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APR 17 2013

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/17/2013 09:51 AM
FEE \$49.00 Pgs: 10
DEF RTT REC'D FOR BARTON COURTYARD
CONDO HOA

Amended to Declaration
OF
Barton Courtyards Condominiums
Parcel Numbers 03-219-0001 through 03-219-0022

This Amendment to Declaration of Barton Courtyards Condominiums ("Amendment") is made and executed on the date shown below by members of the Barton Courtyards Owners Association, Inc. ("Association").

RECITALS

WHEREAS, Barton Courtyards Condominiums ("Barton Courtyards") was created by a "Condominium Declaration for Barton Courtyards Condominiums" (hereinafter "Enabling Declaration") recorded in the records of Davis County, Utah, on May 12, 2004, in book 3538, beginning on page 191 as Entry #1985823; and

WHEREAS, the Barton Courtyards unit owners desire to amend the Enabling Declaration and any amendments to the Enabling Declaration to enhance the quality of life and to benefit the safety, health and welfare of the residents at Barton Courtyards and to ensure members the right to use specific and reserved parking spaces and facilities; and

WHEREAS, the real property that is the subject of this Amendment is situated in an upon that certain real property located in Davis 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 Barton Courtyards, as recorded in the office of the County Recorder for Weber county, State of Utah.

NOW THEREFORE, the unit owners of Barton Courtyards hereby amend the Enabling Declaration and all subsequent amendments recorded against the real property located in Davis County, Utah, known as Barton Courtyards Condominiums and more fully described on Exhibit "A". If there is any conflict between this Amendment and the Enabling Declaration, and any amendments to the Enabling Declaration, this Amendment shall control.

This amendment shall become effective upon recording. The Barton Courtyards Condominiums Enabling Declaration is hereby amended as follows:

AMENDMENTS

Article I.

USE OF ASSOCIATION OWNED GARAGES, CARPORTS AND PARKING STALLS

- Ownership of garages and carports.** The garages, carports and a few of the parking stalls located on the property of Barton Courtyards are part of the limited common areas within Barton Courtyards as designated on the original plat map ("Plat Map") of Barton Courtyard Condominiums, recorded in the Davis County Recorder's Office on May 12, 2004, an entry number 1985822. A copy of the Plat Map is attached hereto as Exhibit "B". The remainder of the parking stall constitutes part of the common area. It is the intent of the unit owners that each garage, carport and parking stall (excluding visitor parking stalls) be assigned to the exclusive use of the owner of a specific Building/Unit as indicated on the Parking Map, attached hereto as Exhibit "C". The Plat Map identifies the building and unit number of each unit at Barton Courtyards, and also identifies each garage, carport and parking stall and the unit to which it is, has been or is being assigned pursuant to this Amendment. Below is a list of the garages, carports and parking stalls along with the units to which they have been assigned (as indicated on the Parking Map):

<u>Building/Unit</u>	<u>Garage#</u>	<u>Unit Address</u>
B-1	G-1	54 W 200 N #1
B-6	G-2	54 W 200 N #6
B-7	G-3	54 W 200 N #7
B-7	G-4	54 W 200 N #7
C-7	G-5	44 W 200 N #7
C-7	G-6	44 W 200 N #7

	<u>Carport#</u>	
C-1	C-1	44 W 200 N #1
B-2	C-2	54 W 200 N #2
B-3	C-3	54 W 200 N #3
B-4	C-4	54 W 200 N #4
B-5	C-5	54 W 200 N #5
B-6	C-6	44 W 200 N #5
C-6	C-7	44 W 200 N #6
C-4	C-8	44 W 200 N #4
C-3	C-9	44 W 200 N #3
C-2	C-10	44 W 200 N #2

	<u>Parking Stall #</u>	
A-4	P-3	76 W 200 N #4
B-2	P-4	54 W 200 N #2
A-3	P-5	76 W 200 N #3
A-2	P-6	76 W 200 N #2
B-4	P-7	54 W 200 N #4
B-5	P-8	54 W 200 N #5
A-1	P-9	76 W 200 N #1
B-3	P-10	54 W 200 N #3
C-4	P-11	44 W 200 N #4
C-1	P-12	44 W 200 N #1
D-3	P-13	22 W 200 N #3
D-2	P-14	22 W 200 N #2
D-1	P-15	22 W 200 N #1
C-5	P-16	44 W 200 N #5
B-1	P-17	54 W 200 N #1
C-3	P-18	44 W 200 N #3
C-2	P-19	44 W 200 N #2
C-5	P-20	54 W 200 N #6
C-6	P-21	44 W 200 N #6

Garages, carports and parking spaces are hereby assigned and reserved for the exclusive use of the unit owner to which they are assigned as set forth on the Parking Map attached as Exhibit "C".

