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After Recording Return To:
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AMENDMENT TO THE
CONDOMINIUM DECLARATION
FOR
CENTURY VILLA

This Amendment to the Condominium Declaration for Century Villa ("Declaration") is made on the date evidenced below by the Century Villa Homeowners Association ("Association").

RECITALS

A. Certain real property in Salt Lake County, Utah, known as Century Villa was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration recorded on October 6, 1979, as Entry No. 3178966, Book 4751, Page 542 et seq., records of Salt Lake County, Utah;

B. This amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto;

C. Article XXV of the Declaration stipulates that Each Unit Owner, tenant or occupant of a Unit shall comply with the provisions of the Act, Declaration, Bylaws, and rules and regulations.

D. Article VII, Section (b)(4) of the Declaration prohibits owners from engaging in any noxious or offensive activity in their Unit or in the Common Areas and Facilities which may be or become a nuisance to the other Unit Owners or occupants;

E. Utah Code Annotated § 78B-6-1101 establishes that any tobacco smoke that drifts into a residential unit is a nuisance under the law;

F. Utah Code Annotated § 57-8-16(7)(b) provides that bylaws may include prohibitions on, or allowance of, smoking tobacco products as part of restrictions regarding the use of Units;

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G. The Federal Fair Housing Act protects persons with severe breathing problems which are exacerbated by secondhand smoke from having to endure tobacco smoke that drifts into a residential unit from a neighboring unit;

H. The Association adopts the position of the State of Utah and finds that smoking is a noxious and offensive activity constituting a nuisance. Accordingly, the Association finds that smoking is an activity that is prohibited by Article VII, Section (b)(4) of the Declaration. Furthermore, the Association finds it in the best interests of the owners that smoking be prohibited in Units and in Common Areas and Facilities within the development;

I. The purpose of this amendment is to amend Article VII, Section (b)(4) of the Declaration to prohibit smoking in a Unit and to limit smoking in the Common Areas and Facilities and to formalize the Association's position that smoking is prohibited in Units and limited to the parking areas of the Common Areas and Facilities;

J. Pursuant to Article XXVII of the Declaration, the necessary approvals to amend the Declaration were duly received to adopt and record this amendment.

NOW, THEREFORE, The Association hereby amends Article VII, Section (b)(4) of the Declaration to read as follows:

(4) No noxious or offensive activity of any kind shall be carried on in any Unit or in the Common Areas and Facilities, nor shall anything be done therein, either willfully or negligently, which may be or become an annoyance or nuisance to the other Unit Owners or occupants.

(i) Smoking in a Unit or in the Common Areas and Facilities of Century Villa Condominiums is a noxious and offensive activity creating a nuisance under this section of the Declaration. Accordingly, smoking in a Unit or in the Common Areas and Facilities of Century Villa Condominiums is strictly prohibited, except in the parking lot or carport area. In no case shall smoking be allowed within 30 feet of any building.

A. Owners shall be fined for smoking violations in accordance to the fine schedule adopted by the Association relating to smoking violations.

B. The effective date of this amendment shall be the date of recording this Amendment.

C. All Owners who rent or lease their Units shall prohibit smoking in their rental or lease agreements and shall inform their tenants of the Association's no-smoking policy. The no-smoking policy shall be incorporated into all lease and/or rental agreements currently in effect at the expiration of the existing agreement. If, as of the date of this Resolution, no agreement exists, the tenants are on a month-to-month tenancy, or the tenants are hold-over tenants, the Owner shall enter into an agreement with his/her tenants prohibiting smoking in

the Unit and in the Common Areas and Facilities within 30 days of the recording of this Amendment.

D. Any Owner who rents or leases his/her Unit shall be held liable for the actions of their tenant and shall be responsible to pay any and all fines levied against their Unit for violations of this Amendment by the renters or tenants in the Unit.

E. This amendment does not abrogate or otherwise alter an Owner or occupant's right to bring a private civil action for nuisance under Utah Code Ann. § 78B-6-1101, et seq. against another owner or occupant who smokes in a Unit or on the Common Areas.

IN WITNESS WHEREOF, THE CENTURY VILLA HOMEOWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 9 day of December, 2008, in accordance with the Declaration.

THE CENTURY VILLA HOMEOWNERS ASSOCIATION

Stephen L. Gardner
President

Stephen L. Gardner
Secretary

STATE OF UTAH)
) ss
County of Salt Lake)

On the 9th day of December, 2008, personally appeared Stephen L. Gardner and _____ who, being first duly sworn, did that say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Directors; and each of them acknowledged said instrument to be their voluntary act and deed.

Cindy R. Nunn
Notary Public for Utah

