

8714452

8714452  
07/01/2003 01:46 PM 70.00  
Book - 8832 Pg - 1625-1631  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
STAN FITTS  
40 E SOUTH TEMPLE #300  
SLC UT 84111  
BY: ZJM, DEPUTY - WI 7 P.

WHEN RECORDED MAIL TO:

Stan Fitts  
40 E. South Temple #300  
SLC, Utah 84111

AMENDMENT  
TO  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF SCENIC VIEW ACRES, PHASES 1, 2 AND 3

THIS AMENDMENT is made effective the 14 day of November 2002, to the Declarations of Covenants, Conditions and Restrictions Scenic View Acres, Phases 1, 2, and 3, previously recorded in the official records of the Salt Lake County Recorded as Instrument 6121787, Book 7187, Page 2818-2826 (Phase 1), Instrument 6382907, Book 7422, Page 1679-1687 (Phase 2), and Instrument 6575128, Book 7600, Page 2966-2974.

This Amendment is made for the purpose of clarifying that the "Association" referenced in the declarations for each of the phases of the subdivision, including without limitation Sections 2.1 and 4.14, is a single association for all the subdivision phases, may be in the form of a corporation, and is presently in existence in the form of the Utah corporation known as Scenic View Acres Estates Homeowner's Association, Incorporated, a Utah not-for-profit corporation. This Amendment is also for the purpose of clarifying the scope of responsibility of the Association.

The Declarations of Covenants, Conditions and Restrictions for Phases 1, 2 and 3 of the Scenic View Acres subdivision are each amended as follows:

- 1. Section 1.5: Section 1.5 is amended to add the following provision:

Notwithstanding any other provision of the Declarations regarding approvals by, or rights, duties, obligations or responsibilities of, the Association or Architectural Control Committee, the Association shall have no right, duty, obligation or responsibility to take any action to enforce any provision of the Declarations other than those provisions relating to ownership, governance, management and use of the irrigation water shares and facilities. The right of enforcement of the Declarations, other than matters pertaining to irrigation water, facilities or use, shall be vested in the Owners as provided in §5.1

Where provision is made in the Declarations for approvals or exceptions to be made by the Architectural Control Committee, such approval or exception may be obtained by majority vote of members of the Association at a regular or special

meeting of the Association or by written vote by a majority of the members of the Association without a meeting as provided by Utah Code Ann., §16-6a-707. However, the Association shall not be responsible for enforcement of any requirement for review, approval or exception by the Architectural Control Committee or Association and such enforcement right and responsibility shall be vested in the Owners. The Association shall not make any approval or exception which does not comply with applicable governmental regulations.

**2. Section 2.1:** Section 2.1 is amended to add the following provision:

A single organization may be organized as the "Association" for Phases 1, 2 and 3 of the Scenic View Acres Subdivision.

The Association may be organized in the form of a not-for-profit corporation under the laws of the State of Utah. In such case, each Owner shall be a member and the Owner of each lot shall have one vote for each lot owned on matters requiring a vote of the members of the not-for-profit corporation.

It is hereby acknowledged, confirmed and ratified that the Association for Phases 1, 2 and 3 is presently organized in the form of SCENIC VIEW ACRES ESTATES HOMEOWNERS' ASSOCIATION, INCORPORATED, a Utah non-profit corporation. Said corporation has all rights, powers and authorities of the Association referenced herein and as otherwise provided under the laws of the State of Utah governing such corporations and in the Articles of Incorporation and other organizational documents of the corporation. The Articles of Incorporation and Bylaws for Scenic View Acres Estates Homeowners' Association, Incorporated, as amended from time to time, are hereby acknowledged, approved and adopted for the Association and take precedence over the provisions of the declarations of the subdivision phases regarding the Association, its organization, operation and governance.

**3. Section 4.14:** Section 4.14 is amended to add the following provision:

The Association herein is the same association referenced in Section 2.1 and presently organized as Scenic View Acres Estates Homeowners' Association, Incorporated.

The three-member committee may be organized as the governing board (whether directors, trustees or governors) of a nonprofit corporation organized as the Association for the subdivision. The committee may be increased to five members. It is hereby acknowledged, confirmed, and ratified that the committee is currently organized as the Board of Trustees of Scenic View Acres Estates Homeowners' Association, Incorporated, a Utah nonprofit corporation.

