



ENT 97686:2019 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Sep 30 10:32 am FEE 90.00 BY SM
RECORDED FOR CANYON BREEZE MANOR HOA

**ARTICLES OF INCORPORATION
OF
CANYON BREEZE MANOR
HOME OWNER'S ASSOCIATION, INC.**

In compliance with the requirements of Utah Revised Nonprofit Corporation Act, 16-6a-202 et seq., Utah Code Annotated 1953, as amended, the undersigned, all of whom are residents of the State of Utah and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

ARTICLE I

The name of the corporation is CANYON BREEZE MANOR HOME OWNER'S ASSOCIATION, INC., hereinafter called the "Association".

ARTICLE II

The period of duration of the Association shall be perpetual.

ARTICLE III

The initial registered office of the Association is located at 494 West 1300 North, Springville, UT 84663.

ARTICLE IV

Troy Riding, whose address is 494 West 1300 North, Springville, UT 84663, is hereby appointed the initial registered agent of the Association.

ARTICLE V

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residence Units and Common Area within that certain tract of property described as the Canyon Breeze Manor, and to promote the health, safety and welfare of the residents within the above-described property and any additions thereto as may hereafter be

brought within the jurisdiction of this Association for this purpose to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration" applicable to the property and recorded or to be recorded, by the Declarant, in the Office of the Utah County Recorder, State of Utah, and as the same may be amended from time to time as therein provided said Declaration being incorporated herein as if set forth at length;

(b) fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, and with the assent of sixty-seven percent (67%) of the entire membership of members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by sixty-seven percent (67%) of the entire membership agreeing to such dedication, sale or transfer;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of sixty-seven percent (67%) of the entire membership;

(g) have and to exercise any and all powers, rights and privileges which a corporation organized under the Utah Nonprofit Corporation and Cooperative Association Act by law may now or hereafter have or exercise.

ARTICLE VI

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Unit which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or

entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Unit which is subject to assessment by the Association.

ARTICLE VII

VOTING RIGHTS

The Association shall have two (2) classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Unit owned. When more than one person holds an interest in any Unit, all persons shall be members. The vote for such Unit shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Unit.

Class B. The Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to five (5) votes for each Unit owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) the surrender of Class B membership status by the express written consent of the Declarant; or
- (b) the expiration of seven (7) years from the first lot conveyance to a third party.

ARTICLE VIII

SHARES

The corporation will not issue shares evidencing membership or interests in water or other property rights.

ARTICLE IX

BOARD OF TRUSTEES

The affairs of this Association shall be managed by a Board of three (3) Trustees, who need not be members of the Association. The number of Trustees may be changed by amendment of the By-Laws of the Association.

ARTICLE X

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less

than sixty-seven percent (67%) of the entire membership. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE XI

AMENDMENTS

Amendment of these Articles shall require the assent of sixty-seven percent (67%) of the entire membership, except that so long as the Declarant holds Class B membership, the Declarant may amend these Articles.

ARTICLE XII

INCORPORATORS

The names and addresses of the incorporator are as follows:


| <u>NAME</u> | <u>ADDRESS</u> |
|-------------|--|
| Troy Riding | 494 West 1300 North Springville, UT 84663 |

ARTICLE XIII

BY-LAWS

The internal affairs of the Association shall be regulated by By-Laws adopted by the Board of Trustees.

DATED this 27 day of September, 2019.



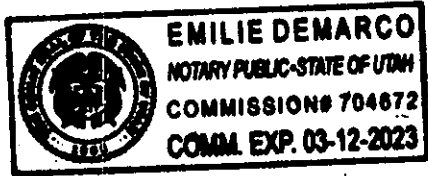
 Troy Riding
 Registered Agent

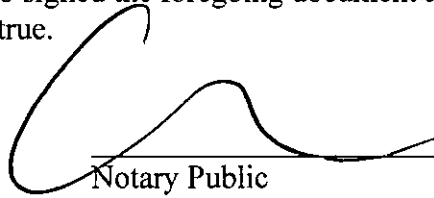


 Troy Riding, Incorporator

STATE OF UTAH)
 : ss.
COUNTY OF Utah)

I, Emilie Demarco, a Notary Public, hereby certify that on the 27 day of September, 2019, personally appeared before me Troy Riding who being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporators and that the statements therein contained are true.





Notary Public

Canyon Breeze Manor, PLAT A, LOTS 1-35

Serial Numbers:

| | |
|-------------|-------------|
| 65:583:0001 | 65:583:0027 |
| 65:583:0002 | 65:583:0028 |
| 65:583:0003 | 65:583:0029 |
| 65:583:0004 | 65:583:0030 |
| 65:583:0005 | 65:583:0031 |
| 65:583:0006 | 65:583:0032 |
| 65:583:0007 | 65:583:0033 |
| 65:583:0008 | 65:583:0034 |
| 65:583:0009 | 65:583:0035 |
| 65:583:0010 | |
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