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SEGALL & BANKO  
4571 Hidden Cove Rd.  
Park City, Utah 84098

**01152878 B: 2633 P: 0623**

Page 1 of 8

Rhonda Francis Summit County Recorder

01/14/2021 11:29:35 AM Fee \$140.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded

Send Tax Notices to  
Association's Address:

Fawngrove Condominiums  
Fawngrove Homeowners Association, Inc.  
P.O. Box 680423  
Park City, UT 84068

Tax IDs:

FGR-1, FGR-2, FGR-3, FGR-4, FGR-5, FGR-6, FGR-7, FGR-8, FGR-9, FGR-10, FGR-11, FGR-12, FGR-13, FGR-14, FGR-15, FGR-16, FGR-17, FGR-18, FGR-19, FGR-20, FGR-21, FGR-22, FGR-23, FGR-24, FGR-25, FGR-26, FGR-27, FGR-28, FGR-29, FGR-30, FGR-I-31, FGR-I-32, FGR-I-33, FGR-I-34, FGR-I-35, FGR-I-36, FGR-I-37, FGR-I-38, FGR-I-39, FGR-I-40, FGR-I-41, FGR-I-42R-1AM, FGR-I-44, FGR-I-50, FGR-I-46, FGR-I-47, FGR-I-48, FGR-I-49, FGR-I-45, FGR-II-51, FGR-II-52, FGR-II-53, FGR-II-54-2AM, FGR-II-55, FGR-II-56, FGR-II-57, FGR-II-58, FGR-II-59, FGR-II-60, FGR-II-61-2-AM

## **FAWNGROVE CONDOMINIUMS**

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**FIRST AMENDMENT TO BYLAWS OF  
FAWNGROVE HOMEOWNERS ASSOCIATION**  
a Utah Nonprofit Corporation

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**THIS IS AN ACCOMMODATION  
RECORDING ONLY**

**FIRST AMENDMENT TO BYLAWS OF  
FAWNGROVE HOMEOWNERS ASSOCIATION**  
a Utah Nonprofit Corporation

Pursuant to the provisions of the Utah Revised Nonprofit Corporation Act, Utah Code §§ 16a-6-101, *et. seq.*, and the Utah Condominium Association Act, Utah Code §§ 57-8-1, *et. seq.*, the Management Committee of Fawngrove Homeowners Association, Inc., a non-profit corporation (the “Association”), hereby adopts the following First Amendment to the Bylaws for Fawngrove Homeowners Association as of this 12<sup>th</sup> day of January, 2021 (the “Effective Date”).

**RECITALS**

A. WHEREAS, the Management Committee has the authority pursuant to the Utah Revised Nonprofit Corporation Act, the Utah Condominium Ownership Act, and the affirmative vote of the majority of the Members of the Association pursuant to Article VIII of the original Bylaws, to amend the Bylaws of the Association dated February 28, 2003 and recorded in the Office of the Summit County, Recorder, on March 14, 2003, as part of Entry No. 00651135, Book 1518, Pages 661-669;

B. WHEREAS, the Management Committee has recommended and the Members have approved the following amendments to the Bylaws of the Association; and

C. WHEREAS, the Management Committee and the Members, accepting the following amendments to the Bylaws of the Association, direct the Management Committee to record the same in the records of the Summit County Recorder, Summit County, Utah.

NOW, THEREFORE, in consideration of the recitals, which are incorporated herein by reference, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the original Bylaws are hereby amended as follows:

1. **ARTICLE I—PLAN OF UNIT OWNERSHIP AND INCORPORATION.**

A. **ARTICLE I, Paragraph 3, Office and Registered Agent.** Paragraph 3 of Article I of the Bylaws shall be deleted in its entirety and replaced with the following Paragraph 3:

“3. **Office and Registered Agent.** The principal office of the Association shall be 1912 Sidewinder Drive #211A Park City, UT 84060 (which may be changed from time to time

by the Management Committee in its sole and absolute discretion). Meetings of the Members and the Management Committee may be held at such times, places and through acceptable electronic communications (as hereinafter defined) as the Management Committee may designate. The Registered Agent for the Association shall be designated by the Management Committee, and in the alternative, the Registered Agent for the Association shall be the President of the Association.”

- B. Article I, Paragraph 4, Registration of the Association with the Utah Department of Commerce. Article I of the Bylaws shall be amended by adding Paragraph 4 as follows:

“4. Registration of Association with the Utah Department of Commerce. Pursuant to and as required by Utah Code Section 57-8-13.1 (2013), as amended, the Management Committee shall register the Association with the Utah Department of Commerce, providing such information and paying all necessary fees to comply with the statutory requirements for such registration.”

