

**BY-LAWS**  
**OF**  
**PARKSTONE ESTATES OWNERS ASSOCIATION, INC.**  
**AMENDED AND RESTATED**  
**As of October 21, 2021**

The Board of Trustees of PARKSTONE ESTATES OWNERS ASSOCIATION, INC., at a special meeting called and duly convened on October 21, 2021, have resolved to adopt the following Amended and Restated By-Laws (“By-Laws”) as of October 21, 2021. These By-Laws replace any and all existing by-laws or documents purported to be by-laws for PARKSTONE ESTATES OWNERS ASSOCIATION, INC. (or in the name of Parkstone Estates “P.U.D.” Property Owners Association), and shall govern the affairs thereof effective October 21, 2021.

**ARTICLE I**

**NAME AND LOCATION**

1. Name. The name of the corporation is Parkstone Estates Owners Association, Inc., hereinafter referred to as the “Association”.
2. Principal Office. The principal office of the Association shall be located in Salt Lake County, Utah, and meetings of the Members and Trustees may be held at such places within Salt Lake County, Utah, as may be designated by the Board of Trustees.

**ARTICLE II**

**DEFINITIONS**

When used in these By-Laws, the following terms shall have the meaning indicated:

1. Articles shall mean and refer to the Articles of Incorporation of Parkstone Estates Owners Association, Inc., a corporation formed under the Utah Revised Non-Profit Corporation Act.
2. Association shall mean and refer to Parkstone Estates Owners Association, Inc., a Utah nonprofit corporation which is organized by the filing of the Articles.

3. Member shall mean and refer to every person who is entitled to membership in the Association, in the Declaration and in the Articles.
4. The Declaration shall mean and refer to the instrument entitled "Declaration of Covenants, Conditions and Restrictions and Reservation of Easement for Parkstone Estates, a Planned Unit Development," executed, acknowledged, and filed for record in the office of the County Recorder of Salt Lake County, Utah, concurrently with the filing of the plat of said development, as amended and restated by the Association.
5. Property shall mean and refer to the tract of real property situated in Draper, Salt Lake County, State of Utah, and particularly described in the Declaration, together with such portion of the real property described in any Notice of Addition of Property which is subsequently recorded with respect thereto.
6. Lot shall mean and refer to any residential lot or parcel of land shown upon any recorded subdivision plat of the Property.
7. Common Areas shall mean and refer to all the real property and improvements, including without limitation, any recreation facilities, landscaped areas, private roadways and walkways, recreational vehicle parking, visitor parking, and drainage systems, which are owned by the Association for the common use and enjoyment of all the Owners, as the same is designated on the Plat Map and any additions thereto.
8. Dwelling Unit shall mean and refer to a building located on any of the Lots which is designed and intended for use and occupancy as a single-family residence, together with all improvements which are used in conjunction with such residence.
9. Owner shall mean and refer to the person or persons or other legal entity or entities holding fee simple interest of record to any Lot which is a part of the Property. Owner shall not mean or include a mortgagee or a beneficiary or trustee under a deed of trust unless and until such party acquired title pursuant to foreclosure or any similar proceeding.

### ARTICLE III

#### MEETING OF MEMBERS

1. Annual Meeting. The annual meeting of the Members shall be held in the month of March. The time of the meeting shall be 6:00 p.m. The purpose of the annual meeting shall be the election of the Trustees, review of the budget, presentation of proposed assessments. And the transaction of such other business as may come before the Members. If the election of Trustees does not take place on the day designated for the annual meeting, the Board of Trustees shall cause such election to be held at a special meeting of the Members as soon thereafter as is convenient.
2. Special Meeting. A special meeting of the Members for any purposes may be called by the President, by the Board of Trustees, or upon written request of the Members who hold one-fourth (1/4) of all the membership votes.

