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ERNEST D ROWLEY, WEBER COUNTY RECORDER  
14-JUL-09 908 AM FEE \$104.00 DEP SPY  
REC FOR: HELGESEN WATERFALL JONES

**AMENDMENT TO DECLARATION  
OF  
CANYON TERRACE CONDOMINIUM**

This Amendment to Declaration ("Amendment") is made and executed on the date shown below by the unit owners at Canyon Terrace Condominium.

**RECITALS**

WHEREAS, Canyon Terrace Condominium was created by a "Declaration of Covenants, Conditions and Restrictions for Canyon Terrace Condominium" (hereinafter the "Enabling Declaration") recorded in the official records of Weber County, Utah, on August 20, 1984, in book 1452, beginning on page 241 as entry # 916549; and

WHEREAS, the property that is the subject of this Amendment 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 Canyon Terrace Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 67 fully constructed units at Canyon Terrace Condominium and 14 building sites for additional units.

WHEREAS, it is the desire of the unit owners of Canyon Terrace Condominium to live in a condominium community that is orderly, peaceful, well maintained and desirable, and that will allow for and protect the comfortable enjoyment of all residents of Canyon Terrace Condominium.

WHEREAS, The unit owners at Canyon Terrace are desirous to create the Canyon Terrace Homeowners Association, Inc., a Utah nonprofit corporation (the "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, any amendments thereto, and this Amendment to Declaration of Canyon Terrace Condominium and its Bylaws. The Association will be the governing body of Canyon Terrace and will operate in accordance with this Amendment to Declaration, the Articles of Incorporation (Exhibit "B" attached hereto and incorporated herein by this reference) and the Bylaws of the Association for the purpose of managing the common area and enforcing the provisions of the Association documents. The Association shall adopt as the Association Bylaws the Bylaws currently included in the Enabling Declaration as "Appendix C", and recorded in book 1452, beginning on page 286, at the office of the Weber County Recorder, State of Utah.

NOW THEREFORE, to accomplish the unit owners' objectives, the following amendment is adopted creating the Canyon Terrace Homeowners Association, Inc., a Utah nonprofit corporation, If there is any conflict between this Amendment and the Enabling Declaration and any amendments thereto, this Amendment shall control.

**AMENDMENT****ARTICLE I****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 Canyon Terrace 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 Canyon Terrace and governing the affairs of Canyon Terrace in accordance with the provisions of this Amendment to Declaration, the Enabling Declaration, any amendments to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.2 By voting to approve this Amendment, the unit owners hereby agree to adopt the following documents:
- a. this Amendment to Declaration;
  - b. the Articles of Incorporation (Exhibit "B" attached hereto);
  - c. and the Bylaws of the Association ("Appendix C" to the Enabling Declaration);
- as the governing documents of the Canyon Terrace Homeowners Association, Inc., which documents shall constitute equitable servitudes that shall run with the real property described in Exhibit "A".
- 1.3 Pursuant to the provisions in this Amendment wherein the Canyon Terrace Homeowners Association is incorporated as a non-profit corporation under the laws of the State of Utah, the management of Canyon Terrace and the common area of Canyon Terrace shall hereafter be performed under the direction and authority of the Association's Board of Directors. Any reference to the term "Management Committee" in the Enabling Declaration or any amendments thereto, or in the Bylaws of Canyon Terrace, or any other Canyon Terrace document, shall hereafter be deemed to mean and refer to the term "Board of Directors" of the Canyon Terrace Homeowners Association, Inc.
- 1.4 This Amendment shall become effective upon recording.

**CERTIFICATION**

It is hereby certified that Canyon Terrace Condominium unit owners holding not less than two thirds (2/3) of the undivided ownership interest in the common areas and facilities have voted to approve this Amended Declaration.

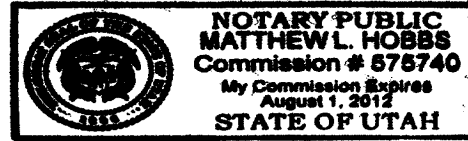
IN WITNESS WHEREOF, this 9<sup>th</sup> day of July, 2009.

By: Kathryn Horrocks  
President

STATE OF UTAH            )  
                                  :SS.  
COUNTY OF WEBER     )

On this 9<sup>th</sup> day of July, 2009, personally appeared before me Kathryn Horrocks who, being by me duly sworn, did say that he/she is an officer of the Canyon Terrace Homeowners Association and that the within and foregoing instrument was signed in behalf of said Association and (s)he duly acknowledged to me (s)he executed the same.