## 2. ARTICLE II—ASSOCIATION.

- A. ARTICLE II, Paragraph 3, Notice of Meeting. Paragraph 3 of Article II of the Bylaws shall be deleted in its entirety and replaced with the following paragraph:

“3. Notice of Meetings. The Management Committee shall deliver written or printed notice of all annual and special meetings not less than ten (10) days prior to the meeting, to each Member of record entitled to vote at such meeting. The notice shall specify the place, day and hour of the meeting and in the case of a special meeting, the nature of the business to be discussed and/or undertaken. Notice of Meetings shall be posted on the Association’s website. If e-mailed, such notice shall be deemed to be received when sent to a Member’s registered email address upon transmission. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Member at his or her registered address, with first class postage pre-paid. If e-mailed, such notice shall be deemed to be received when sent to a Member’s registered email address upon transmission.”

- B. ARTICLE II, Paragraph 5, Proxies. Paragraph 5 of Article II of the Bylaws shall be amended by adding the following sentence to the end of the paragraph.

“Notices or other documentation and communication related to Proxies on behalf of a Unit Owner may take place via electronic communication to the respective email addresses of record. The grant or revocation of a Proxy by a Member to another Member via email designation transmitted to the Association is acceptable.”

- C. ARTICLE II, Paragraph 6, Quorum. Paragraph 6 of Article II of the Bylaws shall be amended by adding the following sentence to the end of the paragraph.

“A vote cast via electronic means and/or online voting or other equivalent system shall be counted for the purposes of determining a quorum.”

- D. Article II, Paragraph 9, Open Meeting Policy. Paragraph 9 of Article II of the Bylaws shall be deleted in its entirety and replaced with the following paragraph.

“9. Open Meeting Policy. A meeting of the Management Committee shall be open to each Unit Owner or the Unit Owner’s representative if the representative is designated in writing. At each meeting of the Management Committee, the Management Committee shall provide each Unit Owner a reasonable opportunity to offer comments. The Management Committee may limit the comments to one specific period of time during such meeting and may limit the amount of time allotted to each Owner to comment. A member of the Management Committee may not avoid or obstruct the “open meeting” requirements.

- a. Executive Session Exception. The Management Committee may close a meeting for an Executive Session in order to: (i) consult with an attorney for the purpose of obtaining legal advice; (ii) discuss ongoing or potential litigation, mediation, arbitration, or administrative proceedings; (iii) discuss a personnel matter; (iv) discuss a matter relating to contract negotiations, including review of a bid or proposal; (v) discuss a matter of a sensitive nature that involves an individual if the discussion is likely to cause the individual undue embarrassment or violate the individual’s reasonable expectation of privacy; and/or (vi) discuss a delinquent assessment or fine.
- b. Notice – Management Committee Meetings. If a Unit Owner requests notice of a Meeting of the Management Committee, the Association shall give written notice of such meeting at least 48 hours prior to the meeting to the Unit Owner, unless notice of the meeting is included in a meeting schedule that was previously provided to the Unit Owner, or the meeting is to address an emergency and each Management Committee Member receives notice of the meeting less than forty eight (48) hours before such meeting. Notice to the owner shall be delivered to the Unit Owner via email, to the email address provided by that Unit Owner to the Association and shall otherwise comply with the Notice Requirements of Article II, Paragraph 3. If a Member of the Management Committee may participate in the meeting by means of electronic communication, then any Notice sent to the Unit Owner shall provide the information necessary for the Unit Owner to participate by means of electronic communication as well.”

- E. ARTICLE II, Paragraph 10, Action May Be Taken Without a Meeting. Paragraph 10 of Article II shall be deleted in its entirety and replaced with the following paragraph.

“10. Action May Be Taken Without a Meeting. The Management Committee may take action on an issue without a meeting pursuant to a unanimous written consent of the Management Committee, which may be executed via electronic means including electronic signatures, setting forth the action taken by the Management Committee, an explanation of

which shall be posted on the Association’s website and/or a prominent place within the Common Areas within three days of such unanimous written consent being obtained.”

- F. ARTICLE II, Paragraph 12, Online Voting. The following paragraph shall be added to Article II, as follows:

“12. Online Voting. The Management Committee shall choose the manner of voting for the association, which may be amended from time to time in its discretion, and shall include Online Voting whereby the voting, consent to and approval of any matter under any declaration or bylaw provision may be accomplished by electronic communication, transmission or other equivalent technological means.”

### 3. ARTICLE III—MANAGEMENT COMMITTEE

- A. ARTICLE III, Paragraph 1, Powers and duties. The second sentence of Paragraph 1 of Article III shall be amended as follows.

“The Management Committee shall have all of the power and duties necessary for the administration of the affairs of the Association in accordance with the provisions of the Declaration and may do all such act and things as are necessary in its reasonable judgment to operate and maintain the affairs of the Association.”

- B. ARTICLE III, Paragraph 4, First Meeting. Paragraph 4 of Article III shall be amended by adding the following text to the end of Paragraph 4.

“[,] and may take place via electronic communication as set forth in Paragraph 5 below.”

