



\*W2418199\*

EN 2418199 PG 1 OF 4  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
16-JUN-09 1124 AM FEE \$201.00 DEP JKC  
REC FOR: NEWTOWNE SQUARE

**AMENDMENT  
TO THE  
DECLARATION  
OF  
COVENANTS, CONDITIONS & RESTRICTIONS  
OF  
NEWTOWNE SQUARE  
AT  
COLONIAL SPRINGS  
(A Planned Unit Development)**

This amendment ("Amended Declaration") is made and executed on the date shown below by the lot owners of Newtowne Square at Colonial Springs (hereinafter "Newtowne Square" or "Association") after having been voted upon and approved.

**RECITALS**

WHEREAS, Newtowne Square at Colonial Springs was created by a "Declaration of Covenants, Conditions and Restrictions for Newtowne Square at Colonial Springs, a Utah Planned Unit Development" (hereinafter "Enabling Declaration") recorded in the records of Weber County, Utah, on June 28, 2002, in book 2243, beginning on page 847, as entry number 1858393; and

WHEREAS, the Newtowne Square lot owners desire to amend the Enabling Declaration to update and modify provisions in the Enabling Declaration and any amendments thereto. The real property against which this Amended Declaration shall be recorded is located in Weber County, Utah, and more particularly described in Exhibit "A", attached.

NOW THEREFORE, To accomplish the lot owners' objectives, the following amendments are adopted by the lot owners of Newtowne Square, and does hereby amend the Enabling Declaration and any amendments thereto. If there is any conflict between this Amended Declaration and the Enabling Declaration and any amendments thereto, this Amended Declaration shall control.

This amendment shall become effective upon recording. The Newtowne Square Enabling Declaration is hereby amended as follows:

**AMENDMENTS**

**ARTICLE I**

**AUTHORITY OF BOARD TO CHNGE REGISTERED AGENT**

- 1.1 Article XIII, paragraph 9, of the Enabling Declaration is hereby deleted and the following provision is hereby adopted in place thereof:

**1.1(A)** The name and address of the person authorized to receive service of process in behalf of the Association is:

Kimberly S. Fidler  
128 W 2525 N  
Harrisville, UT 84414

**1.1(B)** The Board of Directors shall have the right to appoint a successor substitute process agent and registered agent without the need to receive approval from the members of the Association. Such successor or substitute agent and his or her address shall be specified by an appropriate instrument filed by the Board with the State of Utah, Department of Commerce, and/or in the office of the County Recorder of Weber County, State of Utah.

## ARTICLE II

### COMPENSATION FOR SERVICES BY BOARD MEMBERS

2.1 Article Four, Section 4 (Compensation) of the Bylaws of Newtowne Square at Colonial Springs Owners Association, Inc., is hereby deleted and the following provision is hereby adopted in place thereof:

**2.1(A) Compensation.** Board members may be compensated for their services as described herein and shall be reimbursed for all expenses reasonably incurred in connection with Board business and approved by the Board. Board members who do bookkeeping services for the association (paying bills, receiving monthly payments from association members, preparing tax returns, etc.) shall only be paid pursuant to a written contract entered into with the Board that specifically describes the services to be performed and the amount of compensation to be received.

**2.1(B)** Board members may be compensated for attendance at monthly Board meetings and for their services to the association as set forth in a schedule established by the Board and distributed to unit owners retroactively beginning January 1, 2008. Such compensation shall not exceed the sum of \$50.00 per month and may be paid in the form of a credit toward the board member's monthly HOA dues. Board members may be paid for other services provided to the association in connection with time they spend in behalf of association business, but only to the extent such payments are authorized in writing in advance by a majority of the Board.

CERTIFICATION

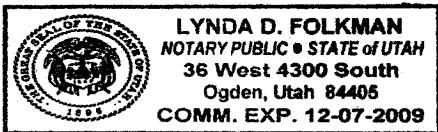
It is hereby certified that at least sixty-seven percent (67%) of the total votes of the Association have voted to approve this amendment.

IN WITNESS WHEREOF, this 16 day of June, 2009.

By *Kimberly S. Fidler*  
President

STATE OF UTAH                    )  
  :SS.  
COUNTY OF WEBER            )

On this 16<sup>th</sup> day of JUNE, 2009, personally appeared before me KIMBERLY S. FIDLER, who, being by me duly sworn, did say that (s)he is President of the Newtowne Square Board and that the within and foregoing instrument was signed in behalf of said Board of Directors and (s)he duly acknowledged to me he executed the same.



*Lynda D. Folkman*  
Notary Public

EXHIBIT "A"

Legal Description of Lots

All of lots 1 through <sup>34</sup>, New Towne Square at Colonial Springs SAP Phase 01,  
Harrisville City, Weber County, Utah.

*and common area*

All of lots ~~5~~ through <sup>100</sup>, New Towne Square at Colonial Springs SAP Phase 02,  
Harrisville City, Weber County, Utah.

*and common area*

All of lots <sup>67</sup> through <sup>109</sup>, New Towne Square at Colonial Springs SAP Phase 03,  
Harrisville City, Weber County, Utah.

*and common area*

All of lots <sup>110</sup> through <sup>147</sup>, New Towne Square at Colonial Springs SAP Phase 04,  
Harrisville City, Weber County, Utah.

*and common area*

All of lots <sup>148</sup> through <sup>182</sup>, New Towne Square at Colonial Springs SAP Phase 05,  
Harrisville City, Weber County, Utah.

*and common area*

17-267-0001 - 0034 *td* 17-267-0035 *td*  
 17-289-0001 - 0033 *td*  
 17-295-0001 - 0044 *td*  
 17-326-0001 - 0039 *td*  
 17-327-0001 - 0038 *td*