



W2378084

AMENDMENT

E# 2378084 PG 1 OF 10
ERNEST D ROWLEY, WEBER COUNTY RECORDER
02-DEC-08 1053 AM FEE \$91.00 DEP SPY
REC FOR: THREE FOUNTAINS NORTH

TO THE

DECLARATION of CONDOMINIUM OF THREE FOUNTAINS NORTH OGDEN

This Amendment to the Declaration of Condominium of Three Fountains North Ogden ("Amended Declaration") is made and executed on the date shown below by the Three Fountains North Ogden Condominium Management Committee after having been voted upon and approved by the Owners at Three Fountains North Ogden Condominium.

RECITALS

WHEREAS, Three Fountains North Ogden Condominium was created by a "Declaration of Condominium of Three Fountains North Ogden, Phase I", which Declaration was recorded on July 19, 1973, at Book 1030, on page 249, as entry number 597546, on the official records of the Weber County, Utah, Recorder, and which Declaration was restated and amended by a "Declaration of Condominium of Three Fountains North Ogden" (hereinafter "Enabling Declaration"), which was recorded in the records of Weber County, Utah on June 16, 1998, in Book 1935, beginning on page 1785 as entry #1552958; 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 Three Fountains North Ogden Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 64 units at Three Fountains North Ogden Condominium.

WHEREAS, the unit owners in Three Fountains North Ogden are desirous to create the Three Fountains North Ogden 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 Three Fountains North Ogden Condominiums 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 Association Bylaws which are incorporated herein by reference as they are currently set forth as Exhibit "B" of the Enabling Declaration.

- 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 Corporation 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 64 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.

Bylaws. The Corporation has adopted bylaws in accordance with the Enabling Declaration for Three Fountains North Ogden, which Enabling Declaration was recorded in the records of Weber County, Utah, on June 16, 1998, in Book 1935, beginning on page 1785 as entry #1552958. The Corporation hereby adopts the bylaws by reference as found in the Enabling Declaration of Three Fountains North Ogden as Exhibit "B". Hereafter, bylaws may be adopted, amended or replaced by the vote of Members as provided in the bylaws.

Address of Corporation's Registered Office. The principal place of business of the Corporation, and its initial offices are located at 325 East 2550 North, # 121, North Ogden, Utah 84414. 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 Three Fountains North Ogden Enabling Declaration and Bylaws.

Board of Directors. There will initially be five (5) 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>
LARRY J. BYBEE	325 E 2550N #6 N. Og., UT 84414
PAT SLOAN	325 E 2550N #21 N. Og., UT 84414
DORIS LANG	325 E 2550N #20 N. Og., UT 84414
ADELE BEAL	325 E 2550N #84 N. Og., UT 84414
PAT BAKER	325 E 2550N #2 N. Og., UT 84414

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

Officers. The initial officers of the corporation are:

Chairman - LARRY J. BYBEE
 Vice-chairman - PAT SLOAN
 Secretary - DORIS LANG
 Treasurer - ADELE BEAL
 BOARD MEMBER - PAT BAKER

Semi-Annual Meeting. The Semi-annual meetings of the Unit Owners shall be held in the months of April and October at such place as the Board of Directors shall specify. Thereafter, the semi-annual meetings shall be held on such day of each succeeding year, provided, however, that whenever such date falls on a legal holiday, the meeting shall be held on the next succeeding business day, and provided further, that the Board of Directors may by resolution fix the date for the semi-annual meeting on such date and at such place as the Board may deem appropriate.

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>
LARRY J. BYBEE	325 E. 2550 N. #6 N. Og., UT 84414
PAT SLOAN	325 E. 2550 N # 21 N. Og., UT 84414
DORIS LANG	325 E. 2550 N. #20 N. Og., UT 84414
ADELE BEAL	325 E. 2550 N. #84 N. Og., UT 84414
PAT BAKER	325 E. 2550 N. #2 N. Og., UT 84414

EXHIBIT "A"

Legal Description

EXHIBIT "A"

The following units in the buildings indicated, in three Fountains North Ogden Condominium, Amended, North Ogden City, Weber County, Utah

Buildings	Units	Tax I.D. #
E-4	1 through 8	18-116-0001 through 0008
E-5	9 through 16	18-116-0009 through 0016
P-2	17 through 24	18-116-0017 through 0024
E-8	81 through 88	18-116-0025 through 0032
P-1	89 through 96	18-116-0033 through 0040
E-1	97 through 104	18-116-0041 through 0048
E-2	105 through 112	18-116-0049 through 0055
E-3	113 through 120	18-116-0056 through 0063




EXHIBIT "B"

Articles of Incorporation

Articles of Incorporation FOR THREE FOUNTAINS NORTH OGDEN 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 Three Fountains North Ogden 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 unit owners of the Three Fountains North Ogden located in Weber County, Utah, and to enforce the Enabling Declaration for Three Fountains North Ogden, which Enabling Declaration was recorded in the records of Weber County, Utah, on June 16, 1998, in Book 1935, beginning on page 1785 as entry #1552958, and any amendments thereto, and to provide the other services and perform all of the other functions set forth in the Enabling 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 Three Fountains North Ogden, 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 Three Fountains North Ogden 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 64 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 Corporation 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 Corporation, subject to the following:
 - a. **Voting.** Each Unit Owner shall have right to vote based on percentages as provided in the Three Fountains North Ogden Enabling Declaration, any amendments to Enabling Declaration, and bylaws.
 - b. **Subject to Assessment.** No vote shall be cast or counted for any Unit not subject to assessment;

NOW THEREFORE, To accomplish the unit owners' objectives, the following amendment is adopted creating the Three Fountains North Ogden Homeowners Association, Inc., a Utah nonprofit corporation. If there is any conflict between this Amended Declaration, the Enabling Declaration and the Bylaws, this document shall control.

This Amended Declaration shall become effective upon recording. The Three Fountains North Ogden Enabling Declaration is hereby amended as follows:

AMENDMENT

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 Three Fountains North Ogden 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 Three Fountains North Ogden and governing the affairs of Three Fountains North Ogden 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);
 - c. and the Bylaws of the Association herein referenced.

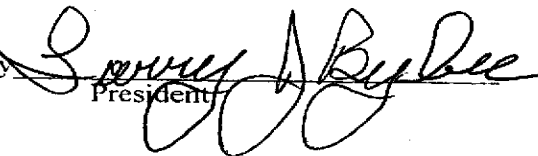
as the governing documents of Three Fountains North Ogden Homeowners Association, Inc., which documents shall constitute equitable servitudes that shall run with the real property described in Exhibit "A".

CERTIFICATION

It is hereby certified that condominium unit owners holding at least two-thirds (2/3) of the undivided ownership interest in the Three Fountains North Ogden common areas and facilities have voted to approve these amendments.

IN WITNESS WHEREOF, this 28 day of NOVEMBER 2008.

Three Fountains North Ogden

By 
President

CERTIFICATION

It is hereby certified that condominium unit owners holding at least two-thirds (2/3) of the undivided ownership interest in the Three Fountains North Ogden common areas and facilities have voted to approve these amendments.

IN WITNESS WHEREOF, this 20 day of NOVEMBER, 2008.

Three Fountains North Ogden

By *[Signature]*
President

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

On this 20 day of NOVEMBER, 2008, personally appeared before me LARRY J. BYBEE, who, being by me duly sworn, did say that (s)he is President of the Three Fountains North Ogden Homeowners Association and that the within and foregoing instrument was signed in behalf of said Association and (s)he duly acknowledged to me he executed the same.

[Signature]
Notary Public

