



W2443969

2443969 PG 1 OF 15
ERNEST D ROWLEY, WEBER COUNTY RECORDER
10-NOV-09 2:11 PM FEE \$77.00 DEP SPY
REC FOR: HEREFORDSHIRE CONDO ASSOC

**AMENDMENT TO DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
HEREFORDSHIRE CONDOMINIUM**

This Amendment to Declaration of Covenants, Conditions and Restrictions for Herefordshire Condominium (“Amended Declaration”) is made and executed on the date set forth below by the Herefordshire Condominium Association, a Utah nonprofit corporation (“Herefordshire”), Board of Directors after having been signed and acknowledged by the Owners at Herefordshire Condominium.

RECITALS

WHEREAS, Herefordshire Condominium was created by the Declaration of Covenants, Conditions, Restrictions and Bylaws for Herefordshire Condominium dated August 7, 1973, and recorded on August 8, 1973, in the Recorders office of Weber County, Utah (hereinafter “Enabling Declaration”). There have been various amendments thereto, including the “Declaration of Covenants, Conditions and Restrictions for Herefordshire Condominium, Phase 1”, recorded in the records of Weber County, Utah, on February 23, 2001, as entry # 1753596 (hereinafter “2001 Declaration”); 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 Herefordshire Condominium, and as recorded in the office of the County Recorder for Weber County, State of Utah. There are forty (40) Units at Herefordshire Condominium; and

WHEREAS, Herefordshire Condominium Unit Owners desire to amend the Enabling Declaration to preserve and enhance the quality of life at Herefordshire Condominium; and

WHEREAS, the Herefordshire Condominium Phase 1 Property Owners Association, a Utah nonprofit corporation, was organized and registered with the State of Utah on August 9, 1973, and remained incorporated from 1973 until 2004, when the corporate status expired because the annual renewal fee was not paid. On January 10, 2008, Herefordshire was once again incorporated as a Utah non-profit corporation under the name of Herefordshire Condominium Association; and

WHEREAS, The Unit Owners in Herefordshire are desirous to ratify the creation of the Herefordshire Condominium Association, a Utah nonprofit corporation (“Association”), which Association operates for the purpose of managing the Common area and enforcing the provisions of the Enabling Declaration, the 2001 Declaration, and any amendments thereto. The Association is the governing body of Herefordshire Condominium and will operate in accordance with the

Enabling Declaration, the 2001 Declaration, this Amended Declaration, the Articles of Incorporation filed with the State of Utah, Department of Commerce, on January 10, 2008, and the Bylaws of the Association as they are currently set forth in Article IV, Section 3, of the 2001 Declaration of Herefordshire Condominium.

NOW THEREFORE, To accomplish the Unit Owners' objectives, the following amendments are adopted ratifying and approving the creation of the Herefordshire Condominium Association, a Utah nonprofit corporation.

AMENDMENTS

**ARTICLE 1
CREATION OF NONPROFIT CORPORATION**

- 1.1 The Unit Owners hereby ratify and approve the creation of the Herefordshire Condominium Association, a Utah nonprofit corporation, which was created when the Articles of Incorporation for Herefordshire Condominium Association were filed with the State of Utah, Department of Commerce, on January 10, 2008.
- 1.2 The Bylaws of the Association shall be those Bylaws as they are currently set forth in Article IV, Section 3, of the Herefordshire Condominium 2001 Declaration.
- 1.3 The Association shall be responsible for managing the Common area within Herefordshire and governing the affairs of Herefordshire in accordance with the provisions of the Enabling Declaration, any Amendments to the Enabling Declaration, the Articles of Incorporation and the Bylaws.
- 1.4 By approving this Amended Declaration, the Unit Owners hereby approve the adoption of:
 - a. this Amended Declaration and all prior Declarations and amendments thereto;
 - b. the Articles of Incorporation (as currently on file with the State of Utah, Department of Commerce); and
 - c. the Bylaws of the Association

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

**ARTICLE 2
AMENDMENTS**

- 2.1 Article VII, Section 12, of the 2001 Declaration, titled "Amendment", is hereby repealed and replaced by the following provisions:

Section 12. Amendment. "The Association Bylaws and Enabling Declaration, and any amendments to the Bylaws and Enabling Declaration, may be amended with or without a meeting of the Unit Owners by the affirmative vote of at least sixty-seven percent (67%) of

the Unit Owners. Any amendment so authorized shall be accomplished through the recordation of an instrument executed by the president of the Association certifying that the vote required by this Article has occurred.

- a. Unit Owners shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership.
- b. When more than one person holds such interest or interests in any Lot ("co-owners"), all such co-owners may attend any meeting of the Association, but only one such co-owner shall be entitled to exercise the vote to which the Lot is entitled and the votes relating to such Lot shall be exercised as the Owners may determine among themselves. Such co-owners may, from time to time, designate in writing one of their number to vote. Fractional votes shall not be allowed.
- c. The votes cast at any Association meeting by any of such Owners, whether in person or by proxy, shall be conclusively presumed to be the votes attributable to the Lot concerned unless an objection is immediately made by another Owner of the same Lot. In the event such an objection is made, the votes involved shall not be counted for any purpose whatsoever other than to determine whether a quorum exists.