- C. ARTICLE III, Paragraph 5, Regular Meetings. Paragraph 5 of Article III shall be amended by adding the following text to the end of Paragraph 5.

“Meetings of the Management Committee may take place either in person, or by means of electronic communication via a system that allows the Management Committee members to communicate orally in real time in order to take binding action, including but not limited to, telephone conferencing, video conferencing, and other forms of internet based communication that fulfill the requirements set forth herein.”

- D. ARTICLE III, Paragraph 6, Special Meetings. The second sentence of Paragraph 6 of Article III shall be amended as follows.

“Such notice shall be given personally via electronic communication, regular U.S. Mail postage prepaid, or via telephone and such notice shall state the time, place, and purpose of the Special Meeting.”

### 4. ARTICLE VIII—NOTICE.

This article shall be amended and renumbered, to correct a typographical error, as:

“ARTICLE IX—NOTICE.”

- A. ARTICLE IX, Paragraph 1, Manner of Notice. Paragraph 1 of Article IX shall be deleted in its entirety and be replaced by the following.

“1. Manner of Notice. All notices, demands, bills, statements or other communications provided for or required under these Bylaws or other governing documents shall be in writing and shall be deemed to have been duly given if: 1) Delivered personally to a Unit Owner; 2) Sent by regular U.S. Mail postage pre-paid to a Unit Owner at the address or record provided to the Association; or 3) emailed to a Unit Owner at the email address of record provided to the Association.

- a. Notice via Electronic Communication. In the discretion of the Management Committee, notice to a Unit Owner may be provided by electronic means, including but not limited to email, text message, and/or by posting such notice on the Association’s website. When applicable, notice from a Unit Owner to the Association may also be provided via electronic means, to the email address specified by the Association and communicated to the Unit Owners in writing.
- b. Addresses of Record. Each Member shall register with the Association such Member's current mailing address, email address, and phone number for purposes of notice. Such registered addresses and information may be changed from time to time by notice in writing to the Association. If no address is registered with the Association, such Member's Unit address shall be deemed to be his or her registered address for purposes of notice.”

5. ARTICLE IX—COMPLIANCE, CONFLICT, AND MISCELLANEOUS PROVISIONS.

This article shall be amended and renumbered, to correct a typographical error, as:

“ARTICLE X—COMPLIANCE, CONFLICT, AND MISCELLANEOUS PROVISIONS.”

6. Application of Amendment. The amendments adopted hereby are intended to amend the Bylaws and this First Amendment of the Bylaws of the Association shall be controlling in resolving any conflicts between this First Amendment of the Bylaws of the Association and the original Bylaws to the extent any other provisions of the original Bylaws are inconsistent herewith. This Amendment shall be binding upon and inure to the benefit of all of the Unit Owners, their mortgagees, lessees, successors and assigns.
7. Bylaws Remain in Force. Except as herein modified, all other terms of the original Bylaws, as previously amended, shall remain in full force and effect.

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SIGNATURES ON FOLLOWING PAGE]

FAWNGROVE HOMEOWNERS ASSOCIATION, INC., a Utah nonprofit corporation

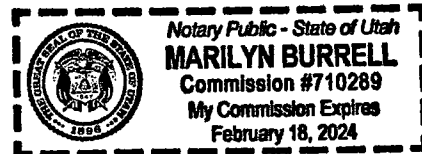
By:   
Jeff Batterson

Its: President

STATE OF UTAH            )  
                                      :SS.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 12th day of January, 2021,  
by Jeff Batterson, the President of Fawngrove Homeowners Association, Inc.

  
NOTARY PUBLIC



**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

The real property and lots and units referred to in the foregoing Notice are located in Summit County, Utah and are described more particularly as follows:

Fawngrove Condominiums, according to the final plat on file and of record in the Office of Recorder for Summit County, Utah, as amended, and all appurtenant Common Area and Facilities as shown thereon.

Parcel Nos.:

FGR-1, FGR-2, FGR-3, FGR-4, FGR-5, FGR-6, FGR-7, FGR-8, FGR-9, FGR-10, FGR-11, FGR-12, FGR-13, FGR-14, FGR-15, FGR-16, FGR-17, FGR-18, FGR-19, FGR-20, FGR-21, FGR-22, FGR-23, FGR-24, FGR-25, FGR-26, FGR-27, FGR-28, FGR-29, FGR-30, FGR-I-31, FGR-I-32, FGR-I-33, FGR-I-34, FGR-I-35, FGR-I-36, FGR-I-37, FGR-I-38, FGR-I-39, FGR-I-40, FGR-I-41, FGR-I-42R-1AM, FGR-I-44, FGR-I-50, FGR-I-46, FGR-I-47, FGR-I-48, FGR-I-49, FGR-I-45, FGR-II-51, FGR-II-52, FGR-II-53, FGR-II-54-2AM, FGR-II-55, FGR-II-56, FGR-II-57, FGR-II-58, FGR-II-59, FGR-II-60, FGR-II-61-2-AM