

RETURNED

APR 17 2014

2799362
BK 5999 PG 615

E 2799362 B 5999 P 615-618
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/17/2014 03:07 PM
FEE \$44.00 Pgs: 4
DEP RT REC'D FOR RUSSELL RADEKE

After Recording Return to:
New Dordrecht HOA
1913 ½ South Main Street
Bountiful, UT 84010

05-116 - 0001 thru 0029

**AMENDMENT TO THE DECLARATION OF CONDOMINIUM
FOR
NEW DORDRECHT CONDOMINIUMS
A CONDOMINIUM PROJECT**

This Amendment to the Declaration of Condominium for New Dordrecht Condominiums ("Declaration") Association is made on the date indicated below by the New Dordrecht Condominiums Home Owners Association ("Association").

Recitals

- A. Certain real property in Davis County, Utah, known as New Dordrecht Condominiums was subjected to certain covenants, conditions, and restrictions pursuant to a "Declaration of Condominium for New Dordrecht Condominiums", recorded on September 5, 1996, as Document Entry No. 1272059 Book 2040, Page 1699 et. seq., records of Davis County, Utah;
- B. This Amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto;
- C. This Amendment is intended to add a "No Smoking" Restriction to the Declaration.
- D. Pursuant to Article III, Section 30 of the Declaration, approval of sixty-seven percent (67%) of the voting power of the Members was duly received to adopt and record this amendment to the Declaration.

NOW, THEREFORE, The Association hereby amends the Declaration to include the following restrictions:

- a) No person shall smoke cigarettes, cigars, or any other tobacco product, marijuana or illegal substance anywhere within the boundaries of the Property (all the land or real estate, improvements and appurtenances submitted to the Act and the Declaration). This prohibition shall include the outside Common Areas, enclosed Common Areas, Limited Common Areas and the Units with the Property (including all porches, patios, decks and balconies).

- b) In the event a person violates the provisions of this Amendment of the Declaration, any Unit Owner or Resident may bring an action to enforce the non-smoking provisions of this Amendment of the Declaration. The Association, by and through the Board of Directors, may bring an action to enforce this Amendment of the Declaration but shall not be required to do so.
- c) In the event any Resident, occupant, invitee, or person occupying or visiting a Unit violates the prohibition against smoking at New Dordrecht Condominiums, any Resident at New Dordrecht Condominiums may notify the Owner of the offending Unit and the Unit Owner shall take prompt action to see that any and all smoking ceases.
- d) If a tenant violates this Amendment of the Declaration, then upon becoming aware of the violation or upon receiving a complaint or notice from another Resident or the Board, the Unit Owner shall issue a warning notice to the tenant demanding that the violation immediately cease and informing the tenant that upon the next violation of this Amendment by the tenant, the Owner will immediately begin eviction proceedings against the tenant. The Owner shall immediately begin eviction proceedings against a tenant who violates this Amendment after the tenant has received such warning notice. If the Unit Owner fails to follow the foregoing procedure, the Association is authorized in behalf of the Unit Owner to begin an eviction proceeding against the tenant. Both the tenant and the Unit Owner shall be named as defendants in the action, and the Association shall be entitled to: i) an order requiring the tenant to vacate the premises, ii) damages, and iii) recovery of all of its costs and attorneys fees from the Unit Owner.
- e) Any person who brings legal action against another person who violates the non-smoking provisions of this Amendment shall be entitled to recovery of costs and attorney fees from the offending person.
- f) Prior to entering into a contract for the sale of a Unit, an Owner shall specifically disclose to all potential buyers and realtors that smoking is prohibited within the entire Property, including all Common Areas, Limited Common Areas, and within the Unit itself.
- g) All Residents actually residing in a Unit at the time this Amendment is recorded are hereby excluded from the no smoking restrictions herein for as long as they reside in the Unit they currently reside in. Accordingly, tobacco smoke from those units may drift into other Units. However, only such specific and personal Residents are exempted. All guests, invitees, visitors, future occupants and Residents, non-resident owners, and other persons are subject to the no-smoking provisions of this Amendment, even if visiting an exempted Resident. All Unit Owners and Residents acknowledge they have been informed that tobacco smoke may drift into their Unit as a result of such exempted Residents' smoking and they waive any right to a cause of action for a nuisance under Utah Code Subsection 78B-6-1101(3).
- h) As used herein: (i), "smoking" shall also include the inhaling, exhaling, burning, or carrying of any illegal substance, and (ii) "invitee" shall include, but is not limited to, any

contractor, agent, household worker, or other person enlisted by the Owner, tenant or Resident to provide a service or product to the Owner, tenant, or Resident.

IN WITNESS WHEREOF, the New Dordrecht Condominiums Home Owners Association, has executed this Amendment to the Declaration as of 16th day of April, 2014, in accordance with Article III, Section 30 of the Declaration.

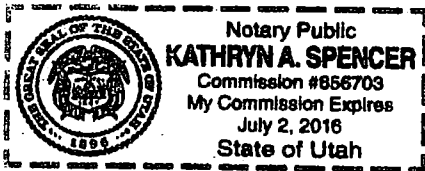
NEW DORDRECHT CONDOMINIUMS HOME OWNERS ASSOCIATION

Russell L. Rader
President

Donald E. Stewart
Secretary

STATE OF UTAH)
 :SS
County of Davis)

On the 16th day of April, 2014, personally appeared RUSSELL L. RADER and DONALD E. STEWART who, being first duly sworn, did that that they are the President and Secretary of the Association and that said instrument was signed in behalf of said Association to be their voluntary act and deed.



Kathryn Spencer
Notary Public for Utah

B
17900

~~E 1272058 B 2040 P 1698
CAROL DEAN PAGE, DAVIS CHPT RECORDER
1996 SEP 5 12:16 PM FEE 179.00 DEP REC
REC'D FOR BOUNTIFUL CITY~~

Aug 27, 1996
Dordrecht Properties L.C.

New Dordrecht Condominiums

- Bldg 1 Units A, B
- Bldg 2 Units A, B
- Bldg 3 Units A, B, C, D
- Bldg 4 Units A, B, C, D
- Bldg 5 Units A, B, C, D, E
- Bldg 6 Units A, B, C
- Bldg 7 Units A, B, C, D
- Bldg 8 Units A, B, C, D
- + Common area

NW 1/4-31-27-1E

Out of 05-001-0014, 0051, 0128

New # 05-116 +

file # 2696

BEGINNING AT A POINT WHICH IS SOUTH 89°33'58" WEST ALONG THE SECTION LINE 1576.61 FEET AND SOUTH 0°06'52" WEST ALONG THE WEST LINE AND WEST LINE PROJECTED OF VILLA NOVA CONDOMINIUMS AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER 368.77 FEET FROM THE NORTH QUARTER CORNER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE SOUTH 0°06'52" WEST ALONG SAID WEST LINE OF VILLA NOVA CONDOMINIUMS 279.70 FEET; THENCE NORTH 89°23'11" WEST 376.00 FEET; THENCE NORTH 00°48'14" EAST 83.00 FEET; THENCE NORTH 89°10'53" WEST 117.87 FEET TO A POINT ON THE EASTERLY LINE OF MAIN STREET; THENCE NORTH 31°15'30" EAST ALONG SAID EASTERLY LINE 222.66 FEET TO THE AGREED BOUNDARY LINE RECORDED APRIL 22, 1994 AS ENTRY NO. 1113304 IN BOOK 1750 AT PAGE 1153 OF OFFICIAL RECORDS; THENCE NORTH 89°53'58" EAST ALONG SAID BOUNDARY AGREEMENT LINE 377.70 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.654 ACRES.