3. Place of Meeting. The Board of Trustees may designate any place within Salt Lake County, Utah, as the place for any annual meeting or for any special meeting called by the Board.
4. Notice of Meetings. Written notice stating the place, day, and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called shall be given to all Members at least ten (10) days, but not more than thirty (30) days, before the meeting date. The notice shall have been properly furnished if sent to the person who appears as a Member at the time of the notice, to contact information for such person appearing in the records of the Association.
5. Quorum. Except as otherwise provided in the Articles, in the Declaration, or in the Bylaws, those Members present in person or by proxy shall constitute a quorum at any meeting of the Members.
6. Proxies. At any meeting of Members, a Member may vote by proxy executed in writing by the Member or by his duly authorized attorney-in-fact. All proxies shall be filed with the Secretary of the Association before or at the time of the meeting. Unless otherwise provided therein, no proxy shall be valid after eleven (11) months from the date of its execution.
7. Necessary Vote. Except for those matters which, according to the Articles, the Declaration, or applicable law, require a vote greater than a majority, a simple majority of all those Members present in person or represented by proxy who are entitled to cast votes at a meeting shall be sufficient for the adoption of any matter voted on by the Members.
8. Notice by Electronic Means. In any circumstance where notice is required to be given to the members, the Association may provide notice by electronic means, including text message, email, or an Association website, if the Board deems the notice to be fair and reasonable. A member may require the Association, by written demand, to provide notice to that member by mail or delivery to the Dwelling Unit. The Board is authorized to promulgate rules and procedures facilitating the implementation of this section as it deems fit from time to time, including requiring members to furnish the Association with a current email address.
  - a) Except as otherwise provided in the Declaration, these Bylaws or law, all notices to any Owner shall be sent to such address as may have been designated by him or her, from time to time, in writing to the Board, or if no address has been designated, then to the Owner's Lot.
  - b) If a Lot is jointly owned, notice shall be sent to a single address, of which the secretary has been notified in writing by such parties. If no address has been given to the secretary in writing, then mailing to the Lot shall be sufficient.
9. Affairs, Electronic Means. Any transaction or action involving the business or affairs of the Association, including but not limited to voting and providing notice or records, may be conducted by electronic means. The Association may accept a vote, consent, written ballot, waiver, proxy appointment, or proxy appointment revocation as the act of the member if the Board does so in good faith and has no reason to believe it is not the act of the member. A writing may be delivered in an electronic medium, or by electronic transmission, and may be signed by photographic, electronic, or other means. An electronic record or electronic signature is attributable to a person if it was the act of the person. An electronic signature may consist of a

mark, symbol, character, letter, or number or any combination thereof attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record and the same shall be considered the signature of such person. A writing includes any document, record, vote, ballot, proxy, or instrument required or permitted to be transmitted by a member or by the Association.

## ARTICLE IV

### BOARD OF TRUSTEES

1. **Number, Tenure, and Qualifications.** The affairs of the Association shall be managed by a Board of Trustees composed of not less than three (3) nor more than five (5) individuals. The Trustees shall hold office for two (2) years, with at least two members being elected on even years, and at least one member being elected on odd years. At each annual election, the successor(s) to the Trustees, whose terms shall expire that year, shall be elected to hold office. Any change in the number of Trustees may be made only by amendment of these By-Laws. Each Trustee shall hold office until his term expires or until his successor has been duly elected and qualifies.
2. **Compensation.** Trustees shall not be paid any salary or other compensation for their services as Trustees and shall not receive directly or indirectly any other profit or pecuniary advantage by virtue of their status as Trustees.
3. **Removal.** Any Trustee may be removed from the Board, with or without cause, by a majority vote of the Members of the association. In the event of the death, resignation, or removal of a Trustee, their successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of their predecessor.

## ARTICLE V

### NOMINATION AND ELECTION OF TRUSTEES

1. **Nomination.** Nomination for election to the Board of Trustees shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a chairman, who shall be a member of the Board of Trustees, and two or more Members. The Nominating Committee shall be appointed by the Board of Trustees before each annual meeting of the Members. The Nominating Committee shall nominate at least the number of persons necessary to fill all vacancies. All candidates for election, whether nominated by the Nominating Committee or from the floor at the annual meeting, shall be Members of the Association.
2. **Election.** Election to the Board of Trustees may be made by secret written ballot. At such election, the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Articles of Declaration. The person receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

## ARTICLE VI

### MEETING OF THE TRUSTEES

1. Regular Meeting. A regular meeting of the Board of Trustees may be held without notice other than this section at any place within the State of Utah.
2. Special Meetings. Special meetings of the Board of Trustees may be called by or at the request of the President or any two (2) Trustees. The person or persons calling a special meeting of the Board may fix any place within the State of Utah as the place for holding such a meeting.
3. Notice. Written, verbal, or electronic notice stating the place, day, and hour of any special meeting of the Board shall be given to all Trustees at least three (3) days before the meeting date. The purpose of the meeting need not be specified in the notice.
4. Quorum. A majority of the Trustees then in office shall constitute a quorum for the transaction of business at any meeting of the Board. The act of a majority of the Trustees at a meeting at which a quorum is present shall constitute the act of the Board of Trustees unless the act of a greater number is required by law.
5. Action Taken Without a Meeting. The trustees shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Trustees. Any action so taken shall have the same effect as though taken at a meeting of the Trustees.

## ARTICLE VII

### POWERS OF THE BOARD OF TRUSTEES

1. Powers. The Board of Trustees shall have power to:
  - a) adopt and publish rules and regulations governing the use of the Common Areas and personal conduct of the Members and their guests thereon, and establish penalties for the infractions thereof;
  - b) suspend the voting rights and right to use the recreational facilities of any Member during a period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed thirty (30) days for infractions of published rules and regulations.
  - c) employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.
2. Duties. It shall be the duty of the Board of Trustees to:
  - a) cause to be kept a complete record of all its acts and corporate affairs and to present a financial statement to the Members at the Annual Meeting of the Members, or at special meetings when such statement is requested in writing by one-fourth (1/4) of the Members who are entitled to vote.

- b) supervise all officers, agents, independent contractors, and employees of the Association, and to see that their duties are properly performed.
- c) as is more fully provided in the Declaration to:
  - i) fix the amount of the monthly assessment against each Dwelling Unit and to send notice of such assessment to every Owner subject thereto as provided in the Declaration;
  - ii) foreclose the lien against any Lot for which assessments are not paid or to bring an action at law against the Owner personally obligated to pay the same;
- d) issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- e) procure and maintain adequate liability and hazard insurance on property owned by the Association;
- f) cause all officers or employees having fiscal responsibilities to be bonded, as deemed appropriate;
- g) cause the Common Areas, and those portions of the Lots which the Association has responsibility for, to be maintained; and
- h) to carry out all other duties of the Association set forth in the Articles and the Declaration.

## ARTICLE VIII

### OFFICERS

1. Number and Qualifications. The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer. Any two (2) or more offices may be held by the same person. Officers shall be Members of the Association.
2. Tenure: The officers of the Association shall be elected by the Board of Trustees at the first meeting of the Board held after the annual meeting of the Members. If the election of Officers does not occur at such meeting, it shall be held as soon thereafter as is convenient. Each Officer shall hold office until his successor has been duly elected and qualifies or until he is removed. Any Officer may be removed by a majority of the Members.
3. Vacancies. A vacancy resulting from death, resignation, removal, or any cause, shall be filled by the Board of Trustees for the unexpired portion of the term of the person previously in office.

4. President. The President shall be the principal executive officer of the Association. The President shall, when present, preside at all meetings of the Members and of the Board of Trustees. The President, together with the Secretary or any other Officer of the Association authorized by the Board of Trustees, may sign any contracts, or other instruments which the Board of Trustees has properly authorized to be executed. The President shall, in general, perform all duties incident to the office of President and such other duties as may from time to time be prescribed by the Board of Trustees.

5. Vice-President. In the absence of the President or in the event of his death, inability, or refusal to act, the Vice President shall perform all of the duties of the President. When so acting, the Vice-President shall have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall perform such duties as may from time to time be assigned to him/her by the President or by the Board of Trustees.

