

AMENDMENT
to the
WREN CIRCLE CONDOMINIUMS
DECLARATION
of
COVENANTS, CONDITIONS & RESTRICTIONS
and
Bylaws

This Amendment to Wren Circle Condominiums Declaration of Covenants, Conditions and Restrictions and Bylaws (the "2014 Amendment") is made and executed on the date shown below by the owners of units in Wren Circle Condominiums ("Wren Circle") after having been voted on and approved by the owners in Wren Circle Condominiums.

RECITALS

WHEREAS, Wren Circle Condominiums was created by the recording of the "Wren Circle Condominiums Declaration of Covenants, Conditions and Restrictions and Bylaws" ("Enabling Declaration") recorded in the records of Salt Lake County, Utah, on January 11, 1979, as entry number 3222778; and

WHEREAS, the property that is the subject of this 2014 Amendment is situated in and upon that certain real property located in Salt Lake 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 Wren Circle, as recorded in the office of the County Recorder for Salt Lake County, State of Utah. There are 10 units at Wren Circle; and

WHEREAS, The unit owners in Wren Circle are desirous to create the Wren Circle Condominiums Owners Association, Inc., a Utah nonprofit corporation ("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 and any amendments thereto. The

Association will be the governing body of Wren Circle and will operate in accordance with the Enabling Declaration, any amendments to the Enabling Declaration, this 2014 Amendment to the Enabling Declaration, the Articles of Incorporation (attached as Exhibit "B") and the Bylaws of the Association for the purpose of managing the common area and enforcing the provisions of the Association documents; and

WHEREAS, it is the desire of the unit owners within Wren Circle to live in a condominium community that is orderly, peaceful and desirable, and that will allow for and protect the comfortable enjoyment of all residents of Wren Circle;

NOW THEREFORE, to accomplish the unit owners' objectives, the following amendments are hereby adopted to amend the Enabling Declaration and all previous declarations and to create the Wren Circle Condominiums Owners Association, Inc., a Utah nonprofit corporation. If there is any conflict between this 2014 Amendment and the Enabling Declaration or amendments to the Enabling Declaration, this document shall control, unless otherwise stated.

This 2014 Amendment shall become effective upon recording. The Wren Circle Enabling Declaration is hereby amended as follows:

AMENDMENT

ARTICLE I CREATION OF NONPROFIT CORPORATION

- 1.1 The unit owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Wren Circle Condominiums Owners Association, Inc., 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 Wren Circle and governing the affairs of Wren Circle in accordance with the provisions of the Enabling Declaration, any amendments to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.2 By voting to approve this 2014 Amendment, the unit owners hereby agree to adopt the following documents:
 - (a) this 2014 Amendment;
 - (b) the Articles of Incorporation (Exhibit "B" attached hereto);
 - (c) The Bylaws of Wren Circle Condominiums (Attached to the Enabling Declaration as Appendix B),

as the governing documents of Wren Circle Condominiums Owners 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 2014 Amendment wherein Wren Circle Condominiums is incorporated as a nonprofit corporation under the laws of the State of Utah, the management of Wren Circle and the common area of Wren Circle shall hereafter be performed under the direction and authority of the Association's board of directors.

**ARTICLE II
AMENDMENTS**

- 2.1 Paragraph 27 of the Enabling Declaration is hereby repealed and replaced with the language set forth hereinafter. The rights of each Institutional Holder of a first Mortgage as of the date this 2014 Amendment is recorded shall continue to have the protections provided in paragraph 27 (a), (b) & (c) of the Enabling Declaration. Each Institutional Holder of a first Mortgage who accepts a Mortgage after this 2014 Amendment is recorded shall be subject to the provisions of this 2014 Amendment. Amendments to the Enabling Declaration, the Bylaws, and any amendments thereto may be made as follows:
- (a) By obtaining the affirmative vote of at least sixty seven percent (67%) of the undivided ownership interest in the Common Areas, and
 - (b) By filing the amendment in the office of the County Recorder of Salt Lake County, Utah, executed by any two officers of the Association and certifying that such amendment has been duly adopted by the affirmative vote of sixty-seven percent (67%) of the undivided ownership interest in the Common Areas and Facilities possessed by the Owners.
 - (c) The vote referred to herein may take place at a meeting, or such requirement may be fully satisfied by obtaining a vote without a meeting, in which case the following additional provisions shall govern:
 - (i) All necessary consents must be obtained prior to the expiration of ninety (90) days after the first consent is given by any Owner.
 - (ii) The total number of votes required for the applicable authorization or approval shall be determined as of the date on which the last consent is signed.
 - (iii) Any change in ownership of a Lot which occurs after a consent has been obtained from the Owner thereof shall not be considered or taken into account for any purpose.