- 2. Responsibility for Maintenance of Garages.** The Association shall be responsible for the care and maintenance of the exterior of the garages as if they were units (i.e., maintenance obligation of the Association begins from the back of the drywall in the garage and extends outward to the exterior of the garages.) the owner of the unit to which the garage is assigned shall be responsible for the care and maintenance of the inside of the garage, including the cement floor, access doors, and any glass. The owner shall also be responsible for the care, repair, maintenance, and if necessary, replacement of the garage door.
- 3. Damage.** Refer to Barton Courtyards CC&R.
- 4. Approval for Changes.** No architectural modifications or structural changes to any garages or carports shall be made without first receiving written consent from the Association. Such changes, if approved, shall be paid for by the unit owner.
- 5. Fines Permitted.** Nothing contained herein shall prevent the Board from fining a unit owner or resident who violates this amendment.

6. **Severability.** If any of the provisions of this section or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the section and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

CERTIFICATION

It is hereby certified that condominium Unit Owners holding not less than sixty-seven percent (67%) of the undivided ownership interest in the common areas and facilities have voted to approve this Amended Declaration.

IN WITNESS WHEREOF this 15 day of April, 2013.

By: David J. Matson
President

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

Oh this 15 day of April, 2013, personally appeared before me David, who, being by me duly sworn, did say that he is President of Barton Courtyards Condominiums and that the within and foregoing instrument was signed in behalf of said Board and he duly acknowledged to me he executed the same.

 **CARRIE ANN MILLER**
Notary Public, State of Utah
Commission # 581479
My Commission Expires
February 02, 2014

Carrie Ann Miller
Notary Public



Exhibit "A"

Legal Description of Units

Barton Courtyards Condominiums, according to the official plat thereof, Davis County, Utah:

UNITS 1-4, BLDG A, BARTON COURTYARDS CONDO

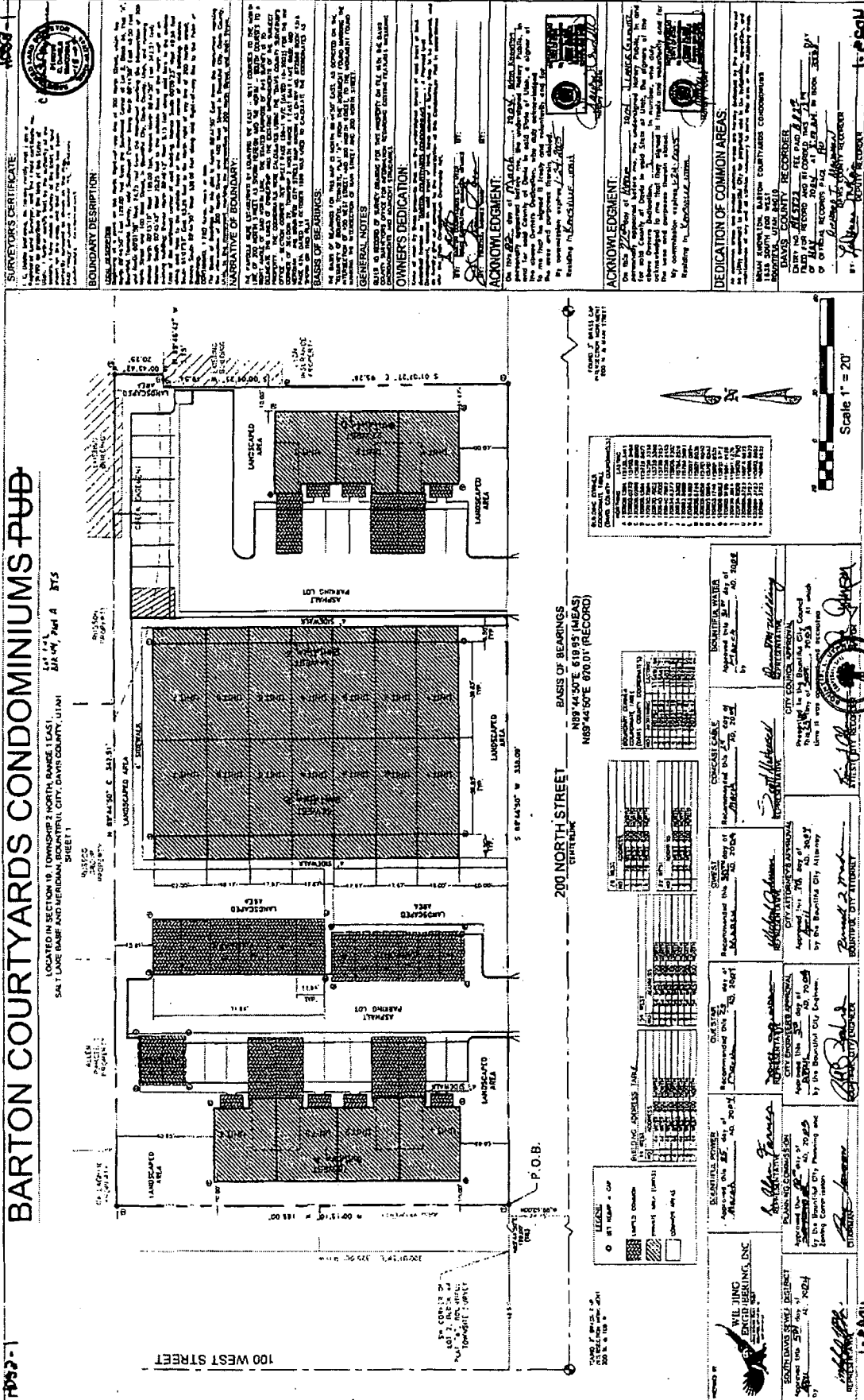
UNITS 1-7, BLDG B, BARTON COURTYARDS CONDO

