



"W2249434"

EH 2249434 PG 1 OF 11
ERNEST D ROWLEY, WEBER COUNTY RECORDER
19-MAR-07 8:17 AM FEE \$44.00 DEP SEC
REC FOR: HELGESEN WATERFALL JONES

WILLOWWOOD CONDOMINIUM OWNERS ASSOCIATION

AMENDMENT TO DECLARATION

This Amendment to Declaration is made and executed on the date shown below by the Willowwood Condominium Owners Association, after having been voted upon and approved by the Owners at Willowwood Condominium.

RECITALS

A. WHEREAS, the condominium that is the subject of this Amended Declaration is situated in and upon that certain real property 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 map for Willowwood Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There now exist 14 units at Willowwood Condominium, as shown on the Plat.

B. WHEREAS, the unit owners at Willowwood desire to preserve and enhance the quality of life at Willowwood and have purchased their unit at Willowwood for the purpose of using their unit as an owner occupied single family residence; and

C. WHEREAS, the unit owners believe the condominium living concept was developed to create a real property interest wherein individuals could own their own property and enjoy the benefits that accompany ownership of real property, including the stability associated with real property ownership, both individually and as a condominium association, as well as the security that comes to a community by having residents who are owners and are committed to the long-term welfare and good of the community; and

D. WHEREAS, because the unit owners at Willowwood own a shared and undivided interest in the Common Area, the Common Area should be used and shared in common by those who own an interest in the Common Area and not be used by those who do not possess an ownership interest in the Common Area; and

E. WHEREAS, the unit owners realize that the value of their units are directly related to the ability to sell their units, that the ability to sell their units is directly related to the ability of prospective borrowers to obtain financing, and that underwriting standards at financial institutions and secondary mortgage markets restrict the percentage of non-owner occupied units that can exist in a condominium; and further, when too high a percentage of non-owner occupied units exist in a condominium, a buyer will not be able to qualify for favorable and competitive market interest rates and financing terms, thus inhibiting unit owners' ability to sell their units and depressing the value of all the units at Willowwood; and

F. WHEREAS, the unit owners desire to live in a condominium community that is orderly, peaceful, well maintained and desirable, and that will allow for and protect the comfortable enjoyment of all residents of Willowwood, and have determined through the years of their collective

experience that unit owners are more responsive to the needs of the condominium community, take a greater interest and care of the Common Area, and are generally more respectful of the condominium rules;

G. WHEREAS, The unit owners in Willowwood are desirous to create the Willowwood Condominium Owners 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. The Association will be the governing body of the Project and will operate in accordance with this Amended Declaration, the Articles of Incorporation (Exhibit "B" attached hereto and incorporated herein by this reference) and the Bylaws of the Association (Exhibit "C" attached hereto and incorporated herein by this reference) for the purpose of managing the common area and enforcing the provisions of the Amended Declaration of Willowwood Condominium.

THEREFORE, To accomplish the unit owners' objectives, the following amendments are adopted limiting and restricting the number of units that may be rented at Willowwood; and creating the Willowwood Condominium Owners Association, Inc., a Utah non-profit corporation.

AMENDMENT

Section 1 Leasing of Homes--Restrictions

- 1.1 The leasing of units at Willowwood is prohibited.
- 1.2 The restriction stated in paragraph 1 herein shall not apply if a unit owner temporarily moves from his or her unit (a) due to temporary (less than three years) military, humanitarian, religious or charitable activity or service, and (b) leases his or her unit with the intent to return to occupy his or her unit when the military, humanitarian, religious or charitable service has concluded. Nor shall the restriction herein apply if a parent or child who owns a unit at Willowwood leases their unit to a family member (parent, child or siblings). To qualify for this exception to the "no leasing" rule at Willowwood, a unit owner must notify the Willowwood Management Committee in writing prior to the date upon which they will no longer occupy their unit and state the length of time they anticipate being absent from their unit and the specific exception to the rule they are claiming (i.e., military, religious, family, etc.).
- 1.3 Those units that are currently occupied by non unit owners may continue to be occupied by non unit owners until the first of the following events occurs:
 - a. The unit owner conveys his or her interest in the unit to a new owner;
 - b. The current occupant(s) of the unit terminate their lease and move from the unit; or
 - c. No unit which is currently occupied by a non unit owner shall continue to be occupied by a non unit owner after two years from the effective date of this amendment.
- 1.4 All leases, subleases, assignments of leases, all renewals of such agreements, and all changes in occupancy shall be first submitted to the Willowwood Management Committee who shall determine compliance with this section.
- 1.5 Any Unit Owner who violates this section shall be subject to a complaint for damages and/or

an injunction and order to terminate the lease in violation of this section. If Willowwood is required to retain legal counsel to enforce this section, with or without the filing of legal process, the violating unit owner shall be liable for all attorney fees and court costs incurred by the Management Committee in enforcing this section.

Section 2 Creation of Non-profit Corporation

- 2.1 The Unit Owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Willowwood Condominium Owners 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 Willowwood and governing the affairs of Willowwood in accordance with the provisions of the Amended Declaration, the Articles of Incorporation and the Bylaws. The Unit Owners also approve and adopt Association bylaws as attached hereto and identified as Exhibit "C".
- 2.2 By voting to approve this Amended 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 (Exhibit "C" attached hereto)

as the enabling and governing documents of Willowwood Condominium Owners 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 more than sixty-seven (67%) of the voting power of the Association has voted to approve this amendment.

IN WITNESS WHEREOF, this 22 day of February, 2006.

By 
President

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

On this 22 day of February, 2006, personally appeared before me Kyle Ridge who, being by me duly sworn, did say that (s)he is President of Willowwood Association and that the within and foregoing instrument was signed in behalf of said Association and (s)he duly acknowledged to me (s)he executed the same.



[Signature]
Notary Public

Exhibit A

Legal Description of Units at Willowwood

**Units 1-14, Willowwood Condominium, Ogden City, Weber County, Utah
[11-255-0001 through 11-255-0014]**

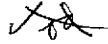


Exhibit B

ARTICLES OF INCORPORATION**FOR****WILLOWWOOD CONDOMINIUM OWNERS 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 WILLOWWOOD CONDOMINIUM OWNERS 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 Willowwood Condominium Owners Association that may be made subject hereto, located in Weber County, Utah, and to enforce the Covenants, Conditions and Restrictions as set forth in the Declaration of Covenants, Conditions and Restrictions and to provide the other services and perform all of the other functions set forth in the Declarations of Covenants, Conditions and Restrictions 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 the Corporation shall be the owners of Units in all of Willowwood Condominium, located in Weber County, Utah. Membership is appurtenant to the Unit, and shall pass automatically to the owner of that Unit upon conveyance of title. There shall not be issued more than 100 shares 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 Owner shall have right of one vote, pursuant to the Willowwood Condominium Owners Association By-Laws.
 - 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. **Leased Unit.** Any Owner of a Unit which has been leased may, in the lease or other written instrument, assign the voting right appurtenant to that Unit to the lessee, provided that a copy of such instrument is furnished to the Secretary at least three (3) days prior to any meeting.

e. **Number of Shares.** The Corporation is authorized to issue up to 100 shares of Class A stock.

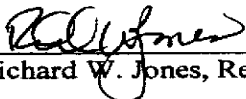
2. Class A shares shall have unlimited voting rights.
3. The owners of Class A shares shall be entitled to receive the net assets of the Corporation upon dissolution.

Registered Agent. The registered agent for the Corporation is:

Richard W. Jones
4605 Harrison Blvd., Third Floor
Ogden, Utah 84403

Acceptance of Appointment

I, Richard W. Jones, hereby accept the appointment as the registered agent for Willowwood Condominium Owners Association, Inc.


Richard W. Jones, Registered Agent

Bylaws. Bylaws have been adopted in accordance with the Amended Declaration for Willowwood Condominium. The Corporation hereby adopts the bylaws attached to the Amended Declaration as Exhibit "C." Hereafter, bylaws may be adopted, amended, or replaced by the vote of Members.

Address of Corporation's Registered Office. The principal place of business of the Corporation, and its initial offices are located at, 4605 Harrison Blvd., Third Floor, Ogden, UT 84403. 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, or otherwise attempting to influence legislation, 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 three Directors of the Corporation, provided, however, the Board of Directors may consist of a minimum of three Directors up to a maximum of five 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>
Pat Farrar	801 Harrisville Road, #2 Ogden, Utah 84404
Kyle Ridge	801 Harrisville Road, #11 Ogden, Utah 84404
Susan Buchanan	801 Harrisville Road, #5 Ogden, Utah 84404

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	Pat Farrar
Vice President	Kyle Ridge
Secretary/Treasurer	Susan Buchanan

Annual Meeting. The annual meeting of the members shall be held in September of each year, to run consistent with the Association's fiscal 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 be resolution, fix the date of the annual meeting at such other date as the Board may deem appropriate. At such meeting, the current members shall elect Directors for one two (2) year term to serve until their successors shall be elected and shall qualify. Only current members of Units owned in the Association shall be elected Directors according to the percentage as required by law.

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:

Pat Farrar	801 Harrisville Road, #2 Ogden, Utah 84404
Kyle Ridge	801 Harrisville Road, #11 Ogden, Utah 84404
Susan Buchanan	801 Harrisville Road, #5 Ogden, Utah 84404

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, Pat Farrar, Kyle Ridge, and Susan Buchanan, have executed these Articles of Incorporation in duplicate this 11 day of June, 2006, 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.



 Pat Farrar, Incorporator



 Kyle Ridge, Incorporator



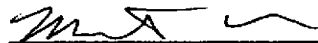
 Susan Buchanan, Incorporator

State of Utah)
 : ss
County of Weber)

On the 11 day of Dec, 2006, the foregoing instrument was acknowledged and verified before me by Pat Farrar, Kyle Ridge, and Susan Buchanan, who personally appeared before me, and being by me duly sworn declare under penalty of perjury that they are the incorporators of Willowwood Condominium Owners 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 11 day of Dec, 2006.





Notary Public