Phase No. 1, Ogden City, Weber County, Utah. 06-079-0001 through 06-079-0028

~~✓~~  
*ed*

Building	Unit#
A	1 through 6
B	7 through 14
C	15 through 20
D	21 through 28

The following units in the buildings indicated, in Country Hills Manor Condominium Phase No. 2, Ogden City, Weber County, Utah. 06-124-0001 through 06-124-0040

~~✓~~  
*ed*

E	29 through 36
F	37 through 44
G	45 through 51
H	52 through 59
I	60 through 68

The following units in the buildings indicated, in Country Hills Manor Condominium Phase No. 3, Ogden City, Weber County, Utah. 06-128-0001 through 06-128-0017

~~✓~~  
*ed*

J	69 through 78
K	79 through 85

The following units in the buildings indicated, in Country Hills Manor Condominium Phase No. 4, Ogden City, Weber County, Utah. 06-132-0001 through 06-132-0033

~~✓~~  
*ed*

L	86 through 92
M	93 through 104
N	105 through 111
O	112 through 118

# EXHIBIT "B"

## Articles of Incorporation

ARTICLES OF INCORPORATION

FOR

COUNTRY HILLS MANOR

CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.

WE, THE UNDERSIGNED NATURAL PERSONS, all being of the age of eighteen years or more, acting as incorporators under the Utah Non-Profit Corporation and Cooperative Association Act, adopt the following Articles of Incorporation:

**Name.** The name of the Corporation is COUNTRY HILLS MANOR CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. (herein referred to as the "Corporation").

**Duration.** The duration of the Corporation shall be perpetual, unless dissolved by the action of the Corporation or by operation of law.

**Purposes.** The purposes of the Corporation are to function in behalf of the members of the Country Hills Manor Condominium Homeowners Association located in Weber County, Utah, and to enforce the Covenants, Conditions and Restrictions as set forth in the Declaration of Covenants, Conditions and Restrictions, and to provide the other services and perform all of the other functions set forth in the Declarations of Covenants, Conditions and Restrictions and as may become desirable or necessary for the benefit of the members. The Corporation shall have all powers, rights, and privileges available to corporations under the laws of the State of Utah.

**Membership/Stock.** The owners of the Corporation shall be the owners of Units in all of Country Hills Manor Condominium. located in Weber County, Utah. Membership is appurtenant to the Unit, and shall pass automatically to the owner of that Unit upon conveyance of title. There shall be issued 118 shares in the Corporation. The Unit Owners shall have an interest in the Corporation as described below:

The Association shall have one (1) class of membership--Class A, described more particularly as follows:

1. **Class A.** Class A Members shall be all Owners. Class A Members shall be entitled to vote on all issues before the Association, subject to the following:
  - a. **Voting.** Each Unit Owner shall have right to vote based on percentages as provided in the Country Hills Manor Condominium Homeowners Association Declaration and By-Laws.
  - b. **Subject to Assessment.** No vote shall be cast or counted for any Unit not subject to assessment;

c. **Multiple Owners.** When more than one (1) person or entity holds such interest in a Unit, the vote for such Unit shall be exercised as those persons or entities themselves determine and advise the Secretary of the Association prior to any meeting. In the absence of such advise, the vote of the Unit shall be suspended in the event more than one (1) person or entity seeks to exercise it.

d. **Number of Shares.** The Corporation is authorized to issue up to 118 shares of Class A stock.

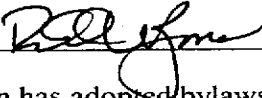
2. Class A shares shall have unlimited voting rights.
3. The owners of Class A shares shall be entitled to receive the net assets of the Corporation upon dissolution.

**Registered Agent.** The registered agent for the Corporation is:

Richard W. Jones, Esq.  
4605 Harrison Blvd., Third Floor  
Ogden, Utah 84403

**Acceptance of Appointment**

I, Richard W. Jones, hereby accept the appointment as the registered agent for Country Hills Manor Condominium Homeowners Association, Inc.

  
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**Bylaws.** The Association has adopted bylaws in accordance with the Amended Declaration for Country Hills Manor Condominium, which Amended Declaration was recorded in the records of Weber County, Utah, on August 13, 2004, as entry number 2050155. The Corporation hereby adopts the bylaws by reference as found in the Amended Declaration of Country Hills Manor. Hereafter, bylaws may be adopted, amended or replaced by the vote of Members as provided in the bylaws.

**Address of Corporation's Registered Office.** The principal place of business of the Corporation, and its initial offices are located at, 4030 South 895 East, Floor, Ogden, UT 84403. The Corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

**Distributions.** No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its Directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth above. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.



Notwithstanding any other provision of these Articles of Incorporation, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, as amended or supplemented.

