

BY-LAWS OF BUTTERCUP ESTATES PROPERTY OWNERS ASSOCIATION

A Utah Non-Profit Corporation

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The Property is described as Buttercup Mobile Home Estates and Buttercup Estates Subdivision as the official plats thereof are recorded in the office of the Rich County Recorder.

I. IDENTITY

These are the By-laws of Buttercup Estates Property Owners Association, duly made and provided for in accordance with the Act. Any term used herein which is defined in the Declaration to which the By-laws are appended shall have the meaning ascribed therein.

II. APPLICATION

All present or future owners, tenants, or any other persons who might use the facilities of Buttercup Estates in any manner are subject to the regulations set forth in these By-laws. The mere acquisition or rental of any of the units or parts thereof, or the mere act of occupancy or use of any of said units or parts thereof or the common areas and facilities will signify that these By-laws are accepted, ratified, and will be complied with by said persons.

III. ADMINISTRATION

1. Place of Meetings. Meetings of the Association shall be held at such place within the State of Utah as the management committee may specify in the notice, except as herein otherwise specified.

2. Annual Meetings. The first annual meeting of the Association shall be held at the Buttercup Estates project on June 11, 1988. Thereafter, the 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 further provided that the management committee may by resolution fix the date of the annual meeting on such date or at such other place as the management committee may deem appropriate.

3. Special Meetings. Special meetings of the Association may be called at any time by the management committee or by any unit

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Requested By Buttercup Estates P.O.A.

owners who collectively hold at least thirty percent of the total f vote. Such meeting shall be held on the project or such other place as the management committee may specify and the notice thero shall state the date, time and matters to be considered.

4. Notices. Written or printed notice stating the place, day and hour of all meetings of the association and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten days before the date of the meeting, either personally or by mail to each unit owner. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the association, with postage thereon prepaid.

5. Quorum. At the meeting of the association, the owners of more than fifty percent in the agregate of interest in the undivided ownership of the common areas and facilities shall constitute a quorum for any and all purposes, except where express provisions of these By-Laws or the Declaration require vote of more than fifty percent of the association, in which event a quorum shall be the percentage of interest required for such vote. In the absence of a quorum, the chairman of the meeting may adjourn the meeting from time to time, without notice other than by announcement at the meeting, until holders of the amount of interest requisite to constitute a quorum shall attend. At any such adjourned transacted which might have been transacted at the meeting as originally notified.

6. Voting. When a quorum is present at any meeting, the vote of owners representing more than fifty precent of the undivided interest present at the meeting either in person or represented by proxy, shall decide any question of business brought before such meeting, including the election of the management committee, unless the question is one upon which, by express provision of the declaration or these By-Laws, a greater vote is required, in which case such express provision shall

govern and control the decision of such question. All votes may be cast either in person or by proxy. All proxies shall be in writing, and in the case of proxies for the annual meeting, they shall be delivered to the secretary at least five days prior to said annual meeting. Proxies for special owners' meetings must be of record with the secretary at least two days prior to said special meeting.

7. Waivers of Notice. Any owner may at any time waive any notice required to be given under these By-Laws, or by statute or otherwise. The presence of an owner in person at any meeting of the owners shall be deemed such waiver.

#### IV. MANAGEMENT COMMITTEE

1. Purpose of Powers. The business, property and affairs of the project shall be managed and governed by the management committee, which for purposes of the Utah Nonprofit Corporation and Cooperative Association Act shall be the same as the "Governing Board" as used in said Act.

2. Election. The management committee shall be elected as provided in the Declaration.

3. Vacancies. Vacancies on the management committee shall be filled as provided in the Declaration.

4. Regular Meetings. A regular annual meeting of the management committee shall be held immediately after the adjournment of each annual meeting of the owners. Regular meetings, other than the annual meeting, shall or may be held at regular intervals at such places and at such times as either the President or the management committee may from time to time designate.

5. Special Meetings. Special meetings of the management committee shall be held whenever called by the President, Vice-President, or by two or more members of the committee. By unanimous consent of the management committee, special meetings may be held without call or notice at any time or place.

6. Quorum. A quorum for the transaction of business at any meeting of the management committee shall consist of a majority of the members of the management committee then in office.

7. Compensation. Members of the management committee as such, shall not receive any stated salary or compensation, provided that nothing herein contained shall be construed to preclude any member of the management committee from serving the project in any other capacity and receiving compensation therefor.

8. Waiver of Notice. Before or at any meeting of the management committee, any member thereof, may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a member of the management committee at any meeting thereof shall be a waiver of notice by him of the time and place thereof.

