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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
JAMESTOWN HOA
PO BOX 9243
SLC UT 84109
BY: EAP, DEPUTY - WI 3 P.

After recording return to:

Jamestown HOA
PO Box 9243
Salt Lake City, UT 84109

**AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
JAMESTOWN VILLA CONDOMINIUMS
22-08-238-013. 0006**

This Amendment Declaration of Covenants, Conditions, and Restrictions and Reservations of Easements ("Declaration") that established a planned residential community known as Jamestown Villa Condominiums is made on the date evidenced below by the Jamestown Villa Condominiums Owners Association ("Association").

RECITALS

A. Certain real property in Salt Lake County, Utah, known as Jamestown Villa Condominiums was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration dated November 4, 1997, and recorded as Document Entry No. 6781031, Book 7799, Page 0034 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 II, Section 17 of the Association's By-Laws stipulates that Each Unit Owner, tenant or occupant of a Unit shall comply with the provisions of the Act, Declaration, By-Laws, and rules and regulations.

D. Article VI, Section B(6) 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 is likely to become a nuisance to the other Unit Owners or occupants;

E. Utah Code Annotated § 78-38-1(3) establishes that any tobacco smoke that drifts into a residential unit is a nuisance under the law;

F. Utah Code Annotated § 78-8-16(7)(b) provides that bylaws may include prohibitions on, or allowance of, smoking tobacco products as part of restrictions regarding the use of Units;

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 Section B(6) 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 Section B(6) of the Declaration to prohibit smoking in a Unit or in the Common Areas and Facilities and to formalize the Association's position that smoking is prohibited in Units or in Common Areas and Facilities;

J. Pursuant to Article XIV 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 VI, Section B(6) of the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Jamestown Villa Condominiums to read as follows:

(6) 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 intentionally, which may be or is likely to become an annoyance or nuisance to the other Unit Owners or occupants.

(a) Smoking in a Unit or in the Common Areas and Facilities of Jamestown Villa Condominiums is a noxious and offensive activity created a nuisance under this section of the Declaration. Accordingly, smoking in a Unit or in the Common Areas and Facilities of Jamestown Villa Condominiums is strictly prohibited.

(1) Owners shall be fined for smoking violations with accordance to the fine schedule adopted by the Association relating to smoking violations.

(2) Except as provided in Article VI, Section B(6)(a)(3), the effective date of this amendment shall be the date of recording this Amendment.

(3) 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 this Resolution.

(4) 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 Resolution by the renters or tenants in the Unit.

(5) 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. § 78-38-1, et seq. against another owner or occupant who smokes in a Unit or on the Common Areas.

IN WITNESS WHEREOF, THE JAMESTOWN VILLA CONDOMINIUMS HOMEOWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 10 day of January, 2012, in accordance with the Declaration.

THE JAMESTOWN VILLA CONDOMINIUMS OWNERS ASSOCIATION

Seth Mayer

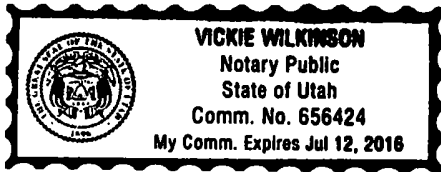
President

Kristi Grooms

Secretary

STATE OF UTAH)
) ss
County of Salt Lake)

On the 10 day of January, 2012, personally appeared Seth Mayer and Kristi Grooms 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 Trustees; and each of them acknowledged said instrument to be their voluntary act and deed.



Vickie Wilkinson

Notary Public for Utah
My Commission Expires: July 12, 2016