

WHEN RECORDED RETURN TO:  
James R. Blakesley  
Attorney at Law  
1305 N. Commerce Drive, Suite 230  
Saratoga Springs, Utah 84045  
(801) 766-1968

10634422  
02/27/2009 02:19 PM \$66.00  
Book - 9691 Pg - 9294-9308  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
WESTERN MANAGEMENT ASSOC  
4252 S HIGHLAND DR #105  
SLC UT 84124  
BY: KCC, DEPUTY - WI 15 P.

**AMENDMENT  
TO  
DECLARATION AND BYLAWS  
OF THE  
HOLLADAY PINES CONDOMINIUM**

This Amendment to Declaration and Bylaws of the Holladay Pines Condominium (the "Amendment") is made and executed by the Holladay Pines Homeowners Association of 4252 South Highland Drive, Suite 106, Salt Lake City, UT 84124 (the "Association").

**RECITALS**

- A. The Declaration and Bylaws of the Holladay Pines Condominium was recorded in the office of the County Recorder of Salt Lake County, Utah on July 17, 1979 as Entry No. 3307568 in Book 4900 at Page 436 of the official records (the "Declaration").
- B. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference (the "Property").
- C. All of the voting requirements to amend the Declaration have been satisfied.
- D. The Association is the managing agent of the Owners of the Property.
- E. The Association desires to define more precisely what elements are included as unit owner maintenance responsibility.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Association hereby executes this Amendment to Declaration and Bylaws of the Holladay Pines Condominium for and on behalf of and for the benefit of all of the Unit Owners.

1. **Description of Limited Common Area.** Article 6 of the Declaration entitled "Description of Limited Common Areas" is hereby amended to add the following additional provision:

All unit doors and casings, unit windows and frames, patios, balconies, and foundation around the individual unit, front and back steps and railings.

2. **Maintenance.** Article 11, Section 11.2 of the Declaration is hereby amended to add the following additional provision:

Anything to the contrary notwithstanding, any maintenance, repair or replacement of the following Limited Common Area is the sole responsibility of the unit owner, subject to the approval of the Management Committee as to quality of construction and integrity of the original design scheme: All unit doors and casings, unit windows and frames, patios, balconies, and foundation around the individual unit, front and back steps and railings.

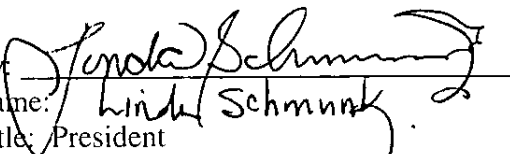
3. **Incorporation of original Declaration.** It is expressly agreed by the undersigned that this Amendment is supplemental to the Declaration, as heretofore amended, which is by reference made a part hereof, and all the terms, conditions and provisions thereof, unless specifically modified herein are to apply to this Amendment and are made a part of this Amendment as though they were expressly rewritten, incorporated and included herein.

4. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration or Neighborhood Declaration and this Amendment, the latter shall in all respects govern and control.

5. **Effective Date.** The effective date of this Amendment and the Final Plat shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

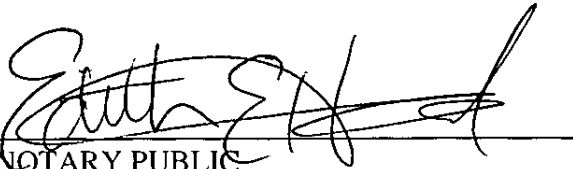
IN WITNESS WHEREOF, the Association has executed this instrument the \_\_\_ day of January, 2009.

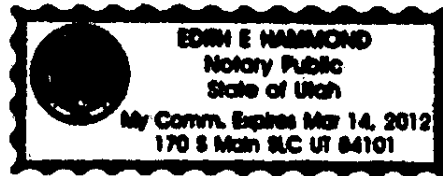
HOLLADAY PINES HOMEOWNERS ASSOCIATION, INC.

By:   
Name: Linda Schmunk  
Title: President

STATE OF UTAH )  
 )ss:  
COUNTY OF SALT LAKE )

On the 12 day of ~~January~~<sup>February</sup>, 2009, personally appeared before me \_\_\_\_\_, who by me being duly sworn, did say that s/he is the President of the Holladay Pines Homeowners Association, Inc., and that the within and foregoing instrument was signed in behalf of said Association by authority of a resolution of its Board of Directors, and said Linda Schmunk duly acknowledged to me that said Association executed the same.

