

Briarwood Condominiums
1345 East Kent #1
Ogden, Utah 84404

#6.00
838779

Donna Staker
JUN 29 12 27 PM '81

PLATTED VERIFIED
ENTERED MICROFILMED

BOOK 1384 PAGE 1220

FILED AND RECORDED FOR
Briarwood Condominiums

CERTIFICATE OF AMENDMENT TO BY-LAWS AND DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTION OF BRIARWOOD CONDOMINIUM PROJECT

WHEREAS, Declaration of Covenants, Conditions and Restrictions of Briarwood Condominium Project was duly recorded in the office of the Weber County Recorder in Book 1015, Page 150, on January 26, 1973.

AND WHEREAS, Briarwood Condominium Project is contained within the following described real property situate in Weber County, Utah, to-wit:

13-142-0001 75 0046
13-143-0001 75 0046
13-144-0001 75 0046
+ 75 25 374

A part of the West half of Section 22, T6N, R1W, S18&M U. S. Survey. Beginning at a point which is East 982.45 feet and South 552.08 feet from the northwest corner of the said southwest quarter section, said point being in the northwest corner of the intersection of Tyler Avenue and 15th Street; running thence three courses along the West line of Tyler Avenue as follows: South 4°53'49" West 336.72 feet southerly along the arc of 142.61 foot radius curve to the right, 99.32 feet (L.C. bears South 24°56'55" West 97.79 feet), and South 45°00' West 1.54 feet to the North line of 16th Street; thence Westerly along the arc of a 293.81 foot radius curve to the left 163.41 feet (L.C. bears North 66°46'05" W. 161.05 feet), to the East line of Harrison Blvd.; thence four courses along said East line of Harrison Blvd. as follows: Northerly along the arc of a 5769.58 foot radius curve to the left 444 feet (L.C. bears North 5°56'51" East 443.89 feet), North 2°36' East 106.73 feet, North 5°33'10" East 286.34 feet and North 2°33' East 45.00 feet to the South line of Canyon Road; thence three courses along said South line as follows: North 61°54' East 165.50 feet, Easterly along the arc of a 2944.79 foot radius curve to the left 541.48 feet (L.C. bears S. 61°23'43" East 540.72 feet) and South 69° 25'50" East 242.69 feet to the West line of Mountain Road; thence two courses along said West line as follows: South 17°47'58" West 160.00 feet and southerly along the arc of a 515.70 foot radius curve to the left 61.23 feet to the North line of 15th Street; thence West 636.06 feet along said North line to the point of beginning. Contains 10.15 acres.

AND WHEREAS, Don Fouser is the duly elected chairman of the management committee of the Briarwood Condominium Project, and Vicki Jennings is the secretary of such committee.

NOW, THEREFORE, Don Fouser, chairman, and Vicki Jennings, secretary, hereby certify that by the affirmative vote of a majority of the owners present and voting at the special meeting of the Briarwood Condominium Project held on Tuesday, June 9, 1981 at 7:30 p.m., duly amended Article IV, Section 1: Article V.

of the By-Laws contained in the Declaration of Covenants, Conditions and Restrictions of Briarwood Condominium Project to read respectively:

ARTICLE IV,

Section 1. General. Apartment owners shall not sell, lease or sublet their units and any such sales, leases or subletting shall be void, unless the purchaser, tenant or subtenant be first approved by the Management Committee, which approval shall not unreasonably be withheld. Provided, however, no apartment owner shall lease, sublet or rent his unit until after a period of nine months from the date he purchased such unit.

ARTICLE V, Section 3,

1. No owner shall occupy or use his unit, or permit the same or any part thereof to be occupied or used for any purpose other than as a private residence for the owner and the owner's family or the owner's lessees or guests. Further, no unit shall be occupied by more than three persons who are not related to the owner of such unit; and "not related to the owner" shall be defined as any person other than a grandparent, parent, child, stepchild, husband, wife, brother, sister, aunt, uncle, niece or nephew of the owner.

5. Except as hereinafter provided, no household pets of any kind (including cats and dogs), livestock, animals, reptiles, birds, or poultry shall be raised, bred, or kept in any unit or in the common area; provided, however, that cats, dogs or other household pets kept or raised in units on the day of recordation of this amendment may continue to be kept or raised in units, subject to rules and regulations adopted by the management committee; provided, further, that special trained dogs used for the blind or deaf, or for law enforcement purposes, shall be allowed to be kept or raised in any unit.

ARTICLE VI,

Section 1. Assessment. Each apartment owner shall pay the management committee his pro rata portion of the cash requirement deemed necessary by the committee to manage and operate the Briarwood Condominiums and the recreational areas and facilities, if any, upon the terms, at the times, and in the manner herein provided without any deduction on account of any set-off or claim which the owner may have against the management, and if the owner shall fail to pay any installment within one (1) month from the time when the same becomes due, the owner shall pay penalty thereon at the rate of three (3%) percent per month from the date when such installment shall become due to the date of the payment thereof.

Each monthly assessment and each special assessment shall be separate, distinct and personal debts and obligations of the owner against whom the same are assessed at the time the assessment is made and shall be collectible as such. Suit to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same. The amount of any assessment, whether regular or special, assessed to the owner of any condominium plus penalty at three (3%) percent per month, and costs, including reasonable attorney's fees, shall become a lien upon such apartment upon recordation of a notice of assessment as provided in Section 57-8-20 U.C.A. 1953 of the Condominium Act.

DATED this _____ day of June, 1981.

Donald Fouser
DON FOUSER, Chairman of
Management Committee of
Briarwood Condominiums

Vicki Jennings
VICKI JENNINGS, Secretary of
Management Committee of
Briarwood Condominiums

STATE OF UTAH)
) 55
COUNTY OF WEBER)

On the _____ day of June, 1981, personally appeared before me
Don Fouser and Vicki Jennings, the signers of the within instrument,
who duly acknowledged to me that they executed the same.

Noel B. Amstutz
NOTARY PUBLIC
Residing at Ogden, Utah