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**AMENDMENT  
TO  
DECLARATION  
FOR  
EASTGROVE CONDOMINIUM**

EN 2373281 PG 1 OF 10  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
03-NOV-08 820 AM FEE \$66.00 DEP SPY  
REC FOR: HELGESEN WATERFALL JONES

This amendment is made and executed on the date shown below by the Eastgrove Condominium Management Committee after having been voted upon and approved by the Owners at Eastgrove Condominium.

**RECITALS**

WHEREAS, Eastgrove Condominium was created by "Declaration of Covenants, Conditions and Restrictions and Reservations of Easements for Eastgrove Condominium" ("Enabling Declaration"), recorded in the records of Weber County, Utah, on February 23, 1979, in Book 1288, beginning on page 327 as entry # 757991; and

WHEREAS, the property that is the subject of this Amended Declaration is situated in and upon that certain real property located in Weber 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 Eastgrove Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 39 Units at Eastgrove Condominium.

WHEREAS, the Unit Owners in Eastgrove are desirous to create the Eastgrove Condominium Homeowners Association, Inc., a Utah non-profit 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.

WHEREAS, the Association will be the governing body of Eastgrove Condominium and will operate in accordance with the Enabling Declaration, any amendments to the Enabling Declaration, this Amended Declaration, the Articles of Incorporation (Exhibit "B" attached hereto and incorporated herein by this reference) and the Bylaws of the Association (included in the Enabling Declaration as Article VI and as amended from time to time).

NOW THEREFORE, To accomplish the Unit Owners' objectives, the following amendment is adopted creating the Eastgrove Condominium Homeowners Association, Inc., a Utah non-profit corporation. If there is any conflict between this Amended Declaration, the Enabling Declaration and the Bylaws, this document shall control.

This amendment shall become effective upon recording. The Eastgrove Condominium Declaration and Bylaws are hereby amended as follows:

### AMENDMENTS

#### Creation of Non-profit Corporation

- 1.1 The Unit Owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Eastgrove Condominium Homeowners Association, Inc. ("Association"), 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 Eastgrove and governing the affairs of Eastgrove in accordance with the provisions of the Enabling Declaration, any Amendment to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.2 By voting to approve this Amended Declaration, the Unit Owners hereby agree to adopt the following documents:
- a. this Amended Declaration;
  - b. the Articles of Incorporation (Exhibit "B" attached hereto); and
  - c. the Bylaws of the Association (included in the Enabling Declaration as Article VI and as amended from time to time)

as governing documents of Eastgrove Condominium Homeowners Association, Inc., which documents shall constitute equitable servitudes that shall run with the real property described in Exhibit "A".

### CERTIFICATION

It is hereby certified that this Amended Declaration has been consented to and approved by Unit Owners representing not less than seventy-five percent of the undivided interests in the condominium common areas and facilities at Eastgrove Condominium,

IN WITNESS WHEREOF, this 15 day of October, 2008.

Eastgrove Condominium Management Committee

By   
President

STATE OF UTAH )  
 )  
 :SS.  
 )  
COUNTY OF WEBER )

On this 17 day of October, 2008, personally appeared before me, Terry Caselli, who, being by me duly sworn, did say that he is President of the Eastgrove Condominium Homeowners Association and that the within and foregoing document was signed as an officer of the Association and in behalf of said Association and he duly acknowledged to me he executed the same.

*Michelle Buck*  
\_\_\_\_\_  
Notary Public



# Exhibit "A"

## Legal Description

**EXHIBIT "A"****Legal Description of Units**

The following units in the buildings indicated, in Eastgrove Condominium, Ogden City, Weber County, Utah.

<b>Building</b>	<b>Units</b>	<b>Tax I.D. Numbers</b>
A	1 through 3	13-158-0001 through 13-158-0003 ✓
B	4 through 7	13-158-0004 through 13-158-0007 ✓
C	8 through 9	13-158-0008 through 13-158-0009 ✓
D	10 through 12	13-158-0010 through 13-158-0012 ✓
E	13 through 15	13-158-0013 through 13-158-0015 ✓
F	16 through 17	13-158-0016 through 13-158-0017 ✓
G	18 through 21	13-164-0001 through 13-164-0004 ✓
H	26 through 29	13-163-0001 through 13-163-0004 ✓
I	22 through 25	13-168-0001 through 13-168-0004 ✓
J	34 through 35	13-177-0001 through 13-177-0002 ✓
K	36 through 37	13-177-0003 through 13-177-0004 ✓
L	38 through 39	13-180-0001 through 13-180-0002 ✓
M	40 through 41	13-180-0003 through 13-180-0004 ✓
N	32 through 33	13-183-0001 through 13-183-0002 ✓ 7

# Exhibit "B"

## Articles of Incorporation

# Articles of Incorporation

FOR  
**EASTGROVE CONDOMINIUM  
HOMEOWNERS ASSOCIATION, INC.**

WE, THE UNDERSIGNED NATURAL PERSONS, all being of the age of eighteen years or more, acting as incorporators under the Utah Revised Nonprofit Corporation Act, adopt the following Articles of Incorporation:

**Name.** The name of the Corporation is EASTGROVE CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. (herein referred to as the "Corporation").

