

**BY-LAWS
OF
MARRCREST HOMEOWNER'S ASSOCIATION**

**ARTICLE I
NAME AND LOCATION**

The name of the corporation is MARRCREST HOMEOWNER'S ASSOCIATION, INC., hereinafter referred to as the "ASSOCIATION." The principal office of the corporation shall be located at 80 MARRCREST SOUTH, (P.O. Box 1012) Provo, Utah 84601, but meetings of the members and Trustees may be held at such places within the State of Utah, County of Utah, as may be designated by the Board of Trustees.

**ARTICLE II
DEFINITIONS**

Section 1. "Association" shall mean and refer to MARRCREST HOMEOWNER'S ASSOCIATION, INC., its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all real property owned by the association for the common use and enjoyment of the Owners.

Section 4. "Lot" shall mean and refer to any plot of land shown upon aHy' recorded subdivision map of the Properties with thE: exception of the Common Area.

Section 5. "Owner" shall mean and refer to the record owner, whether one or More persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the properties recorded in the office of the UTAH COUNTRY RECORDER, UTAH COUNTY, UTAH.

Section 7. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

**ARTICLE III
MEETINGS**

Section 1. Annual Meetings. An annual meeting of the members shall be held within one year from the date of approval of the By-Laws and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter, at the hour of SIX (6) o'clock, P.M. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the President or by the Board of Trustees, or upon written request of the members who are entitled to vote one-fourth (1/4) of all of the votes of the members.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 30 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to vote, or of proxies entitled to vote, 50% (fifty percent) of the votes of the membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at the meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum aforesaid shall be present or be represented.

Section 5. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his lot. Proxies shall not be solicited except to support the recommendations of the Board, and/or the Nominating Committee.

ARTICLE IV BOARD OF TRUSTEES: SELECTION AND TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of seven (7) Trustees, who must be members or spouse a member of the Association.

Section 2. Term of Office. At the first annual meeting the members shall elect two (2) Trustees for a term of one (1) year, two (2) Trustees for a term of two (2) years and two (2) Trustees for a term of three (3) years; and at each annual meeting thereafter the members shall elect two (2) Trustees for a term of three (3) years. At the first annual meeting after December 31, 1975, the members shall elect two (2) Trustees for a term of three (3) years, or until their successors are duly qualified.

Section 3. Removal. Any Trustee may be removed from the Board, with or without cause, by a 75% vote of the members of the Association. In the event of death, resignation or removal of a Trustee, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No Trustee shall receive compensation for any service he may render to the Association. However, any Trustee may be re-imbursed for his out of pocket costs incurred in the performance of his duties.

Section 5. Action Taken Without a Meeting. The Trustees shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Trustees. Any action so approved shall have the same effect as though taken at a meeting of the Trustees.

ARTICLE, V NOMINATION AND ELECTION OF TRUSTEES

Section 1. Nomination. Nomination for election to the Board of Trustees shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Trustees and two (2) or more members of the Association. The Nominating Committee shall be appointed by the Board of Trustees prior to each -annual meeting of the members, to serve until the close of such annual meeting. Their names to be announced along with their nominations at each annual meeting or prior thereto; the Nominating Committee shall make as many nominations for election to the Board of Trustees as it shall in its discretion determine but not less than the number of vacancies that are to be filled. Such nominations shall be made from among members or spouse of member.

Section 2. Election. Election to the Board of Trustees shall be by secret written ballot. At such election the members or their proxies may vote, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes, but not less than 50%, shall be elected. Cumulative voting is not permitted.

ARTICLE VI MEETINGS OF TRUSTEES

Section 1. Regular Meetings. Regular meetings of the Board of Trustees shall be held (monthly) at least quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Board of Trustees shall be held when called by the President of the Association, or by any two (2) Trustees, after not less than three (3) days notice to each Trustee.

Section 3. Quorum. A majority of the number of Trustees shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Trustees present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VII POWERS AND DUTIES OF THE BOARD OF TRUSTEES

Section 1. Powers. The Board of Trustees shall have power to:

- a. Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;
- b. Suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of published rules and regulations;

- c. Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of the By-Laws, the Articles of Incorporation, or the Declaration;
- d. Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties;
- e. Declare the office of a member of the Board of Trustees to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Trustees.

Section 2. Duties. It shall be the duty of the Board of Trustees to:

- a. Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the membership who are entitled to vote;
- b. Supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;
- c. As more fully provided in the Declaration, to:
 - i. fix the amount of the annual assessment for current and anticipated maintenance costs against each Lot at least thirty (30) days in advance of each annual assessment period;
 - ii. send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and
 - iii. foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same.
- d. Issue, or to cause an appropriate officer to issue, upon demand by any member, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates;
- e. Procure and maintain adequate liability and hazard insurance on property owned by the Association;
- f. Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;
- g. Cause the Common Area to be maintained.