  
NOTARY PUBLIC  
Residing At:  
Commission Expires:



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**HOLLADAY PINES CONDOMINIUM**

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

U	AREA	22-04-477-001-0000	NO
U	1846	22-04-477-002-0000	NO
U	1848	22-04-477-003-0000	NO
U	1850	22-04-477-004-0000	NO
U	1852	22-04-477-005-0000	NO
U	1854	22-04-477-006-0000	NO
U	1855	22-04-477-007-0000	NO
U	1856	22-04-477-008-0000	NO
U	1857	22-04-477-009-0000	NO
U	1859	22-04-477-010-0000	NO
U	1861	22-04-477-011-0000	NO
U	1862	22-04-477-012-0000	NO
U	1864	22-04-477-013-0000	NO
U	1866	22-04-477-014-0000	NO
U	1868	22-04-477-015-0000	NO
U	1870	22-04-477-016-0000	NO
U	1872	22-04-477-017-0000	NO
U	1874	22-04-477-018-0000	NO
U	1876	22-04-477-019-0000	NO
U	1878	22-04-477-020-0000	NO
U	1880	22-04-477-021-0000	NO
U	1882	22-04-477-022-0000	NO
U	1884	22-04-477-023-0000	NO
U	1886	22-04-477-024-0000	NO
U	1888	22-04-477-025-0000	NO
U	1894	22-04-477-026-0000	NO
U	1896	22-04-477-027-0000	NO
U	1898	22-04-477-028-0000	NO
U	1900	22-04-477-029-0000	NO

## **Holladay Pines HOA**

Annual Meeting Minutes

June 12, 2008

The annual meeting of the community was held Thursday June 12, 2008 at 7:00 pm over at the Holladay Library. All members of the management committee were in attendance along with the property manager Richard Harman of Western Management.

Linda Schmunk welcomed all and called the meeting to order at 7:10 pm. There were 13 of the 28 owners of the community in attendance either by proxy or in person.

The year end financial for December 31, 2007 were reviewed and discussed with Richard Harman. It was reported that all expense items were on budget with the exception of Snow Removal, Plumbing, and water which were significantly over budget. There was heavy snow fall during the last 2 months of 2007, and large plumbing project in the parking lot which contributed to most of the overage. The budget for 2008 was then discussed and approved by all present.

The discussion then turned to building repair long term. Richard explained that according to the current covenants the association's exposure to significant building repairs is of great concern going forward. The current monthly fee is not anywhere enough to fund potential expense exposure on our buildings. The only option currently available is to increase the monthly fees significantly to begin an aggressive reserve fund or ask the homeowners to take upon themselves certain repairs that would be specific to their property. He then handed out a resolution document addressing what limited common area maintenance could be transferred over to the individual homeowner to eliminate a large monthly fee increase and possible large assessments going forward. The residents discussed this issue at length. It was then decided unanimously that the owners were in support of this change in the maintenance responsibility. All voted to approve this resolution.

As there were not enough homeowners present to formally adopt this resolution it was decided that those owners not present at the meeting would be contacted by separate communication to obtain their vote. Should we have at least 67% in favor the association will move forward with amending the declaration.

Linda then conducted a lengthy discussion with respect to the pool. Currently there are major repairs that need to be made in order to use the pool. It was decided that additional investigation would take place so that all possibilities can be researched. After we have more information there will be another general meeting of the homeowners called to decide how to proceed.

Adjournment 8:30 pm

Holladay Pines HOA

June 12, 2008

Owners Roll

<u>Name</u>	<u>Address/Unit #</u>
- Linda Schmunk	1864
- Norma Peel	1878
- Wade Ostub	1848 + 1852
- Paula + Ernest Skomjen	1894
- Kathie Shiller - O	1856
- Matt Rogers + Emily	1861
- Jennifer Zenger	1854
- Paula Simonson	1874
FRANK OH	1850
Francis + Ken Crawford	1886
Jan Briley	1866
Large Remnant for Francies Girard -	1886
* Linda Stott	unit 1846 Carlee

\* Proxy to Paula Simonson

HOLLADAY PINES HOMEOWNERS ASSOCIATION, INC.