Matthew L. Hobbs  
Notary Public



**Exhibit "A"****Legal Description of Units  
Canyon Terrace Condominium, Ogden City, Weber County, Utah**

- BUILDING 1, UNITS 1A through 1C, (Land Serial Numbers: 13-185-0001 through 13-0-185- 0003) *td*
- BUILDING 2, UNITS 2A through 2C, (Land Serial Numbers:13-185-0004 through 13-185-0006) *td*
- BUILDING 3, UNITS 3A through 3C, (Land Serial Numbers:13-185-0007 through 13-185-0009) *td*
- BUILDING 4, UNITS 4A through 4C, (Land Serial Numbers:13-185-0010 through 13-185-0012) *td*
- BUILDING 5, UNITS 5A through 5E, (Land Serial Numbers:13-185-0013 through 13-185-0017) *td*
- BUILDING 6, UNITS 6A through 6D, (Land Serial Numbers:13-185-0018 through 13-185-0021) *td*
- BUILDING 7, UNITS 7A through 7D, (Land Serial Numbers:13-188-0001 through 13-188-004) *td*
- BUILDING 8, UNITS 8A through 8B, (Land Serial Numbers: 13-188-0005 through 13-188-0006) *td*
- BUILDING 9, UNITS 9A through 9D, (Land Serial Numbers:13-188-0007 through 13-188-0010) *td*
- BUILDING 10, UNITS 10A through 10C, (Land Serial Numbers:13-188-0011 through 13-188-0013) *td*
- BUILDING 11, UNITS 11A through 11E, (Land Serial Numbers:13-188-0014 through 13-188-0018) *td*
- BUILDING 12, UNITS 12A through 12C, (Land Serial Numbers:13-188-0019 through 13-188-0021) *td*
- BUILDING 13, UNITS 13A through 13E, (Land Serial Numbers:13-188-0022 through 13-188-0026) *td*
- BUILDING 14, UNITS 14A through 14C, (Land Serial Numbers:13-188-0027 through 13-188-0029) *td*
- BUILDING 15, UNITS 15A through 15D, (Land Serial Numbers: 13-188-0030 through 13-188-0033) *td*
- BUILDING 16, UNITS 16A through 16D, (Land Serial Numbers:13-188-0034 through 13-188-0037) *td*
- BUILDING 17, UNITS 17A through 17D, (Land Serial Numbers:13-188-0038 through 13-188-0041) *td*
- BUILDING 18, UNITS 18A through 18D, (Land Serial Numbers:13-188-0042 through 13-188-0045) *td*
- BUILDING 19, UNITS 19A through 19C, (Land Serial Numbers:13-188-0046 through 13-188-0048) *td*
- BUILDING 20, UNITS 20A through 20D, (Land Serial Numbers:13-188-0049 through 13-188-0052) *td*
- BUILDING 21, UNITS 21A through 21C, (Land Serial Numbers:13-188-0053 through 13-188-0055) *td*
- BUILDING 22, UNITS 22A through 22E, (Land Serial Numbers:13-188-0056 through 13-188-0060) *td*

**Exhibit "B"**

**ARTICLES OF INCORPORATION**

**ARTICLES OF INCORPORATION****FOR****CANYON TERRACE 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 Canyon Terrace 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 Canyon Terrace Homeowners Association located in Weber County, Utah, to manage the common area and to enforce the covenants as set forth in the Declaration of Covenants, Conditions and Restrictions (Hereafter, "Enabling Declaration"), and to provide the other services and perform all of the other functions set forth in the Enabling Declaration, amendments to the Enabling Covenants, bylaws, 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 all the owners of units in Canyon Terrace 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 may be issued 1 share in the Corporation for each unit in Canyon Terrace, which share shall be evidenced by holding an Ownership interest in a unit in Canyon Terrace. 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 one vote as provided in the Canyon Terrace Homeowners Association Bylaws.
  - 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 1 share of Class A stock for each unit in Canyon Terrace Condominium.
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 Canyon Terrace Homeowners Association, Inc.:

  
Richard W. Jones

**Bylaws.** The Corporation hereby adopts the bylaws attached to the Enabling Declaration as Appendix "C". Hereafter, bylaws may be adopted, amended, or replaced by the vote of Members.

**Address of Corporation's Registered Office.** The principal place of business of the Corporation, and its initial offices are located at 4605 Harrison Blvd, Third Floor, Ogden, Utah 84404. The Corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

**Board of Directors.** There will initially be four (4) Directors of the Corporation. The initial Board of Directors, who will serve until the election of officers and Directors at the first annual member's meeting, are:

<u>Name</u>	<u>Address</u>
Kathryn Horrocks	1629 S. 1470 E. Ogden, UT 84404
Ruth Defisher	1461 S. 1615 E. Ogden, UT 84404
Kit Garcia	1623 E 1470 S Ogden, UT 84404
Grant Kerr	1639 E 1470 S Ogden, UT 84404

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

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

Chairman Kathryn Horrocks

Vice Chair Ruth Defisher

Secretary Kit Garcia

**Annual Meeting.** The annual meeting of the members shall be held the first Saturday in June of each year, at such place as shall be stated in the notice of meeting or in a duly executed waiver of notice; provided however, that the Board of Directors may by resolution, fix the date of the annual meeting at such other date as the Board may deem appropriate. At such meeting, the members shall elect Directors for one two (2) year term to serve until their successors shall be elected and shall qualify. Only current owners of units in the Association shall be elected Directors.

**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:

1. Kathryn Horrocks
2. Ruth Defisher

**Amendment.** These Articles of Incorporation may be amended from time to time as permitted by law.



In Witness Whereof, we, Kathryn Horrocks and Ruth Defisher have executed these Articles of Incorporation this 9 day of July 2009, 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.

Kathryn Horrocks  
Incorporator

Ruth D. De Fisher  
Incorporator

State of Utah            )  
                                  ):s  
County of Ogden        )

On the 9 day of July, 2009, the foregoing instrument was acknowledged and verified before me by Kathryn Horrocks and Ruth Defisher, who personally appeared before me, and being by me duly sworn declare under penalty of perjury that they are the incorporators of Canyon Terrace 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 9 day of July, 2009.

Matthew L. Hobbs  
Notary Public