ARTICLE VIII SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS

In addition to the annual assessments for current maintenance costs, the Association may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Area, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of members who are voting in person or by proxy at a meeting duly called for this purpose.

ARTICLE IX OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a president, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Trustees following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president, or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

President

- A. The president shall preside at all meetings of the Board of Trustees; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.

Secretary

- B. The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their address, and shall perform such other duties as required by the Board.

Treasurer

- C. The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Trustees; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget, a statement of income and expenditures and a balance sheet to be presented to the membership at its regular annual meeting, and deliver a copy of each, along with the audit report to the members.

ARTICLE X COMMITTEES

The Board of Trustees of the Association shall serve as the Architectural Control Committee, as provided in the Declaration, and shall appoint a Nominating Committee, as provided in these By-Laws. In addition, the Board of Trustees shall appoint other committees as deemed appropriate, in carrying out its purpose.

ARTICLE XI BOOKS AND RECORDS

The books, records, and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XII ASSESSMENTS

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within 30 days after the due date, the assessment shall bear interest from the date of delinquency at the rate of 6 1/2% per annum, and the Association may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non use of the Common Area or abandonment of his lot.

ARTICLE XIII AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of 67% of the owners.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

ARTICLE XIV MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year.

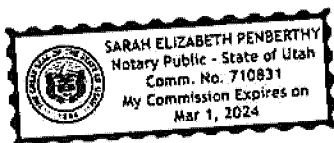
Dated: April 7, 2023

**MARRCREST HOMEOWNER'S
ASSOCIATION, INC.**


Printed Name: Greg Cronin
Authorized Representative

STATE OF UTAH)
) ss
COUNTY OF Utah)

On the 7 day of April, 2023, personally appeared before me Greg Cronin, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn, did say that s/he is the authorized representative of the Marrcrest Homeowner's Association, Inc. and that said document was signed by him or her on behalf of said Association by authority of the corresponding governing documents, and executed the same.



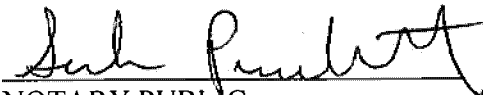

NOTARY PUBLIC
My Commission Expires: 3/1/24

EXHIBIT A
Legal Description

All Lots and Common Area of **MARRCREST SECTION A** according to the plat on file with the Utah County Recorder's Office as **Entry No. 2354:1968**.

**Parcel No: 46:017:0002 through 46:017:0008; 46:017:0010 through 46:017:0018;
46:017:0020; 46:017:0021**

All Lots and Common Area of **MARRCREST SECTION B** according to the plat on file with the Utah County Recorder's Office as **Entry No. 10748:1968**.

Parcel No: 46:018:0001 through 46:018:0007

All Lots and Common Area of **MARRCREST SECTION C** according to the plat on file with the Utah County Recorder's Office as **Entry No. 8028:1969**.

Parcel No: 46:019:0001 through 46:019:0002

All Lots and Common Area of **MARRCREST SECTION D** according to the plat on file with the Utah County Recorder's Office as **Entry No. 8029:1969**.

**Parcel No: 46:020:0002 through 46:020:0005; 46:020:0007 through 46:020:0010;
46:020:0012; 46:020:0013; 46:020:0015; 46:020:0016**

All Lots and Common Area of **MARRCREST SECTION E** according to the plat on file with the Utah County Recorder's Office as **Entry No. 8030:1969**.

**Parcel No: 46:021:0001; 46:021:0004 through 46:021:0008; 46:021:0010;
46:021:0013; 46:021:0016; 46:021:0019; 46:021:0023; 46:021:0024;
46:021:0028 through 46:021:0031**

All Lots and Common Area of **MARRCREST SECTION F** according to the plat on file with the Utah County Recorder's Office as **Entry No. 9433:1970**.

**Parcel No: 46:022:0004; 46:022:0007 through 46:022:0013; 46:022:0015;
46:022:0016**

All Lots and Common Area of **MARRCREST PLAT G** according to the plat on file with the Utah County Recorder's Office as **Entry No. 625:1971**.

Parcel No: 46:023:0001 through 46:023:0009

All Lots and Common Area of **MARRCREST PLAT G REVISED** according to the plat on file with the Utah County Recorder's Office as **Entry No. 9049:1971**.

Parcel No: 46:024:0004; 46:024:0006

All Lots and Common Area of **MARRCREST SECTION H PUD** according to the plat on file with the Utah County Recorder's Office as **Entry No. 22486: 1991**.

Parcel No: 46:286:0012; 46:286:0013

All Lots and Common Area of **MARRCREST PUD PLAT I** according to the plat on file with the Utah County Recorder's Office as **Entry No. 26634:1993**.

Parcel No: 46:327:0002; 46:327:0004