WRITTEN BALLOT

THIS WRITTEN BALLOT IS SOLICITED ON BEHALF OF THE BOARD OF DIRECTORS

The undersigned member hereby votes as follows:

1. To approve the amending of Section 6., Description of Limited Common Areas, of the Declaration of Condominium of Holladay Pines Condominiums by adding the additional wording defining more precisely what elements are included as unit owner maintenance responsibility as explained in the attached document entitled Holladay Pines Condominium Resolution #2008-01.

*“All unit doors and casings, unit windows and frames, patios, balconies, and foundation around the individual unit, front and back steps and railings. Any maintenance or repair work on these limited common areas is the responsibility of the Unit owner.”*

At our annual meeting back on June 12, 2008 this Resolution was discussed at length with the 14 homeowners present. After our discussion all present were in favor of amending the CCRs to add this language. Because of the age of our buildings without this amendment the monthly association fees will need to be increased considerably to begin to reserve for the repair and maintenance of all these components.

With respect to the forgoing document my vote is cast as follows:

FOR  AGAINST

Unit Number: 1884 Date: 8/23/08

Unit owner (Print): MARY ANNE HEIDER + MATTHIAS HEIDER

Signature: Mary Anne Heider Matthias Heider

Please return ballot immediately using the enclosed self addressed stamped envelope.

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With respect to the forgoing document my vote is cast as follows:

FOR

AGAINST

Unit Number:

1857

Date:

8/25/08

Unit owner (Print):

DONNA JANE MONTMERY

Signature:

Donna Jane Montmery

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With respect to the forgoing document my vote is cast as follows:

FOR

AGAINST

Unit Number:

1898

Date:

8/25/08

Unit owner (Print):

Jong Kuei Lee / Christine Cavanese

Signature



**Please return ballot immediately using the enclosed self addressed stamped envelope.**

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With respect to the forgoing document my vote is cast as follows:

FOR

AGAINST

Unit Number: 1900 E 4650 S Date: 10/15/08

Unit owner (Print): ERICA AHLIN

Signature: Erica Ahlin

**Please return ballot immediately using the enclosed self addressed stamped envelope.**

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With respect to the forgoing document my vote is cast as follows:

FOR

M/T

AGAINST

Unit Number: 1862 E.

Date: 9/26/08.

Unit owner (Print): Marialuz Torres

Signature: M/T Torres

**Please return ballot immediately using the enclosed self addressed stamped envelope.**

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With respect to the forgoing document my vote is cast as follows:

FOR  AGAINST

Unit Number: 1870 Date: 9/26/08

Unit owner (Print): Jerry Carlile

Signature: 

**Please return ballot immediately using the enclosed self addressed stamped envelope.**

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With respect to the forgoing document my vote is cast as follows:

FOR [ ]

AGAINST



Unit Number: 1000

Date: 9/16/08

Unit owner (Print): CLINT MURRAY

Signature: 

**Please return ballot immediately using the enclosed self addressed stamped envelope.**

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With respect to the forgoing document my vote is cast as follows:

FOR [ ]

AGAINST

*Foundations should be covered by the HOA - just like walls and roofs are included.*

Unit Number: 1882

Date: 8-19-08

Unit owner (Print): Tiffany Ryan Roberts

Signature: *Tiffany Roberts*

*Don't you think we should fix the over head of the balconies before we make balconies an individual responsibility??*

**Please return ballot immediately using the enclosed self addressed stamped envelope.**

*This amendment is ridiculous and would only prove as a detriment to individual owners. There are other options besides raise HOA payments or screw the owner's over.*

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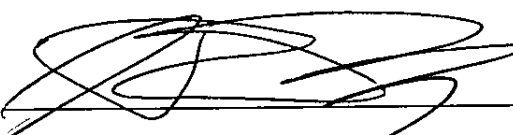
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With respect to the forgoing document my vote is cast as follows:

FOR [ ] AGAINST

Unit Number: 1876 Date: 8-19-08

Unit owner (Print): JUSTUS REYNOLDS

Signature: 

Please return ballot immediately using the enclosed self addressed stamped envelope.