4. Section 5.1: Section 5.1 is amended to add the following provision:

The Association shall have no right, duty, obligation or responsibility to enforce any provisions of the Declarations, other than those provisions pertaining to ownership, governance, management and use of the irrigation water shares and facilities and as provided in Section 4.14.

5. Vote and Approval: This Amendment was duly approved by a vote of at least seventy-five percent (75%) of the total votes of all owners of each of Phases 1, 2 and 3 of Scenic View Acres subdivision at a duly called meeting of owners. The meeting was held on held pursuant to prior notice on the 14 day of November, 2002. 17 of the 23 lot owners from Phase 1 attended and 17 owners voted in favor of the Amendment. 9 of the 12 lot owners from Phase 2 attended and 9 voted in favor of the Amendment. 12 of the 14 lot owners from Phase 3 attended and 12 voted in favor of the Amendment.

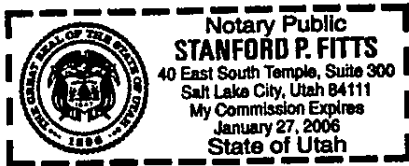
Dated this 11 day of March, 2003.

Scenic View Acres Estates Homeowners' Association, Incorporated.

Larry Robinson  
By: Larry Robinson  
Its: President

State of Utah )  
County of Salt Lake)

The foregoing instrument was acknowledged before me the 11th day of March, 2003, by Larry Robinson, President of Scenic View Acres Estates Homeowners' Association, Incorporated.



Stanford P. Fitts  
NOTARY PUBLIC

RXLP SCENIC VIEW ACRES PH 1			BLK, LOT-QUAR		OBSOLETE?
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	
		L	1	33-09-427-004-0000	NO
		L	2	33-09-427-003-0000	NO
		L	3	33-09-427-002-0000	NO
		L	4	33-09-427-001-0000	NO
		L	5	33-09-426-001-0000	NO
		L	6	33-09-401-015-0000	NO
		L	7	33-09-401-014-0000	NO
		L	8	33-09-401-013-0000	NO
		L	9	33-09-401-012-0000	NO
		L	10	33-09-401-011-0000	NO
		L	11	33-09-401-010-0000	NO
		L	12	33-09-403-001-0000	NO
		L	13	33-09-403-002-0000	NO
		L	14	33-09-403-003-0000	NO
		L	15	33-09-403-004-0000	NO
		L	16	33-09-403-005-0000	NO
		L	17	33-09-428-001-0000	NO
		L	18	33-09-428-002-0000	NO
		L	19	33-09-428-003-0000	NO
		L	20	33-09-428-004-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP SCENIC VIEW ACRES PH 1				BLK, LOT-QUAR	
B· FLG ·	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLETE?
		L	21	33-09-428-005-0000	NO
		L	22	33-09-428-006-0000	NO
		L	23	33-09-428-007-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP SCENIC VIEW ACRES PH 2			BLK, LOT-QUAR		OBSOLETE?
B· FLG ·	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	
		L	201	33-09-428-014-0000	NO
		L	202	33-09-428-013-0000	NO
		L	203	33-09-428-012-0000	NO
		L	204	33-09-428-011-0000	NO
		L	205	33-09-428-010-0000	NO
		L	206	33-09-428-009-0000	NO
		L	207	33-09-429-001-0000	NO
		L	208	33-09-429-002-0000	NO
		L	209	33-09-429-003-0000	NO
		L	210	33-09-429-004-0000	NO
		L	211	33-09-429-005-0000	NO
		L	212	33-09-429-006-0000	NO

PF1=VTDI PF5=RKKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP SCENIC VIEW ACRES PH 3			BLK, LOT-QUAR		OBSOLETE?
B' FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	
		L	301	33-09-428-015-0000	NO
		L	302	33-09-403-010-0000	NO
		L	303	33-09-403-009-0000	NO
		L	304	33-09-403-008-0000	NO
		L	305	33-09-403-007-0000	NO
		L	306	33-09-403-006-0000	NO
		L	307	33-09-402-009-0000	NO
		L	308	33-09-402-010-0000	NO
		L	309	33-09-402-011-0000	NO
		L	310	33-09-402-012-0000	NO
		L	311	33-09-402-013-0000	NO
		L	312	33-09-402-014-0000	NO
		L	313	33-09-402-015-0000	NO
		L	314	33-09-429-007-0000	NO

PF1=VTDI PF5=RKKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN