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E# 2240441 PG 1 OF 1
ERNEST D ROWLEY, WEBER COUNTY RECORDER
06-FEB-07 1009 AM FEE \$157.00 DEP 56C
REC FOR: HELGESEN WATERFALL JONES

**AMENDMENT
TO THE
CONDOMINIUM DECLARATION
FOR
SUNBROOK CONDOMINIUM**

This Amendment to the Condominium Declaration for Sunbrook Condominium (hereinafter "Amended Declaration") is made and executed on the date shown below by the Sunbrook Condominium Homeowners Association, after having been voted upon and approved by the Owners at Sunbrook Condominium.

RECITALS

WHEREAS, Sunbrook Condominium Phase 1 was created by recording the Condominium Declaration for Sunbrook Condominium ("Enabling Declaration"), recorded in the records of Weber County, Utah, on March 13, 1997, in Book 1852, beginning on page 74, entry number 1460000; and

18-078-0001-0013

WHEREAS, Sunbrook Condominium recorded an Amended Condominium Declaration for Sunbrook Condominium, in the records of Weber County, Utah, on October 8, 1997, in Book 1885, beginning on page 547, entry number 1497419; and

18-081-0001-0009

WHEREAS, Sunbrook Condominium Phase 2 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on December 22, 1997, in Book 1898, beginning on page 239, entry number 1511206; and

18-086-0001-0009

WHEREAS, Sunbrook Condominium Phase 3 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on August 10, 1998, in Book 1947, beginning on page 1509, entry number 1565520; and

18-088-0001-0009

WHEREAS, Sunbrook Condominium Phase 4 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on December 30, 1998, in Book 1982, beginning on page 1311, entry number 1601337; and

18-089-0001-0013

WHEREAS, Sunbrook Condominium Phase 5 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on December 30, 1998, in Book 1982, beginning on page 1321, entry number 1601338; and

18-105-0001-0017 ✓

WHEREAS, Sunbrook Condominium Phase 6 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on January 12, 2001, in Book 2110, beginning on page 2146, entry number 1746696; and

18-109-0001-0033 ✓

WHEREAS, Sunbrook Condominium Phase 7 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on June 8, 2001, in Book 2145, beginning on page 385, entry number 1775646; and

18-115-0001-0025 ✓

WHEREAS, Sunbrook Condominium Phase 8 was created by recording the Condominium Declaration for Sunbrook Condominium recorded in the records of Weber County, Utah, on November 1, 2001, in Book 2180, beginning on page 1403, entry number 1805659; and

WHEREAS, Sunbrook Condominium recorded an Amendment to Bylaws of Sunbrook Condominium, in the records of Weber County, Utah, on September 4, 2002, in Book 2260, beginning on page 1494, entry number 1872352; and

WHEREAS, the condominium project that is the subject of this Amended Declaration is situated in and upon that certain real property containing the condominium units located in Weber County, State of Utah, as specifically described in Exhibit "A" attached hereto and incorporated herein by this reference, and including the common area that is appurtenant to each unit as shown on the plat maps for Sunbrook Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There now exist 120 condominium units at Sunbrook; and

WHEREAS, The unit owners in Sunbrook are desirous to create the Sunbrook Condominium Homeowners Association, Inc., a Utah non-profit corporation ("Association"), which will be created by filing Articles of Incorporation with the Utah Division of Corporations and Commercial Code, which Association shall operate for the purpose of managing the common area and enforcing the provisions of the Enabling Declaration and any amendments thereto. The Association will be the governing body of Sunbrook Condominium and will operate in accordance with the Enabling Declaration, all amendments to the Enabling Declaration, this Amended Declaration, the Articles of Incorporation (Exhibit "B" attached hereto and incorporated herein by this reference) and the Bylaws of the Association. The Bylaws of the Association (attached to the Enabling Declaration and its amendments as Exhibit "B") are incorporated herein by this reference as they are currently set forth in the Enabling Declaration and any amendments thereto.

NOW THEREFORE, To accomplish the unit owners' objectives, the following amendment is adopted, approving the creation of the Sunbrook Condominium Homeowners Association, Inc., a Utah non-profit corporation. If there is any conflict between the Enabling Declaration, the Bylaws, or any subsequent amendments to the Enabling Declaration, this Amended Declaration shall control.

This Amended Declaration shall become effective upon recording. The Condominium Declaration of Sunbrook Condominium is hereby amended as follows:

AMENDMENT

Section 1 Creation of Non-profit Corporation

- 1.1 The Unit Owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Sunbrook Condominium Homeowners Association, Inc. ("Association"), by filing with the State of Utah the Articles of Incorporation for the Association in a form substantially similar to those contained in Exhibit "B", attached hereto. The Association shall be responsible for managing the common area within Sunbrook and governing the affairs of Sunbrook in accordance with the provisions of the Enabling Declaration, any Amendments to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.2 By voting to approve this Amendment to Condominium Declaration, the lot owners hereby agree to adopt the following:
- a. this Amended Declaration;
 - b. the Articles of Incorporation (Exhibit "B" attached hereto);
 - c. and the Bylaws of the Association herein referenced.

as the governing documents of Sunbrook Condominium Homeowners Association, which documents shall constitute equitable servitudes that shall run with the property described in Exhibit "A".