UNITS 1-7, BLDG C, BARTON COURTYARDS CONDO

UNITS 1-3, BLDG D, BARTON COURTYARDS CONDO

Exhibit "B"

PLAT MAP



BARTON COURTYARDS CONDOMINIUMS

LOCATED IN SECTION 19, TOWNSHIP 2 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, BOUNTIFUL CITY, DAVIS COUNTY, UTAH
SHEET 1

1989 SURVEYOR'S CERTIFICATE
I, SURVEYOR, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 1989.

BOUNDARY DESCRIPTION
The boundary of the above described property is as follows: Beginning at the intersection of the center line of 100 West Street and the center line of Salt Lake Base and Meridian; thence north 89 degrees 44 minutes 30 seconds east 619.95 feet to a point; thence north 89 degrees 44 minutes 50 seconds east 670.00 feet to a point; thence south 89 degrees 44 minutes 30 seconds west 619.95 feet to a point; thence south 89 degrees 44 minutes 50 seconds west 670.00 feet to the center line of Salt Lake Base and Meridian; thence west along the center line of Salt Lake Base and Meridian to the beginning.

GENERAL NOTES
1. The area shown on this map is the same as shown on the original plan filed in my office on this 15th day of April 1989.
2. The area shown on this map is the same as shown on the original plan filed in my office on this 15th day of April 1989.
3. The area shown on this map is the same as shown on the original plan filed in my office on this 15th day of April 1989.

ACKNOWLEDGMENT
On this 15th day of April 1989, the undersigned, being the owner of the above described property, have acknowledged to me the contents of the foregoing plat and the same has been duly recorded in my office in accordance with the provisions of the laws of the State of Utah.

ACKNOWLEDGMENT
I, the undersigned, being the owner of the above described property, have acknowledged to me the contents of the foregoing plat and the same has been duly recorded in my office in accordance with the provisions of the laws of the State of Utah.

DEDICATION OF COMMON AREAS
I, the undersigned, being the owner of the above described property, have dedicated to the public the common areas shown on this plat, to-wit: the landscaped areas and the asphalt parking lot, and the same has been duly recorded in my office in accordance with the provisions of the laws of the State of Utah.

1-800-4

LEGEND
 - O - P.O.B.
 - [Symbol] - LANDSCAPED AREA
 - [Symbol] - ASPHALT
 - [Symbol] - BUILDING FOOTPRINTS
 - [Symbol] - CONCRETE DRIVE
 - [Symbol] - CONCRETE WALKWAY

BASES OF BEARINGS
 N89°44'30"E 619.95' (MEAS)
 N89°44'50"E 670.00' (RECORD)

200 NORTH STREET
 CENTERLINE

100 WEST STREET

1989

Exhibit "C"

PARKING MAP

(Garages, Carports, Assigned Parking Stalls)

Exhibit "C": Barton Courtyards Parking Map