**Duration.** The duration of the Corporation shall be perpetual, unless dissolved by the action of the Corporation or by operation of law.

**Purposes.** The purposes of the Corporation are to function in behalf of the Members of the Eastgrove Condominium Homeowners Association, located in Weber County, Utah, and to enforce the Covenants, Conditions and Restrictions and Reservations of Easements for Eastgrove Condominium as set forth in the Condominium Declaration (hereafter "Enabling Declaration") and any Amendments thereto, and to provide the other services and perform all of the other functions set forth in the Condominium Declaration and any Amendments thereto as may become desirable or necessary for the benefit of the Members. The Corporation shall have all powers, rights, and privileges available to corporations under the laws of the State of Utah.

**Membership/Stock.** The Owners of stock in the Corporation shall only be Owners of Units in Eastgrove Condominium, located in Weber County, Utah. Stock Ownership is appurtenant to the Unit and may not be separated from Unit Ownership, and Ownership of a share of stock in Eastgrove Condominium shall pass automatically to the new Owner of a Unit upon conveyance of title without the need to convey a physical stock certificate. There shall be issued 39 shares in the Corporation and the Owners of a Unit shall be the Owners of one share of stock in the Corporation. The Unit Owners shall have an interest in the Corporation as described below:

The Association shall have one (1) class of membership—Class A, described more particularly as follows:

1. **Class A.** Class A Members shall be all Owners. Class A Members shall be entitled to vote on all issues before the Association, subject to the following:
  - a. **Voting.** Each Unit Owner shall have right to vote based on percentages as provided in the Eastgrove Enabling Declaration and Bylaws.
  - b. **Subject to Assessment.** No vote shall be cast or counted for any Unit not subject to assessment;

c. **Multiple Owners.** When more than one (1) person or entity holds such interest in a Unit, the vote for such Unit shall be exercised as those persons or entities themselves determine and advise the Secretary of the Association prior to any meeting. In the absence of such advise, the vote of the Unit shall be suspended in the event more than one (1) person or entity seeks to exercise it.

d. **Number of Shares.** The Corporation is authorized to issue up to 39 shares of Class A stock.


- 2. Class A shares shall have unlimited voting rights.
- 3. The Owners of Class A shares shall be entitled to receive the net assets of the Corporation upon dissolution.

**Registered Agent.** The registered agent for the Corporation is:

Richard W. Jones  
4605 Harrison Blvd., Third Floor  
Ogden, UT 84403

**Acceptance of Appointment**

I, Richard W. Jones, hereby accept the appointment as the registered agent for Eastgrove Condominium Homeowners Association, Inc.

  
\_\_\_\_\_  
Richard W. Jones

**Bylaws.** The Corporation hereby adopts the bylaws included in the Enabling Declaration as Article VI and as amended from time to time. Hereafter, bylaws may be adopted, amended, or replaced by the vote of Members.

**Address of Corporation's Registered Office.** The principal place of business of the Corporation, and its initial offices are located at P.O. Box 1792, Ogden, UT 84401. The Corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

**Distributions.** No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its Directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth above.

**Dissolution.** Upon the dissolution of the corporation, assets shall be distributed to the members of the corporation on the same percentage as votes and assessments are allocated and as set forth in the Eastgrove Condominium Homeowners Association Declaration and Bylaws.



**Board of Directors.** There will initially be three (3) Directors of the Corporation. The initial Board of Directors, who will serve until the election of officers and Directors at the annual member's meeting, are:

<u>Name</u>	<u>Address</u>
Terry Caselli	1318 E. 1990 S. Ogden, UT 84401
Ben Lucero	1303 E. 1960 S. Ogden, UT 84401
Tamara Twitchell	1305 E 2025 S #9 Ogden, UT 84401

The Directors will elect one of them to act as Chairman until the annual Members' meeting.

**Officers.** The initial officers of the corporation are:

President	-	Terry Caselli
Vice President	-	Ben Lucero
Sec/Treas	-	Tamara Twitchell

**Annual Meeting.** The annual meeting of the Members shall be held at a time and place each year as determined by the Board and as shall be stated in the notice of meeting, or in a duly executed waiver of notice. At such meeting, the current members shall elect Directors for one year terms to serve until their successors shall be elected and shall qualify. Only current Members of Units owned in the Association shall be elected Directors according to the percentage as required by law.

**Limitations on Liability.** The Officers, Directors, and Members of the Corporation shall not be held personally liable for the debts and obligations of the Corporation.

**Incorporators.** The incorporators of the Corporation are:

<u>Name</u>	<u>Address</u>
Terry Caselli	1318 E. 1990 S. Ogden, UT 84401
Ben Lucero	1303 E. 1960 S. Ogden, UT 84401
Tamara Twitchell	1314 E. 1990 S Ogden, UT 84401

