

FAIRMEADOWS OF COUNTRYWOODS
A Prowswood Open Space Community Condominium

**TWELFTH AMENDMENT TO RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
COVENTRY AT FAIRMEADOWS**

THIS TWELFTH AMENDMENT (this "Amendment") TO RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF COVENTRY AT FAIRMEADOWS, made and executed this 31 day of December, 1998, pursuant to the provisions of the Utah Condominium Ownership Act.

Recitals:

A. The Enabling Declaration of Fairmeadows Phase No. I, A Prowswood Open Space Community Condominium (the "Original Declaration") was filed of record in the office of the Salt Lake County Recorder on December 6, 1978, in Book 4782, Pages 785 *et seq.*, as Entry No. 3207544.

B. On June 14, 1979, that certain Supplementary Declaration of and Amendment to Covenants, Conditions and Restrictions of Fairmeadows, a Prowswood Open Space Community Condominium (Phase I) (the "First Supplemental Declaration") was filed of record in the office of the Salt Lake County Recorder in Book 4881, Pages 455 *et seq.*, as Entry No. 3294150, which expanded the property included within the project.

C. On March 1, 1983, that certain Second Supplementary Declaration of and Amendment to Covenants, Conditions and Restrictions of Fairmeadows, a Prowswood Open Space Condominium (the "Second Supplemental Declaration") was filed of record in the office of the Salt Lake County Recorder in Book 5440, Pages 2881 *et seq.*, as Entry No. 3764053, which set forth and clarified requirements and provisions regarding the expansion of the project.

D. On December 1, 1983, that certain Coventry at Fairmeadows Third Supplemental Declaration of and Amendment to Covenants, Conditions and Restrictions of Fairmeadows – Phase III, a Prowswood Open Space Community Condominium (the "Third Supplemental Declaration") was filed of record in the office of the Salt Lake County Recorder in Book 5511, Pages 1249 *et seq.*, as Entry No. 3875601, which expanded the property included within the project.

E. April 30, 1984, that certain Coventry at Fairmeadows Fourth Supplemental Declaration of and Amendment to Covenants, Conditions and Restrictions Phase III (Coventry at Fairmeadows), a Prowswood Open Space Community Condominium (the "Fourth Supplemental Declaration") was filed of record in the office of the Salt Lake County Recorder in Book 5551, Pages 1249 *et seq.*, as Entry No. 3935083, which amended and revised the percentage interests in the common areas of the project.

F. June 15, 1984, that certain Fairmeadows of Countrywoods Fifth Supplemental Declaration of and Amendment to Covenants, Conditions and Restrictions Phase IV (Coventry at Fairmeadows), a Prowswood Open Space Community Condominium (the "Fifth Supplemental Declaration") was filed of record in the office of the Salt Lake County Recorder in Book 5565, Pages 166 *et seq.*, as Entry No. 3955298, which expanded the property included within the project and included as

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exhibits to such Fifth Supplemental Declaration a Restated Declaration (herein so called) and Restated Bylaws.

G. The Restated Declaration was further amended by (i) the Sixth Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on June 18, 1984, in Book 5565, Pages 1761 *et seq.*, as Entry No. 3956003; (ii) the Seventh Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on August 15, 1984, in Book 5582, Pages 525 *et seq.*, as Entry No. 3980809; (iii) the Eighth Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on September 26, 1984, in Book 5593, Pages 2711 *et seq.*, as Entry No. 3997737; (iv) the Ninth Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on October 25, 1984, in Book 5601, Pages 941 *et seq.*, as Entry No. 4008665; (v) the Tenth Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on January 9, 1985, in Book 5620, Pages 2685 *et seq.*, as Entry No. 4036776; and (vi) the Eleventh Supplemental Declaration filed of record in the office of the Salt Lake County Recorder on October 24, 1991, in Book 6368, Pages 2880 *et seq.*, as Entry No. 5144467.

H. Paragraph 25 of Article III of the Restated Declaration provides that the Restated Declaration may be amended upon the vote of at least 67% of the Percentage Interest of the Unit Owners (all as defined in the Restated Declaration).