9. Adjournments. The management committee may adjourn any meeting from day to day or for such other time as may be prudent or necessary, provided that no meeting may be adjourned for longer than thirty days.

#### V. OFFICERS

1. Designation and Election. The principal officers of the management committee shall be a President, Vice-President, a Secretary, and a Treasurer, all of whom, shall be elected by and from the management committee. The management committee may appoint an assistant secretary and an assistant treasurer and such other officers as in their judgment may be necessary or desirable. Such election or appointment shall regularly take place at the first meeting of the management committee immediately following the annual meeting of the unit owners; provided, however, that elections of officers may be held at any other meeting of the management committee.

2. Other Officers. The management committee may appoint such other officers, in addition to the officers hereinabove expressly named, as they shall deem necessary, who shall have

authority to perform such duties as may be prescribed from time to time by the management committee.

3. Removal of Officers and Agents. All officers and agents shall be subject to removal, with or without cause, at any time by the affirmative vote of the majority of the then members of the management committee.

4. President. The president shall be the chief executive of the management committee, and shall exercise general supervision over its property and affairs. He shall sign on behalf of the project all conveyances, mortgages and contracts of material importance to its business, and shall do and perform all acts and things which the management committee may require of him. He shall preside at all meetings of the owners and the management committee. He shall have all of the general powers and duties which are normally vested in the office of the President of a corporation, including, but not limited to, the power to appoint committees from among the members (or otherwise) from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the project.

5. Vice-President. The Vice-President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice-President is able to act, the management committee shall appoint some other member thereof to do so on an interim basis. The Vice-President shall also perform such other duties as shall from time to time be prescribed by the management committee.

6. Secretary. The Secretary shall keep the minutes of all meetings of the management committee and of the owners; he shall have charge of the books and papers as the management committee may direct; and shall in general, perform all the duties incident to the office of secretary.

7. Treasurer. The Treasurer shall have the responsibility for the funds and securities of the management committee and shall be responsible for keeping full and accurate accounts of all

receipts of all disbursements in books belonging to the management committee. He shall be responsible for the deposit of all monies and all other valuable effects in the name, and to the credit of, the management committee in such depositories as may from time to time be designated by the management committee.

8. Compensation. No compensation shall be paid to the officers for their services as officers. No remuneration shall be paid to an officer for services performed by him for the management committee in any other capacity, unless a resolution authorizing such remuneration shall have been unanimously adopted by the management committee before the services are undertaken.

#### VI. ACCOUNTING

1. Books and Accounts. The books and accounts of the management committee shall be kept under the direction of the Treasurer and in accordance with the reasonable standards of accounting procedures.

2. Report. At the close of each accounting year, the books and records of the management committee shall be reviewed by a person or firm approved by the unit owners. Report of such review shall be prepared and submitted to the unit owners at or before the annual meeting of the unit owners. Provided, however, that a certified audit by a certified public accountant approved by the unit owners shall be made if owners representing at least seventy five percent of the undivided interest in the common areas and facilities determine to require the same.

3. Inspection of Books. All books and records at the association shall be available at the principal office of the management committee and may be inspected by any unit owner, or his agent or attorney, for any proper purpose at any reasonable time.

#### VII. BUILDING RULES

The management committee shall have the power to adopt and establish, by resolution, such building, management and opera-

tional rules and regulations as it may deem necessary for the maintenance, operation, management and control of the Buttercup Estates Project, and the management committee may from time to time, by resolution, alter, amend, and repeal such rules and regulations. Owners shall at all times obey such rules and regulations and use their best efforts to see that they are faithfully observed by their lessees and the persons over whom they have or may exercise control or supervision, it being clearly understood that such rules and regulations shall apply and be binding upon all owners of the project.

VIII. AMENDMENT OF THE BY-LAWS

These By-Laws may be altered or amended in the same manner and subject to the same conditions as apply with respect to amendment of the Declaration.

IX. OPERATION AND MAINTENANCE OF PROJECT

The management committee shall be responsible for the maintenance, control, operation and management of the Buttercup Estates Project in accordance with the Declaration under which the project was established and submitted, these By-Laws and such rules and regulations as the association of unit owners may adopt from time to time as herein provided, and all agreements and determinations lawfully made and entered into by the association of owners.

BUTTERCUP ESTATES

ATTEST:

BY Barbara Wise  
Secretary

Don S. Milligan  
President

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

Personally appeared before me Don S. Milligan and Barbara Wise, the signers of the foregoing Bylaws, who duly acknowledged to me that they executed the same.

DATED THIS 20th day of September, 1990.

Gaye H. Brower  
NOTARY PUBLIC residing at:  
Salt Lake City