This Amended Declaration shall take effect upon recording.

CERTIFICATION

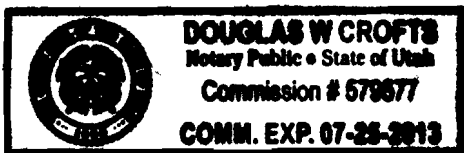
It is hereby certified that Herefordshire record owners holding at least two-thirds (2/3) of the total voting power of Herefordshire Condominium Association have signed and acknowledged this Amendment to Declaration.

IN WITNESS WHEREOF, this 9 day of November, 2009

By: [Signature]
President

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

On this 9th day of NOVEMBER, 2009, personally appeared before me Brent Greenwood, who, being by me duly sworn, did say that he is President of the Herefordshire Condominium Homeowners Association and that the within and foregoing instrument was signed in behalf of said Board and he duly acknowledged to me he executed the same.



[Signature]
Notary Public

Exhibit "A"

Legal Description of Units in Herefordshire Condominium

Apartment Units 101 through 140, Herefordshire Condominiums Phase 1 Amended,
Roy City, Weber County, Utah.

[08-132-0001 through 08-132-0040]

Herefordshire Condominium Association Owner Approval Form for Amendment to Declaration

The undersigned owners of condominium units at Herefordshire Condominium Association hereby sign and acknowledge that they approve of the Amendment to Declaration ("Amended Declaration") to the Enabling Declaration of Herefordshire Condominium.

Unit #	Print Name	Signature
101		
101		
102	GLEND A T. GANNAWAY	Glenda J. Gannaway
102		
103	Dexter L. Hehe	Dexter L. Hehe
103		
104		
104		
105		
105	Joan Howard	Joan Howard
106	CARLENE GEORGE	
106		
107		
107		
108		
108		
109	Leota A. Gainey	Leota A. Gainey
109		
110	MARY H. AOKI	Mary H. Aoki
110		

The undersigned owners of condominium units at Herefordshire Condominium Association hereby sign and acknowledge that they approve of the Amendment to Declaration ("Amended Declaration") to the Enabling Declaration of Herefordshire Condominium.

Unit #	Print Name	Signature
111	Collette S. Smith	C Smith
111		
112		
112	Jay H Choever	Jay Choever
113	Larry Douglas Zollinger	L D Z
113		
114	Jayce E. Johnson	Jayce E Johnson
114		
115	L. E. Carnahan	L E Carnahan
115	Janice Carnahan	Janice Carnahan
115	Janice Carnahan	
116		
116	ARDA V. Peterson	Arda V Peterson
117	C BRANT Greenwood	C Brant Greenwood
117	BRANT Greenwood	
118	NAOMI YAMASHITA	Naomi Yamashita
118		
119	Mildred Fox	Mildred Fox
119		
120	Clint Ward	Clint Ward
120		

Herefordshire Condominium Association Owner Approval Form for Amendment to Declaration

The undersigned owners of condominium units at Herefordshire Condominium Association hereby sign and acknowledge that they approve of the Amendment to Declaration ("Amended Declaration") to the Enabling Declaration of Herefordshire Condominium.

Unit #	Print Name	Signature
121	Ed Hahn	Edward J. Hahn
121	-	-
122	Idella & Dean Nielsen	Idella W. Nielsen
122		
123		
123		
124	SHIRLEY A. EARL	Shirley A. Earl
124		
125		
125		
126	JANICE H. HANSEN	Janice Hansen
126		
127		
127		
128	Birdice Markham	Birdice Markham
128		
129		
129		
130		
130		

Herefordshire Condominium Association Owner Approval Form for Amendment to Declaration

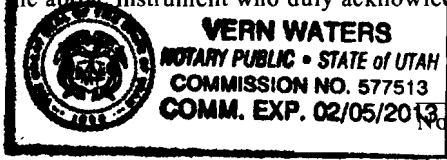
The undersigned owners of condominium units at Herefordshire Condominium Association hereby sign and acknowledge that they approve of the Amendment to Declaration ("Amended Declaration") to the Enabling Declaration of Herefordshire Condominium.

