



**AMENDED AND RESTATED  
DECLARATION  
OF  
MEADOW BROOK CONDOMINIUM**

This Amended and Restated Declaration of Meadow Brook Condominium is made by the Unit Owners at Meadow Brook Condominium, Ogden, Utah.

**RECITALS**

WHEREAS, Meadow Brook Condominium was created by a "Declaration of Covenants, Conditions, Easements and Restrictions of Meadow Brook Condominium" dated January 14, 1986, and recorded January 14, 1986, in the Recorders office of Weber County, Utah, as Entry Number 957818, and by an "Enabling Declaration for Meadow Brook" dated and recorded June 26, 1986, as Entry Number 973407 in the Recorders office of Weber County, Utah, (collectively referred to herein as the "Enabling Declaration"); and

WHEREAS, the property that is the subject of this Amended and Restated 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 Meadow Brook Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 143 Units in Meadow Brook Condominium.

WHEREAS, the Unit Owners at Meadow Brook desire to amend the Enabling Declaration, and to update and modify its provisions and any Amendments thereto. This Amended and Restated Declaration amends the Enabling Declaration, the Bylaws of Meadow Brook Home Owners Association, and the following amendments to the Enabling Declaration:

"Amendment of Declaration of Covenants, Conditions, Easements and Restrictions of Meadow Brook Condominium," dated July 12, 1988, and recorded on July 12, 1988 in the Recorders office of Weber County, Utah, in Book 1543, beginning on page 794, as Entry # 1051768.

"Amendment of Declaration of Covenants, Conditions, Easements and Restrictions of Meadow Brook Condominium," dated April 3, 1995, and recorded on April 4, 1995 in the Recorders office of Weber County, Utah, in Book 1752, beginning on page 355, as Entry # 1339343.

"Petition Authorizing Amendment to the Declaration of the Meadow Brook P.R.U.D. Phases One, Two and Three," recorded on December 29, 1999 in the Recorders office of Weber County, Utah, in Book 2051, beginning on page 194, as Entry # 1681768.

“Meadow Brook Condominium Association Amendment of Declaration,” dated July 12, 2006, and recorded on July 13, 2006 in the Recorders office of Weber County, Utah, as Entry # 2193331.

“Notice of Incorporation” of Meadow Brook Condominium Homeowners Association, Inc., dated June 20, 2008, and recorded June 26, 2008, in the Recorders office of Weber County, Utah, as Entry # 2350312/

NOW THEREFORE, the Unit Owners of Meadow Brook Condominium hereby amend the Enabling Declaration and any amendments to the Enabling Declaration for Meadow Brook Condominium that are recorded against the real property located in Weber County, Utah, known as Meadow Brook Condominium and described in Exhibit “A” attached. If there is any conflict between this Amended and Restated Declaration and the Enabling Declaration and any amendments to the Enabling Declaration, this Amended and Restated Declaration shall control.

## AMENDMENTS

### ARTICLE 1 DEFINITIONS

The following definitions control in this Amended and Restated Declaration:

- 1.1 **Single Family** means any of the following categories:
- (a) **Category One:** A single person;
  - (b) **Category Two:** Two or more natural persons who are married or are related by blood or adoption;
  - (c) **Category Three:** Not more than two persons who are neither married or related by blood or adoption who maintain a common household in a residence on a Lot.
  - (d) **Single Family** may also include any one of the following, for all three of the above categories: one servant, one student and one temporary guest. **Single Family** shall further include, for categories One and Two only, wards and conservatees of one or more persons making up such category.
- 1.2 **Common Area** means that portion of property owned by the Association, shown on the plat as dedicated to common use and enjoyment of the owners. Meadow Brook is not organized like a typical condominium and therefore the Common Area at Meadow Brook does not include any parts of the Units. Conversely, the Units at Meadow Brook contain no Common Area. (See Article Two below for Association and Member assignment of insurance responsibilities.)
- 1.3 **Unit** at Meadow Brook means all of a building or home located on a lot including the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors,

lobbies, stairs, stairways, fire escapes, entrances, exits of the building, exterior portions of the buildings, basements, yards, gardens, and storage spaces, which elements are not part of the Common Area (parking areas at Meadow Brook shall be part of part of the Common Area). The legal organization of Meadow Brook requires that this definition of a Unit supercede U.C.A. § 57-8-3 (4)(b) and (c) which Subsections define these elements of a Unit as part of the Common Area.

**ARTICLE 2  
ASSOCIATION TO INSURE COMMON AREA ONLY**

- 2.1 **Association to Provide Insurance for Common Area but Not Lots and Units.**  
 Inasmuch as Meadow Brook has throughout its history governed its Common Area in a manner similar to a PUD and not like a condominium, and since the Lots and Units at Meadow Brook contain no Common Area, the Association will provide insurance for the Common Area, and consistent with past history at Meadow Brook, the Association shall not be responsible for nor provide insurance for any Lots or Units at Meadow Brook. The owners at Meadow Brook are responsible for providing insurance for their Lots and Units.

**ARTICLE 3  
SINGLE FAMILY DWELLINGS**

- 3.1 Inasmuch as Meadow Brook is a high density residential community where many people live in close proximity to each other, each Lot and Unit in Meadow Brook shall be used as a Single Family residence and for no other purposes.

**CERTIFICATION**

It is hereby certified that at least two-thirds (2/3rds) of the undivided ownership interest in the common areas and facilities voted in favor of this amendment as required pursuant to the Enabling Declaration for Meadow Brook as recorded January 14, 1986, in the Recorders office of Weber County, Utah as Entry # 957818.

IN WITNESS WHEREOF, this 15<sup>th</sup> day of JANUARY, 2009.

Meadow Brook Condominium Homeowners Association, Inc.

By   
 President

EXHIBIT A

Legal Description

All of Units 1 through 140, and 142 through 144, Meadow Brook Condominium,  
Ogden City, Weber County, Utah.

Units 1--58	(Tax I.D. # 12- 144- 0001 through 12-144-0058 ) ✓
Units 59--99	(Tax I.D. # 12- 145- 0001 through 12-145-0041 ) ✓
Units 100--140	(Tax I.D. # 12- 146- 0001 through 12-146-0041 ) ✓
Units 142-144	(Tax I.D. # 12- 169- 0001 through 12-169-0003 ) ✓

12-169-0004 ✓

STATE OF UTAH            )  
                                  :SS.  
COUNTY OF WEBER        )

On this 15 day of January, 2009, personally appeared before me William DePugh, who, being by me duly sworn, did say that he is President of the Meadow Brook Condominium Management Committee and that the within and foregoing instrument was signed in behalf of said Management Committee and (s)he duly acknowledged to me she executed the same.

  
Notary Public