C. Unit Owners holding more than 67% of the Percentage Interests have executed a written consent approving the amendment to the Restated Declaration set forth below.

NOW, THEREFORE, the Restated Declaration is hereby amended as follows:

1. Paragraph 19(f) of Article III of the Restated Declaration shall be amended to read as follows:

(f) Personal Obligation of Owner. The amount of any annual or special assessment against any Unit shall be the personal obligation of the Owner thereof to the Association. Suit to recover any such assessment shall be maintainable by the Committee without foreclosing or waiving the lien securing the same. No Owner may avoid or diminish any personal obligation by waiver of the use and enjoyment of any of the Common Areas or by abandonment of his Unit. In any action to collect an annual or special assessment, the Owner shall reimburse the Committee for all costs, including reasonable attorneys' fees, incurred in connection therewith and in enforcing or collecting any judgment rendered therein.

2. Paragraph 31 of Article III of the Restated Declaration shall be amended to read as follows:

31. Covenants to Run with Land: Compliance. This Declaration and all the provisions hereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of the current Owners, all parties who hereafter acquire any interest in a Unit or in the Project, and their respective grantees, transferees, heirs, devisees, personal representatives, successors and assigns. Each Owner or occupant of a Unit shall strictly comply with, and all interests in all Units shall be subject to, the terms and provisions of the Act, this Declaration, the By-Laws, and any rules, regulations, agreements, instruments, determinations, and decisions contemplated by this Declaration, as the same may be lawfully amended from time to time. By acquiring any interest

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in a Unit or in the Project, the party acquiring such interest consents to, and agrees to be bound by, each and every provision of this Declaration.

A failure by any Owner or occupant of a Unit to comply with the terms and provisions of the Act, this Declaration, the By-Laws, or any rules, regulations, agreements, instruments, determinations, and decisions contemplated by this Declaration, as the same shall be amended, shall be grounds for an action to recover sums due for damages or injunctive relief or both, maintainable by the Committee on behalf of Unit Owners, or, in a proper case, by an aggrieved Unit Owner. In any such action to enforce this Declaration or the rules and regulations adopted pursuant hereto, the breaching party or parties shall reimburse the Committee, manager and/or aggrieved Unit Owner, as the case may be, for all costs, including reasonable attorneys' fees, incurred in connection therewith and in enforcing or collecting any judgment rendered therein.

In addition, the Committee may suspend any Owner's voting rights at any meeting of the Unit Owners during any period or periods during which such Owner fails to comply with such rules and regulations duly adopted by the Committee, or with any other obligations of such Owner under this Declaration.

3. All provisions of the Restated Declaration not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Chairman of the Management Committee of Fairmeadows of Countrywoods, has executed this Amendment at Salt Lake City, Utah, the day and year first hereinabove written.

Waldo Udarbe
Waldo Udarbe, Chairman

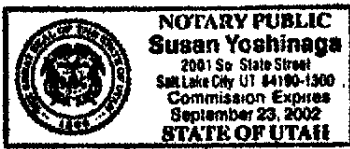
Attest:

Kathy Tauffer
Kathy Tauffer, Secretary

STATE OF UTAH)
 :
County of Salt Lake)

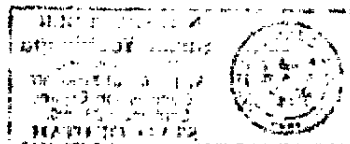
On the 31 day of December, 1998, personally appeared before me Waldo Udarbe and Kathy Tauffer, the Chairman and Secretary, respectively, of the Management Committee of Fairmeadows of Countrywoods and the signers of the above instrument, who duly acknowledged to me that they executed the same on behalf of such Management Committee.

Susan Yoshinaga
Notary Public



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01/05/99 09:55 AM 245.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
WALTER UDARBE
4880 S 775 E
HIDVALE UT 84047
REC BY: Z JOHANSON DEPUTY - WI



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