[Signatures on Following Page]

CERTIFICATION

It is hereby certified that unit owners holding seventy-five percent (75%) of the voting interests in Wren Circle Condominiums have signed the attached consent thereby approving of this 2014 Amendment, and that each signature has been acknowledged.

IN WITNESS WHEREOF, this 17th day of September, 2014.

By: Kathleen Winger
President

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

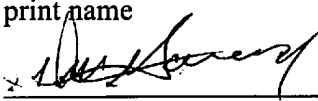
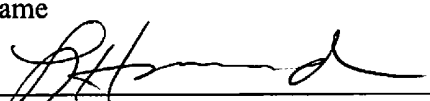
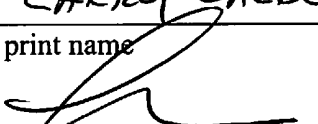
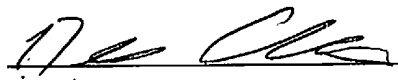
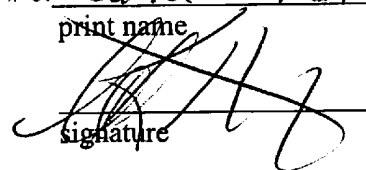
On this 17th day of September, 2014, personally appeared before me Kathleen Winger, who, being by me duly sworn, did say that she is the President of Wren Circle Condominiums and that the within and foregoing instrument was signed in behalf of said Association and she did duly acknowledged to me that she executed the same.



Christa Lea Fries
Notary Public

Owner's Consent

The undersigned owner(s) consent to and approve of the 2014 Amendment

Unit # 1: <u>Douglas W. Howard</u> print name <u></u> signature	<u>Lucila R. Howard</u> print name <u></u> signature
Unit # 2: <u>LARRY CALDER</u> print name <u></u> signature	 print name signature
Unit # 3: print name signature	 print name signature
Unit # 4: <u>Nick Ainsworth</u> print name <u></u> signature	 print name signature
Unit # 5: print name signature	 print name signature
Unit # 6: <u>Carla R Norton</u> print name <u></u> signature	 print name signature

Owner's Consent

The undersigned owner(s) consent to the 2014 Amendment

Unit # 7: Mike Vandes Vew _____
print name print name
[Signature] _____
signature signature

Unit # 8: BETTY CHENOWETH _____
print name print name
Betty Chenoweth _____
signature signature

Unit # 9: Kathleen Winger _____
print name print name
Kathleen Winger _____
signature signature

Unit # 10: Louis Balbo _____
print name print name
Louis Balbo _____
signature signature
Cynthia L. Balbo _____
print name
Cynthia L Balbo _____
signature

Acknowledgments

State of Utah)
:ss
County of Salt Lake)

Unit # 1

On the 17th day of September, 2014, personally appeared before me, Douglas & Lupita Howard
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # 2

On the 22nd day of September, 2014, personally appeared before me, Larry Calder
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # 3

On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # 4

On the 17th day of September, 2014, personally appeared before me, Nick Ainsworth
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # 5

On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

Acknowledgments

State of Utah)

Unit # 6

:ss
County of Salt Lake)

On the 17th day of September, 2014, personally appeared before me, Carla Norton
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



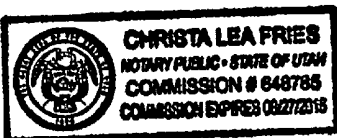
Christa Lea Fries
Notary Public

State of Utah)

Unit # 7

:ss
County of Salt Lake)

On the 16th day of September, 2014, personally appeared before me, Mike VanderVeur
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)

Unit # 8

:ss
County of Salt Lake)

On the 17th day of September, 2014, personally appeared before me, Beth Chenoweth
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)

Unit # 9

:ss
County of Salt Lake)

On the 17th day of September, 2014, personally appeared before me, Kathleen Winger
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

State of Utah)

Unit # 10

:ss
County of Salt Lake)