This Amendment to Declaration shall take effect upon recording.

CERTIFICATION

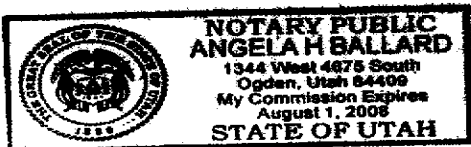
It is hereby certified that unit owners holding at least sixty-seven (67%) of the undivided ownership interest in the common areas and facilities have voted to approve this amendment as required by the Enabling Declaration.

IN WITNESS WHEREOF, this 18 day of January, 2007.

By A. Clay Dye
President

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

On this 10 day of January, 2007, personally appeared before me Clay Dyer, who, being by me duly sworn, did say that he is President of the Sunbrook Condominium Homeowners Association and that the within and foregoing instrument was signed in behalf of said Association and he duly acknowledged to me he executed the same.



Angela H. Ballard
Notary Public

Exhibit A

The following units in the buildings indicated, Sunbrook Condominium, Ogden City,
Weber County, Utah:

<u>Building</u>	<u>Units</u>	<u>Tax I.D. #</u>
A	1 through 8	[18-078-0001 through 18-078-0008]
B	1 through 4	[18-078-0009 through 18-078-0012]
C	1 through 8	[18-081-0001 through 18-081-0008]
D	1 through 8	[18-086-0001 through 18-086-0008]
E	1 through 8	[18-088-0001 through 18-088-0008]
F	1 through 4	[18-089-0001 through 18-089-0004]
G	1 through 8	[18-089-0005 through 18-089-0012]
H	1 through 4	[18-105-0001 through 18-105-0004]
I	1 through 4	[18-105-0005 through 18-105-0008]
J	1 through 4	[18-105-0009 through 18-105-0012]
K	1 through 4	[18-105-0013 through 18-105-0016]
L	1 through 4	[18-109-0001 through 18-109-0004]
M	1 through 4	[18-109-0005 through 18-109-0008]
N	1 through 4	[18-109-0009 through 18-109-0012]
O	1 through 4	[18-109-0013 through 18-109-0016]
P	1 through 4	[18-109-0017 through 18-109-0020]
Q	1 through 4	[18-109-0021 through 18-109-0024]
R	1 through 4	[18-109-0025 through 18-109-0028]

S	1 through 4	[18-109-0029 through 18-109-0032]
T	1 through 4	[18-115-0001 through 18-115-0004]
U	1 through 4	[18-115-0005 through 18-115-0008]
V	1 through 4	[18-115-0009 through 18-115-0012]
W	1 through 4	[18-115-0013 through 18-115-0016]
X	1 through 4	[18-115-0017 through 18-115-0020]
Y	1 through 4	[18-115-0021 through 18-115-0024]

Each of the following tax I.D. numbers represents a Common Area at Sunbrook Condominium, Ogden City, Weber County, Utah:

[18-078-0013]

[18-081-0009]

[18-086-0009]

[18-088-0009]

[18-089-0013]

[18-105-0017]

[18-109-0033]

[18-115-0025]

Exhibit B

Articles of Incorporation

ARTICLES OF INCORPORATION

FOR

SUNBROOK CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.

WE, THE UNDERSIGNED NATURAL PERSONS, all being of the age of eighteen years or more, acting as incorporators under the Utah Non-Profit Corporation and Cooperative Association Act, adopt the following Articles of Incorporation:

Name. The name of the Corporation is SUNBROOK CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. (herein referred to as the "Corporation").

Duration. The duration of the Corporation shall be perpetual, unless dissolved by the action of the Corporation or by operation of law.

Purposes. The purposes of the Corporation are to function in behalf of and part of the members of the Sunbrook Condominium Homeowners Association located in Weber County, Utah, and to enforce the Covenants, Conditions and Restrictions as set forth in the Condominium Declaration for Sunbrook Condominium, and to provide the other services and perform all of the other functions set forth in the Declaration and as may become desirable or necessary for the benefit of the members. The Corporation shall have all powers, rights, and privileges available to corporations under the laws of the State of Utah.