6. Secretary. The Secretary shall keep minutes of meetings of the Members and of the Board of Trustees, shall see that all notices are given in accordance with the provisions of these By-Laws, the Declaration and law and shall maintain a membership list, and in general, shall perform all duties incident to the office of the Secretary and such other duties as may from time to time be assigned to him/her by the President or by the Board of Trustees

7. Treasurer. If required by the Board of Trustees, the Treasurer shall give a bond for the faithful discharge of his/her duties in such sums and with such surety or sureties as the Board shall determine. The treasurer shall have the custody of and shall be responsible for all funds of the Association, may receive and give receipts for money due and payable to the Association, shall deposit all such money in the name of the Association in such banks, trust companies, or other depositories as are selected by the Board, shall perform all accounting, financial record-keeping, and similar services which may be necessary or desirable in connection with the Association's affairs, and, in general, perform all duties incident to the office of the Treasurer and such other duties as from time to time be assigned to him/her by the President or by the Board of Trustees.

8. Compensation. Officers shall not be paid any salary or other compensation for their services as such and shall not receive directly or indirectly any other profit or pecuniary advantage by virtue of their services as Officers. Provided, however, the Board of Trustees may vote to reimburse the Officers reasonable expenses reasonably incurred in connection with serving as officers.

## ARTICLE IX

### ASSESSMENT

As more fully provided in the Declaration, each Member is obligated to pay to the Association assessments which are secured by a continuing lien upon the Lot against which the assessment is made. Any assessment which is not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at an interest rate determined from time to time by the Board, and

the Association may bring an action of law against the Owner personally obligated to pay the same or foreclose the lien against the Lot and interest, cost, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or escape liability for the assessments provided for herein by non-use of the Common Areas or abandonment of his Lot.

## ARTICLE X FUNDS

All cash of the Association shall be deposited in one of two or more accounts (the Maintenance Funds), one of which shall be designated as the Operating Fund and one of which shall be designated as the Reserve Fund, in such bank or banks or other insured depository institution as the Board of Trustees shall determine. Funds may be withdrawn from such accounts upon the signature of the President or the Secretary, or such other officer or combination of officers as shall be designated by the Board of Trustees.

## ARTICLE XI AMENDMENTS

1. These By-Laws may be amended at a regular or a special meeting of the Board of Trustees, by a vote of the majority of a quorum of Trustees present.
2. In case of any conflict between the Articles and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

## ARTICLE XII MISCELLANEOUS

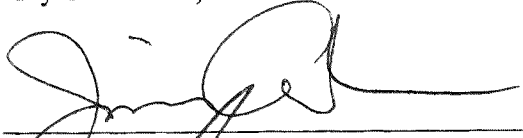
The fiscal year of the Association shall begin on the first day of January and end on the 31st<sup>th</sup> day of December of each year, except the first fiscal year began on the date of incorporation.



IN WITNESS WHEREOF we, being all of the Trustees of Parkstone Estates Owners Association, Inc., have hereto set our hands this 21<sup>st</sup> day of October, 2021.



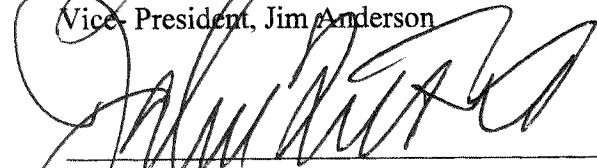
President, Charlene Pineda



Vice-President, Jim Anderson



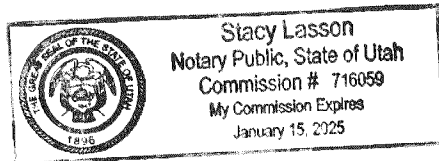
Secretary, Lawrence Crandall




Treasurer, John Linsmeier

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  :SS  
County of Salt Lake            )

Acknowledged before me on this 21st day of October, 2021 by the above officers of the Parkstone Estates Owners Association, Inc.



  
Notary Public

**EXHIBIT A**

Legal Description

All Lots and Common Area PARKSTONE EST PUD & AMD (42 total), according to the official plat thereof recorded in the records of the Salt Lake County Recorder.

Parcel Numbers: 28294020170000 through 28294020320000  
28294760240000 through 28294760480000  
28294760590000  
28294760600000

All Lots and Common Area PARKSTONE EST PH 2 PUD (6 total), according to the official plat thereof recorded in the records of the Salt Lake County Recorder.

Parcel Numbers: 28294760530000 through 28294760580000