On the 17th day of September, 2014, personally appeared before me, Louis Balbo & Cynthia Balbo
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Christa Lea Fries
Notary Public

Owner's Consent

The undersigned owner(s) consent to and approve of the 2014 Amendment

Unit # 1: _____
print name

print name

signature

signature

Unit # 2: _____
print name

print name

signature

signature

Unit # 3: _____
print name

print name

signature

signature

Unit # 4: _____
print name

print name

signature

signature

Unit # 5: Candice Brim
print name

print name

Candi Brim
signature

signature

Unit # 6: _____
print name

print name

signature

signature

Acknowledgments

State of Utah)
:SS
County of Salt Lake)

Unit # 1

On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Salt Lake)

Unit # 2

On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Salt Lake)

Unit # 3

On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Salt Lake)

Unit # 4

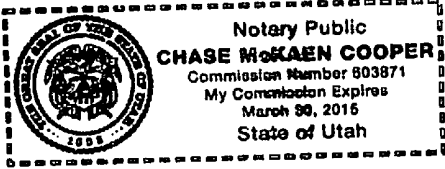
On the ___ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Salt Lake)

Unit # 5

On the 29 day of September, 2014, personally appeared before me, Candi Brim
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Notary Public (with signature)

Owner's Consent

The undersigned owner(s) consent to and approve of the 2014 Amendment

Unit # 1:	_____	_____
	print name	print name
	_____	_____
	signature	signature
Unit # 2:	_____	_____
	print name	print name
	_____	_____
	signature	signature
Unit # 3:	<i>Allison McMillan</i>	_____
	print name	print name
	<i>[Signature]</i>	_____
	signature	signature
Unit # 4:	_____	_____
	print name	print name
	_____	_____
	signature	signature
Unit # 5:	_____	_____
	print name	print name
	_____	_____
	signature	signature
Unit # 6:	_____	_____
	print name	print name
	_____	_____
	signature	signature

Acknowledgments

State of Utah)
:ss
County of Salt Lake)

Unit # _____

On the ____ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # _____

On the ____ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of ~~Utah~~ Colorado)
DEJUAN :ss
County of ~~Salt Lake~~)

Unit # 3

On the 25 day of September, 2014, personally appeared before me, Allison McMillan
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

[Signature]

Notary Public

Phuong Huynh
Notary Public
State of Colorado
My Commission Expires October 31 2014

State of Utah)
:ss
County of Salt Lake)

Unit # _____

On the ____ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Salt Lake)

Unit # _____

On the ____ day of _____, 2014, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

EXHIBIT "A"

Legal Description of Units

UNIT 1, BLDG A, WREN CIRCLE CONDM 1/10 INT 5788-1814 5826-2809 6005-0524 6352-2876 6546-2565. [22-10-228-002-0000]

UNIT 2, BLDG A, WREN CIRCLE CONDM 1/10 INT: 4811-0107 5645-0652 6425-2871 7684-2154 8977-0750. [22-10-228-003-0000]

UNIT 3, BLDG B, WREN CIRCLE CONDM 1/10 INT 4801-0043 6300-2323 9017-0856. [22-10-228-004-0000]

UNIT 4, BLDG B, WREN CIRCLE CONDM 1/10 INT 4850-0263 6372-1958 6398-325 7761-1926 7770-927 9167-3272 9661-1995 10212-7359. [22-10-228-005-0000]

UNIT 5, BLDG C, WREN CIRCLE CONDM 1/10 INT 4801-0049 5686-2506 5686-2507 6031-1803 6033-0883 6133-0941 6744-2777 8463-4518 8790-2851 9492-5755 10210-4953. [22-10-228-006-0000]

UNIT 6, BLDG C, WREN CIRCLE CONDM 1/10% INT: 4976-0325. [22-10-228-007-0000]

UNIT 7, BLDG D, WREN CIRCLE CONDM 1/10 INT 5116-0514 5417-0923 6973-1167 8654-0308 8941-2218 9290-4716 9369-5116. [22-10-228-008-0000]

UNIT 8, BLDG D, WREN CIRCLE CONDM 1/10 INT 4919-0406 5379-0218 5668-0974 6634-2317 6634-2319 6876-0023 6993-2284 8844-3528. [22-10-228-009-0000]

