

E# 1117323 561585 261930
DOUG CROFTS WEBER COUNTY RECORDER
24-AUG-90 319 PM FEE \$79.50 DEP MH
REC FOR: RICHARD W. JONES

~~VERIFIED~~
~~MICROFILMED~~
AMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
BRIARWOOD CONDOMINIUM PROJECT

This amendment is made and executed on the date shown below by the Briarwood Condominium Management Committee.

RECITALS

A. On January 26, 1973, in book 1015, beginning at page 150, as entry number 586369 of the official records of Weber County, State of Utah, the Declaration of Covenants, Conditions and Restrictions of the Briarwood Condominium Project was recorded.

B. On October 20, 1978, in book 1269, beginning at page 558, as entry number 755960 of the official records of Weber County, State of Utah, change number 1 to the Declaration of Covenants, Conditions and Restrictions of the Briarwood Condominium Project was recorded.

C. On September 15, 1980, in book 1366, beginning at page 217, as entry number 819669 of the official records of Weber County, State of Utah, the Bylaws and Declaration of Covenants, Conditions and Restrictions of the Briarwood Condominium Project was amended.

D. On June 29, 1981, in book 1384, beginning at page 1220, as entry number 838779 of the official records of Weber County, State of Utah, the Bylaws and Declaration of Covenants, Conditions and Restrictions of the Briarwood Condominium Project was amended.

E. On December 3, 1984, in book 1458, beginning at page 1102, as entry number 924817 of the official records of Weber County, State of Utah, the Bylaws and Declaration of Covenants, Conditions and Restrictions of the Briarwood Condominium Project was amended.

F. The real property affected by this amendment is known as Briarwood Condominiums, located in Weber County and described as follows:

A part of the West half of Section 22, T6N, R1S, SLB&M U. S. Survey. Beginning at a point which is East 982.45 feet and South 552.08 feet from the northwest corner of the said southwest quarter section, said point being in the northwest corner of the intersection of Tyler Avenue and 15th Street; running thence three courses along the West line of Tyler Avenue as follows: South 4d53'49" West 336.72 feet southerly along the arc of 142.61 foot radius curve to the right, 99.82 feet (L.C. bears South

Briarwood Condominiums

24d56'55" West 97.79 feet), and South 45d00' West 1.54 feet to the North line of 16th Street; thence Westerly along the arc of a 293.81 foot radius curve to the left 163.41 feet (L.C. bears North 66d46'05" W. 161.05 feet), to the East line of Harrison Blvd.; thence four courses along said East line of Harrison Blvd. as follows: Northerly along the arc of a 5789.58 foot radius curve to the left 444 feet (L.C. bears North 5d56'51" East 443.89 feet), North 2d38' East 106.73 feet, North 5d33'10" East 286.34 feet and North 2d33' East 45.00 feet to the South line of Canyon Road; thence three courses along said South line as follows: North 61d54' East 165.50 feet, Easterly along the arc of a 2944.79 foot radius curve to the left 541.48 feet (L.C. bears S. 61d23'43" East 540.72 feet) and South 69d29'50" East 242.89 feet to the West line of Mountain Road; thence two courses along said West line as follows: South 17d47'58" West 180.00 feet and Southerly along the arc of a 515.78 foot radius curve to the left 81.23 feet to the North line of 15th Street; thence West 635.08 feet along said North line to the point of beginning. Contains 10.15 acres.

AMENDMENT

Unit owners may have installed swamp (evaporative) coolers for their units in accordance with the following provisions:

1. Definition: "Cooler" means swamp cooler or evaporative cooler and shall be a low-profile model that mounts on the roof. Exterior Cooler dimensions shall not exceed the following: 31 inches in height, 39 inches in width; Cooler pads shall not exceed the following dimensions: 24 inches in height, 32 inches in width. The color of each cooler shall be consistent with the coolers already installed.

2. The owner of a Cooler shall be responsible for any and all damages caused as a result of operation or maintenance of the Cooler, including but not limited to the following: damages

occurring to any owner's personal property, to common areas, to a unit, to the condominiums as defined in Section 1.g. of the Declaration recorded January 26, 1973 in book 1015, beginning at page 150, in the official records of Weber County, and all other property within the confines of the Briarwood Condominiums. The owner shall be responsible for all damages, including those resulting from leaking, failures, wind, or any and all other damages in any way resulting from maintenance and operation of the Cooler.

3. The provisions of this amendment apply to all Coolers currently installed and all Coolers to be installed in the future.

4. A lien for nonpayment of damages caused by a Cooler may be recorded by the management committee. The lien may be foreclosed or suit for collection may be filed consistent with the provisions of Section 57-8-20 U.C.A., including the awarding of attorney's fees to the prevailing party.

5. Prior to the installation of any Cooler, the owner must obtain prior approval from the management committee. Approval by the management committee will be based on the following criteria:

- a. size of the cooler;
- b. reputation of the installer and whether the installer's work is guaranteed;
- c. length of the warranty offered.

6. Maintenance and servicing of the Cooler shall not be performed by a unit owner. All service and maintenance of Coolers must be performed by a professional experienced in the trade.

7. Unit owners may not, under any circumstances, except under emergencies, get on the roof of any condominium within the Briarwood Condominiums complex for the purpose of installing, maintaining or servicing a Cooler. Any unit owner who gets on the roof of a condominium shall pay an assessment of \$100.

8. This amendment shall in no way be construed to modify or amend any other provisions in the declaration.

CERTIFICATION

It is hereby certified that a majority of condominium owners present and voting at a meeting of condominium owners voted in the affirmative to approve the above amendment.


In witness whereof, executed this 24 day of August, 1990.

BRIARWOOD CONDOMINIUM MANAGEMENT COMMITTEE

BY William Moore
Chairman

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On the 24 day of August, 1990,
personally appeared before me William Moore,
who being duly sworn, did say that he is the chairman of the
Briarwood Condominium Management Committee and that the within and
foregoing instrument was signed on behalf of said management
committee by authority of the management committee and duly
acknowledged to me that he is the signer of the above instrument
and the information contained therein is true and correct to the
best of his knowledge.


NOTARY PUBLIC
Residing at:
My Commission Expires:

