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E# 2359719 PG 1 OF 20
ERNEST D ROWLEY, WEBER COUNTY RECORDER
15-AUG-08 814 AM FEE \$86.00 DEP SPY
REC FOR: HELGESEN WATERFALL JONES

**AMENDMENT
TO THE
DECLARATION
FOR
ROSEWOOD MANOR CONDOMINIUM**

This amendment is made and executed on the date shown below by the Rosewood Manor Condominium Management Committee after having been voted upon and approved by the Owners at Rosewood Manor Condominium.

RECITALS

WHEREAS, Rosewood Manor Condominium was created by Declaration of Condominium of Rosewood Manor Condominium ("Enabling Declaration"), recorded in the records of Weber County, Utah, on January 9, 1978, in Book 1219, beginning on page 129 as entry # 724363; and

WHEREAS, the property 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 maps for Rosewood Manor Condominium, as recorded in the office of the County Recorder for Weber County, State of Utah. There are 39 units at Rosewood Manor Condominium.

WHEREAS, the unit owners in Rosewood Manor are desirous to create the Rosewood Manor 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.

WHEREAS, the Association will be the governing body of Rosewood Manor Condominiums and will operate in accordance with the Enabling Declaration, any 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, attached to the Enabling Declaration as Exhibit "B" and as recorded in the records of Weber County, Utah, on January 9, 1978, in book 1219, beginning on page 136, as entry #724363.

NOW THEREFORE, To accomplish the unit owners' objectives, the following amendment is adopted creating the Rosewood Manor Condominium Homeowners Association, Inc., a Utah non-profit corporation. If there is any conflict between this Amended Declaration, the Enabling Declaration and the Bylaws, this document shall control.

This amendment shall become effective upon recording. The Rosewood Manor Condominium Declaration and Bylaws are hereby amended as follows:

AMENDMENT

Creation of Non-profit Corporation

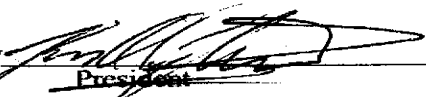
- 1.1 The Unit Owners hereby authorize and approve the creation of a Utah nonprofit corporation, to be known as the Rosewood Manor Condominium Homeowners Association, Inc. ("Association"), by filing with the State of Utah the Articles of Incorporation for the Association in a form substantially similar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

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

CERTIFICATION

IN WITNESS WHEREOF, this 13 day of August, ~~2007~~ 2008 ^{KC}

Rosewood Manor Condominium Management Committee

By 
President

STATE OF UTAH)
) :SS.
 COUNTY OF WEBER)



On this 13 day of August, 2008th, personally appeared before me Kevan Craythorn, who, being by me duly sworn, did say that (s)he is President of the Rosewood Manor Condominium Homeowners 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.

Notary Public

EXHIBIT "A"**Legal Description of Units**

The following units in the buildings indicated, in Rosewood Manor Condominium, Roy City, Weber County, Utah.

Building	Units	Tax I.D. #
A	1 through 6	09-203-0001 through 09-203-0006 ✓
B	7 through 11	09-203-0007 through 09-203-0011 ✓
C	12 through 18	09-203-0012 through 09-203-0018 ✓
D	19 through 24	09-203-0019 through 09-203-0024 ✓
E	29 through 30	09-218-0005 through 09-218-0006 ✓
F	31 through 32	09-218-0007 through 09-218-0008 ✓
G	33	09-218-0009 ✓
H	34	09-218-0010 ✓
I	35 through 38	09-218-0012 through 09-218-0015 ✓
J	39	09-218-0020 ✓
K	40 through 43	09-218-0022 through 09-218-0025 ✓



Consent and Approval
By Rosewood Manor Condominium unit owners
To the Amendment to Declaration of Rosewood Manor

Unit # <u>A-1</u>	<u>David Shore</u> Unit Owner	<u>Anna E. Shore</u> Unit Owner
Unit# <u>A-3</u>	<u>Gerrell Jones</u> Unit Owner	<u>Mitchell Gault</u> Unit Owner
Unit# <u>A-4</u>	<u>Chad Fenelus</u> Unit Owner	 Unit Owner
Unit# <u>A-6</u>	<u>KIRT N. Davis</u> Unit Owner	 Unit Owner
Unit# <u> </u>	 Unit Owner	 Unit Owner
Unit# <u> </u>	 Unit Owner	 Unit Owner

Virginia Driego
Unit Owner

Virginia Priego Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

[illegible]

[illegible]

Unit # _____	Unit Owner _____	Unit Owner _____
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ROBERT L. MILLER
Unit Owner

Robert J. Miller
Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

Unit Owner

[illegible]

Exhibit "B"

Articles of Incorporation

FOR ROSEWOOD MANOR 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 ROSEWOOD MANOR 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 the members of the Rosewood Manor Condominium Homeowners Association located in Weber County, Utah, and to enforce the Covenants, Conditions and Restrictions as set forth in the Declaration of Condominium and any Amendments thereto, and to provide the other services and perform all of the other functions set forth in the Declaration of Condominium and any Amendments thereto 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 Rosewood Manor 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 Rosewood Manor shall pass automatically to the new owner of a unit upon conveyance of title without the need to convey a physical stock certificate. There shall be issued 37 shares in the Corporation 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 owner shall have right to vote based on percentages as provided in the Rosewood Manor Condominium Homeowners Association Amended Declaration and 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. **Number of Shares.** The Corporation is authorized to issue up to 37 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, UT 84403

Acceptance of Appointment

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



Richard W. Jones

Bylaws. The Association has adopted bylaws in accordance with the Declaration. The Corporation hereby adopts the bylaws recorded in the records of Weber County, Utah, on January 9, 1978, in book 1219, beginning on page 136, as entry #724363. 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 2122 West 5600 South, Roy, Utah 84067. 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.

Dissolution. Upon the dissolution of the corporation, assets shall be distributed to the members of the corporation on the same percentage as votes and assessments are allocated and as set forth in the Rosewood Condominium Homeowners Association Declaration and Bylaws.

Board of Directors. There will initially be five (5) Directors of the Corporation. The initial Board of Directors, who will serve until the election of officers and Directors at the annual member's meeting, are:

<u>Name</u>	<u>Address</u>
Kevan Craythorne	2142 W 5600 S Roy, UT 84067
Nila Butterfield	5545 S 2100 W #10 Roy, UT 84067
Debbie Craythorn	2122 W 5600 S Roy, UT 84067
Chad Fernelius	5545 S 2100 W # 4 Roy, UT 84067
Craig Feasel	2114 W 5600 S Roy, UT 84067

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

Officers. The initial officers of the corporation are:

Chair	-	Kevan Craythorne
Vice Chair	-	Nila Butterfield
Secretary	-	Debbie Craythorn
Treasurer	-	Debbie Craythorn

Annual Meeting. The annual meeting of the members shall be held at 7:00 p.m. on the third Tuesday 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. At such meeting, the current members shall elect Directors for one year terms 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:

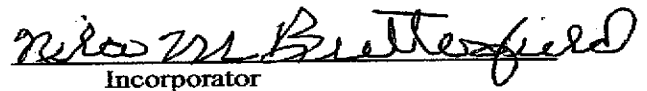
<u>Name</u>	<u>Address</u>
Kevan Craythorne	2142 W 5600 S Roy UT 84067
Nila Butterfield	5545 S 2100 W #10 Roy UT 84067
Debbie Craythorn	2122 W 5600 S Roy UT 84067

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

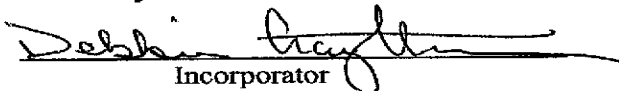
In Witness Whereof, we, Kevan Craythorne, Nila Butterfield and Debbie Craythorn have executed these Articles of Incorporation in duplicate this 11th day of August, 2008, and say: That we are the incorporators herein; that we have read the above and foregoing Articles of Incorporation; that we know the 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.



Incorporator

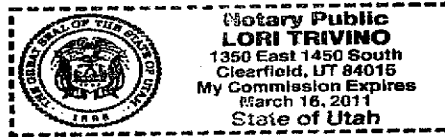


Incorporator



Incorporator

State of Utah)
) ss
 County of Weber)

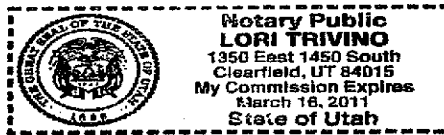


On the 11 day August 2008, the foregoing instrument was acknowledged and verified before me by Kevan Craythorne who personally appeared before me, and being by me duly sworn declare under penalty of perjury that he is an incorporator of Rosewood Manor Condominium Homeowners Association, Inc., and that he 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 August, 2008.



 Notary Public

State of Utah)
) ss
 County of Weber)



On the 11 day August 2008, the foregoing instrument was acknowledged and verified before me by Nila Butterfield who personally appeared before me, and being by me duly sworn declare under penalty of perjury that she is an incorporator of Rosewood Manor Condominium Homeowners Association, Inc., and that she 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 August, 2008.


 Notary Public

State of Utah)
) ss
 County of Weber)



On the 11th day August 2008, the foregoing instrument was acknowledged and verified before me by Debbie Craythorn who personally appeared before me, and being by me duly sworn declare under penalty of perjury that she is an incorporator of Rosewood Manor Condominium Homeowners Association, Inc., and that she 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 August, 2008.


 Notary Public