UNIT 9, BLDG E, WREN CIRCLE CONDM. 4854-188, 5056-2 1/10 INT 5186-0867 6350-2158,2160 7792-0774 8401-8675,8678 8501-1637. [22-10-227-002-0000]

UNIT 10, WREN CIRCLE CONDM 1/10% INT 4940-0281 5421-1625 6040-0031,0036 6523-0319 8316-2429. [22-10-227-003-0000]

COMMON AREA MASTER CARD: BEG S 0-11'45" E 977.17 FT & S 89-48'15" W 1022.82 FT FR NE COR SEC 10, T 2S, R 1E, S L M; S 77-28'45" W 7.37 FT; S 8-43'28" E 107.74 FT; S 10-12'23" E 73.51 FT; S 88-25'24" E 10.9 FT; S 12-43'38" E 145.19 FT; S. [22-10-228-001-0000]

EXHIBIT "B"

Articles of Incorporation

ARTICLES OF INCORPORATION

for

WREN CIRCLE CONDOMINIUMS OWNERS ASSOCIATION, INC.

The undersigned adult natural person, acting as incorporators, hereby establishes a nonprofit corporation pursuant to the Utah Revised Nonprofit Corporation Act (the "Act") and adopts the following articles of incorporation for such corporation;

ARTICLE I NAME

The name of the corporation is Wren Circle Condominiums Owners Association, Inc. (hereinafter "Association").

ARTICLE II DURATION

The Association shall have perpetual existence.

ARTICLE III PURPOSES AND POWERS

1. **Purposes** The Association is organized as a nonprofit corporation and shall be operated to promote the health, safety and welfare of all members of the Association in connection with Wren Circle Condominiums and to establish, provide, and maintain a desirable community and environment for all member unit owners.
2. **Powers** In furtherance of the foregoing purposes, but not otherwise, and subject to the restrictions set forth in Section 3 of this article, the Association shall have and may exercise all of the powers now or hereafter conferred upon nonprofit corporations organized under the laws of Utah and may do everything necessary or convenient for the accomplishment of any of the corporate purposes, either alone or in connection with other organizations, entities or individuals, and either as principal or agent, subject to such limitations as are or may be prescribed by law.
3. **Restrictions Upon Purposes and Powers** The foregoing purposes and powers of the Association are subject to the following limitations:
 1. **Earnings of Association** That no part of the net earnings of the Association (if any) shall inure to the personal benefit of any member of the Association; however, this restriction shall not limit or impair the Association's right to compensate members for services rendered or for goods sold or leased to the Association;

2. **Nonprofit Organization** That the Association shall be organized and operated exclusively for non-profitable purposes as set forth in Section 528 of the Internal Revenue Code as it is now or may hereafter be amended, or in any corresponding provision of any future law of the United State of America providing for exemption of similar organizations from income taxation; and
3. **Association Participating in Litigation** The Association shall not participate in any litigation which is, or purports to be, a “class action” without first obtaining approval of at least 67 percent of its members.

ARTICLE IV DIVIDENDS & DISTRIBUTION

The Association shall not pay any dividends. No distribution of the corporate assets to members (as such) shall be made except as permitted by the Enabling Declaration or amendments thereto. Upon dissolutions of the Association, the assets shall be distributed as provided in Article X herein.

ARTICLE V MEMBERSHIP AND VOTING

1. **Members** The Association shall have members. Every Owner of a Unit subject to assessment shall be a member of the Association. Each membership shall be pertinent to and may not be separated from, ownership of the Unit to which the membership is attributable.
2. **Stock** No stock in the Association shall be issued. The Board may, in its discretion, issue certificates evidencing a member's membership in the Association. A person's membership, however, is not affected by the holding of such a certificate and a member is entitled to all the benefits and subject to all obligation of membership whether or not the member holds a membership certificated.
3. **Voting** The Association shall have one class of voting membership. Each Unit shall be entitled to one vote on any given matter, regardless of the number of members owing an interest in such Unit. The members owning a particular Unit are authorized to cast the vote attributable to the Unit. The Board may suspend the voting rights of members for a particular Unit if the members are in violation of the Enabling Declaration. The Association shall have votes as to Units owned by it.
4. **Right to Vote** No change in the ownership of a membership shall be effective for voting purposes unless and until the Board is given actual written notice of such change and is provided satisfactory proof thereof. The vote for each Unit must be cast as a unit, and fractional votes shall not be allowed. If a Unit is owned by more than one person or entity and such owners are unable to agree among themselves as to show their vote or votes shall be cast, they shall not be entitled to vote on the matter in question. If any member casts a vote representing a certain Unit, it will thereafter be conclusively presumed for all purposes that he was acting with the authority and consent of all other Owners of the same Unit unless objection thereto is made at the time the vote is cast. If more

than one vote is cast for particular Unit, none of the said votes shall be counted and all said votes shall be deemed void. Voting by proxy is allowed as set forth in the Association's Bylaws.