**Dissolution.** Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or shall be distributed to the federal government or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

**Board of Directors.** There will initially be seven Directors of the Corporation, provided, however, the Board of Directors may consist of a minimum of five Directors as determined by the members in a duly called meeting. The initial Board of Directors, who will serve until the election of officers and Directors at the first annual members' meeting, are:

<u>Name</u>	<u>Address</u>
Peggy Anglin	4074 S. 895 E. Ogden, UT 84403
Tom Terry	4067 S. 895 E. Ogden, UT 84403
Virginia Hauser	4009 S. 875 E. Ogden, UT 84403
William Jacobson	4001 S. 875 E. Ogden, UT 84403
John Parker	4041 S. 875 E. Ogden, UT 84403
Rex Call	4010 Gramercy Ogden, UT 84403
Marie Francis	898 40 <sup>th</sup> Street Ogden, UT 84403

The Directors will elect one of them to act as Chairman until the first annual members' meeting.

**Officers.** The initial officers of the corporation are:

Chair	Peggy Anglin
Vice-Chair	Tom Terry
Secretary	Virginia Hauser
Treasurer	William Jacobson

**Annual Meeting.** The annual meeting of the members shall be held on the first Monday of June at the project, or at such other time not more than 30 days before or after such date, as may be designated by written notice of the Board of Directors delivered to the owners, not less than ten (10) days prior to the date fixed for said meeting. At such meeting, the current members shall elect Directors for one two (2) year term to serve until their successors shall be elected and shall qualify. Only current members of Units owned in the Association shall be elected Directors according to the percentage as required by law. The officers of the Board of Directors shall be elected by the members of the Board at the next meeting immediately following the Annual Meeting of members to serve for not more than two year terms unless re-elected at the end of such term.

**Limitations on Liability.** The Officers, Directors, and Members of the Corporation shall not be held personally liable for the debts and obligations of the Corporation.

**Incorporators.** The incorporators of the Corporation are:

Peggy Anglin 4074 S. 895 E. Ogden, UT 84403	Tom Terry 4067 S. 895 E Ogden, UT 84403
Virginia Hauser 4009 S. 875 E Ogden, UT 84403	William Jacobson 4001 S. 875 E. Ogden, UT 84403
John Parker 4041 S. 875 E. Ogden, UT 84403	Rex Call 4010 Gramercy Ogden, UT 84403
Marie Francis 898 40 <sup>th</sup> Street Ogden, UT 84403	

**Amendment.** These Articles of Incorporation may be amended from time to time as authorized by the Enabling Declaration and as permitted by law.

In Witness Whereof, we, Peggy Anglin, Tom Terry, Virginia Hauser, William Jacobson, John Parker, Rex Call and Marie Francis, have executed these Articles of Incorporation in duplicate this 14 day of June, 2007, and say: That we are the incorporators herein; that we have read the above and foregoing Articles of Incorporation; that we know the contents thereof and that the same is true to the best of our knowledge and belief, excepting as

to matters herein alleged upon information and belief and as to those matters we believe them to be true.

Peggy T. Call  
Incorporator

Rex Call  
Incorporator

Marie W. Francis  
Incorporator

William Jacobson  
Incorporator

John Parker  
Incorporator

John W. Parker  
Incorporator

[Signature]  
Incorporator

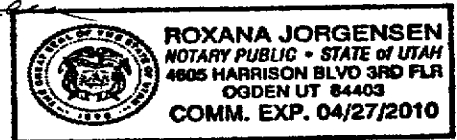
State of Utah )  
: ss  
County of Weber )

On the 14 day June, 2007, acknowledged and verified before me by Peggy Anglin, Virginia Hauser, William Jacobson, John Parker, Rex Call and Marie Francis, who personally appeared before me, and being by me duly sworn declare under penalty of perjury that they are the incorporators of COUNTRY HILLS MANOR CONDOMINIUM HOMEOWNERS ASSOCIATION, INC., and that they signed the foregoing, and that the statements contained therein are true and correct.

In witness whereof, I have set my hand and seal this 14 day of June, 2007.

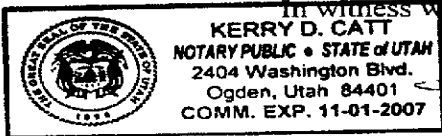
[Signature]  
Notary Public

State of Utah )  
: ss  
County of Weber )



On the 16<sup>th</sup> day June, 2007, acknowledged and verified before me by Tom Terry, who personally appeared before me, and being by me duly sworn declare under penalty of perjury that they are the incorporators of COUNTRY HILLS MANOR CONDOMINIUM HOMEOWNERS ASSOCIATION, INC., and that they signed the foregoing, and that the statements contained therein are true and correct.

In witness whereof, I have set my hand and seal this 16<sup>th</sup> day of June, 2007.



[Signature]  
Notary Public