Membership/Stock. The owners of stock in the Corporation shall only be owners of Units in Sunbrook Condominium, located in Weber County, Utah. Stock ownership is appurtenant to the Unit and may not be separated from Unit ownership, and ownership of a share of stock in Sunbrook shall pass automatically to the owner of that Unit upon conveyance of title without the need to convey a physical stock certificate. There shall be issued 120 shares in the Corporation and each Unit and the Owners of a Unit shall be the owners of one share of stock in the Corporation. The Unit Owners shall have an interest in the Corporation as described below:

The Association shall have one (1) class of membership--Class A, described more particularly as follows:

1. **Class A.** Class A Members shall be all Owners. Class A Members shall be entitled to vote on all issues before the Association, subject to the following:
 - a. **Voting.** Each Unit and the owners thereof shall have the right to one vote as provided in the Sunbrook Condominium Homeowners Association Enabling Declaration.
 - b. **Subject to Assessment.** No vote shall be cast or counted for any Unit not subject to assessment;

- c. **Multiple Owners.** When more than one (1) person or entity holds such interest in a Unit, the vote for such Unit shall be exercised as those persons or entities themselves determine and advise the Secretary of the Association prior to any meeting. In the absence of such advise, the vote of the Unit shall be suspended in the event more than one (1) person or entity seeks to exercise it.
- d. **Number of Shares.** The Corporation is authorized to issue up to 120 shares of Class A stock.
2. Class A shares shall have unlimited voting rights.
 3. The owners of Class A shares must be Unit Owners and shall be entitled to receive the net assets of the Corporation upon dissolution.

Registered Agent. The registered agent for the Corporation is:

Richard W. Jones
Helgesen, Waterfall & Jones
4605 Harrison Blvd., Third Floor
Ogden, UT 84403

Acceptance of Appointment

I, Richard W. Jones, hereby accept the appointment as the registered agent for SUNBROOK CONDOMINIUM HOMEOWNERS ASSOCIATION, Inc.


Richard W. Jones, Registered Agent

Bylaws. The Association has adopted bylaws in accordance with the Enabling Declaration for Sunbrook Condominium, which Enabling Declaration was recorded in the records of Weber County, Utah, on March 13, 1997, in Book 1852, beginning on page 74, entry number 1460000. The Corporation hereby adopts these March 13, 1997, existing bylaws as the Corporate Bylaws. Hereafter, the Corporate Bylaws may be adopted, amended or replaced by the vote of Members as provided in the Bylaws.

Address of Corporation's Registered Office. The principal place of business of the Corporation, and its initial offices are located at, 2421 N. 400 E. #I-2, Ogden, UT 84414. The Corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

Distributions. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its Directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth above. No substantial part of the activities of the corporation shall be the carrying on of propaganda, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other

provision of these Articles of Incorporation, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, as amended or supplemented.

Dissolution. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or shall be distributed to the federal government or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Board of Directors. There will initially be five Directors of the Corporation, provided, however, the Board of Directors may consist of a minimum of three Directors up to a maximum of seven Directors as determined by the members in a duly called meeting. The initial Board of Directors, who will serve until the election of officers and Directors at the first annual member's meeting, are:

<u>Name</u>	<u>Address</u>
Clay Dyer	2421 N. 400 E. #K-3 Ogden, UT 84414
Fred Doutre	2421 N. 400 E. #B-4 Ogden, UT 84414
Barbra Granquist	2421 N. 400 E. #I-2 Ogden, UT 84414
Erin Carbajal	2421 N. 400 E. #A-4 Ogden, UT 84414
Nathan Tippetts	2421 N. 400 E. #N-4 Ogden, UT 84414

The Directors will elect one of them to act as Chairman until the first annual member's meeting.

Officers. The initial officers of the corporation are:

President	Clay Dyer
Vice President	Fred Doutre
Secretary/Treasurer	Barbra Granquist

Annual Meeting. The annual meeting of the members shall be held on the third Thursday of January of each year, at such place as shall be stated in the notice of meeting or in a duly executed waiver of notice; provided however, that whenever such a date falls upon a legal holiday, the meeting shall be held on the next succeeding business day and further provided that the Board of Directors

may by resolution, fix the date of the annual meeting at such other date as the Board may deem appropriate. The current management committee shall comprise the initial board of directors and shall serve their terms as currently constituted and in accordance with the corporate bylaws.

Limitations on Liability. The Officers, Directors, and Members of the Corporation shall not be held personally liable for the debts and obligations of the Corporation.

Incorporators. The incorporators of the Corporation are:

Clay Dyer
Fred Doutre
Barbra Granquist

Amendment. These Articles of Incorporation may be amended from time to time as authorized by the members and permitted by law.

In Witness Whereof, we, Clay Dyer, Fred Doutre, and Barbra Granquist have executed these Articles of Incorporation in duplicate this 18 day of January, 2007, and say: That we are the incorporators herein; that we have read the above and foregoing Articles of Incorporation; that we know the contents thereof and that the same is true to the best of our knowledge and belief, excepting as to matters herein alleged upon information and belief and as to those matters we believe them to be true.

H. Clay Dyer
Incorporator
Fred Doutre
Incorporator
Barbra Granquist
Incorporator

State of Utah)
: ss
County of Weber)

On the 18 day January, 2007, the foregoing instrument was acknowledged and verified before me by Clay Dyer, Fred Doutre, Barbra Granquist, who personally appeared before me, and being by me duly sworn declare under penalty of perjury that they are the incorporators of SUNBROOK CONDOMINIUM HOMEOWNERS ASSOCIATION, INC., and that they signed the foregoing, and that the statements contained therein are true and correct.

In witness whereof, I have set my hand and seal this 18 day of January, 2007.

Angela H Ballard
Notary Public