5. **No Cumulative Voting** In any election of the members of the Board, the Owner(s) of a given Unit shall collectively have one vote for each Director position to be elected. The candidate receiving the highest number of votes for a given Director position shall be deemed elected to such position. Cumulative voting shall not be allowed in the election of members of the Board or for any other purpose.
6. **Transfer of Membership** The rights and obligations of memberships in the Association shall not be assigned, transferred, pledged, conveyed or alienated in any way except upon transfer of ownership to an Owner's Unit and then only to the new Owner of the Unit. A transfer of ownership to a Unit may be effected by deed, intestate succession, testamentary disposition, foreclosure of a mortgage of record, or such other legal process as now in effect or as may hereafter be established under or pursuant to the laws of the State of Utah. Any attempt to make a prohibited transfer shall be void. Any transfer of ownership to a Unit shall automatically transfer the membership appurtenant to said Unit to the new Owner thereof.

ARTICLE VI SHARE OF STOCK

The Association shall not issue any shares of stock.

ARTICLE VII DIRECTORS

The management of the affairs of the Association shall be vested in a Governing Board of Directors, except as otherwise provided in the Act, these articles of incorporation or the Bylaws of the Association. The number of Directors, their classification, if any, their terms of office and the manner of their election or appointment shall be determined according to the Bylaws of the Association from time to time in force.

Three Directors shall constitute Governing Board of Directors. Their names and addresses are as follows:

	<u>Name</u>	<u>Address</u>
1.	Kathleen Winger	4825 Wren Circle #9, Holladay, UT 84117
2.	Douglas Howard	4845 S. Wren Circle #1, Holladay, UT 84117
3.	Carla Norton	4835 Wren Circle #5, Holladay, UT 84117

**ARTICLES VII
BYLAWS**

The Bylaws of the Association shall be those that were attached as "Appendix B" to the Enabling Declaration as recorded at the Salt Lake County Recorders Office. The Bylaws of the Association may contain any provisions for the regulation or management of the affairs of the Association which are not inconsistent with law or these Articles of Incorporation, as these articles may from time to time be amended.

**ARTICLE IX
INITIAL PRINCIPAL OFFICE, REGISTERED OFFICE AND AGENT**

The address of the initial principal office of the Association is Wren Circle Condominiums Owners Association, Inc., shall be at the address of the Association president, Kathleen Winger, 4825 Wren Circle #9, Holladay, UT 84117. The address of the initial registered office is the same as the initial principal office. The name of the Association's registered agent at such address is Kathleen Winger.

**ARTICLE X
DISSOLUTION**

The Association may be dissolved only upon termination of Wren Circle Condominiums. Written notice of a proposal to dissolve, setting forth the reasons therefore and the disposition to be made of the assets, as set forth below, shall be mailed to every member at least 90 days in advance of any action taken. Upon dissolution of the Association, the assets both real and personal of the Association, shall be distributed to the members.


**ARTICLE XI
INCORPORATOR**

The name and address of the incorporator of this Association is: Kathleen Winger, 4825 Wren Circle, Holladay, UT 84117.

**ARTICLE XII
AMENDMENT**

The Association may amend these Articles of Incorporation by a vote of not less than 66.7% of the members.

IN WITNESS WHEREOF, I, Kathleen Winger, have executed these Articles of Incorporation this day of 17 September, 2014, and say: That I am the incorporator herein and have read the above and foregoing Articles of Incorporation and know the contents thereof and that the same is true to the best of my knowledge and belief.


Kathleen Winger

ACKNOWLEDGMENT OF ACCEPTANCE BY REGISTERED AGENT

The undersigned hereby accepts and acknowledges appointment as the initial registered agent of the Association named above.


Kathleen Winger