Unit #	Print Name	Signature
131		
131		
132		
132		
133	MARY LOU THOMAS	Mary Lou Thomas
133		
134		
134		
135		
135		
136	Gerald or Jerry & Ann Walters	Gerald R. Walters
136		
137	FRANK C. & THELMA M. HULSE FAMILY TRUST Thelma M. Hulse, trustee	
137		
138	ROBERT MAISKAK	Robert Mairak
138		
139	James JAMES PETTEYS	
139	Karen K. Petteys	Karen K. Petteys
140	Gooffrey B. Cox	Geoffrey B. Cox
140		

State of Utah)
:ss
County of Weber)

Unit # 120

On the 21st day of August, 2009, personally appeared before me, CLINT S. WARD
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



[Signature]
Notary Public

State of Utah)
:ss
County of Weber)

Unit # _____

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Weber)

Unit # _____

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Weber)

Unit # _____

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Weber)

Unit # _____

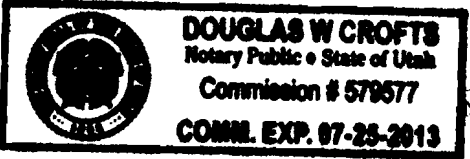
On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:ss
County of Weber)

Unit # 121

On the 19th day of August, 2009, personally appeared before me, EDWARD J. HAHN
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

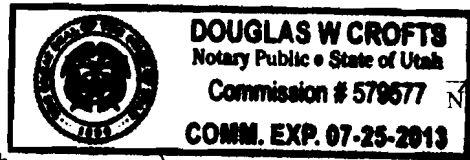


[Signature]
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 126

On the 19th day of August, 2009, personally appeared before me, JANICE H. HANSEN
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

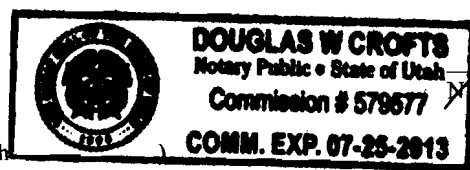


[Signature]
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 110

On the 19th day of August, 2009, personally appeared before me, MARY H AOKI
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

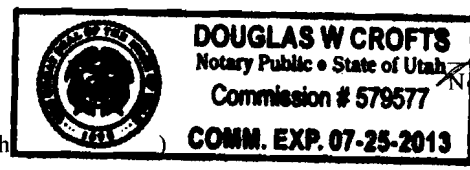


[Signature]
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 137

On the 19th day of August, 2009, personally appeared before me, THELMA M. HULSE TRUSTEE OF THE FRANK C. & THELMA M. HULSE FAMILY TRUST
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



[Signature]
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 102

On the 19th day of August, 2009, personally appeared before me, GLENDA T. GANNAWAY
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



[Signature]
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 117

On the 19th day of August, 2009, personally appeared before me, C. BRENT GREENWOOD
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

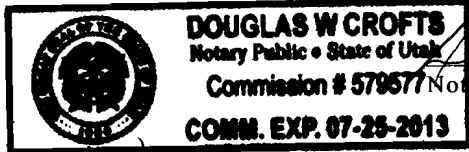


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 109

On the 19th day of August, 2009, personally appeared before me, LEOTA A. GAINEY
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

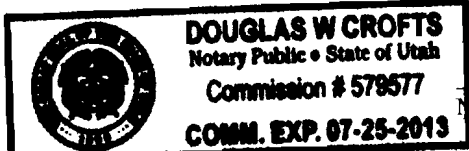


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 128

On the 19 day of August, 2009, personally appeared before me, BIECKE MARKHAM
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

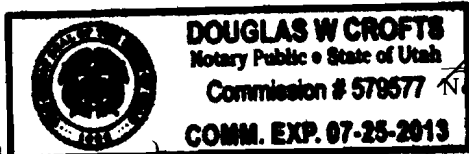


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 111

On the 19th day of August, 2009, personally appeared before me, COLLETTE S. SMITH
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

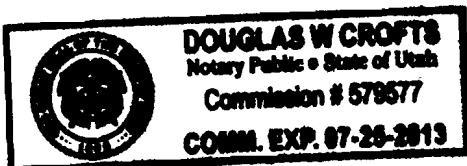


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 112

On the 19 day of August, 2009, personally appeared before me, JAY A. CHEEVER
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

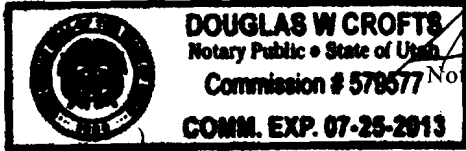


Douglas W. Crofts
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 113

On the 19th day of August, 2009, personally appeared before me, MARRY DOUGLAS ZOLLINGER
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

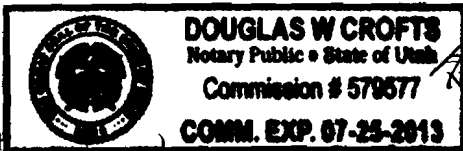


Douglas W. Crofts
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 138

On the 19th day of August, 2009, personally appeared before me, ROBERT MAISAK
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

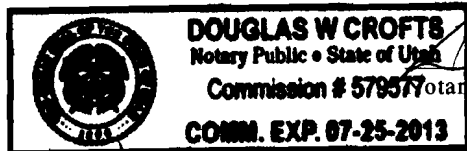


Douglas W. Crofts
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 133

On the 19th day of August, 2009, personally appeared before me, MARY LOU THOMAS
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

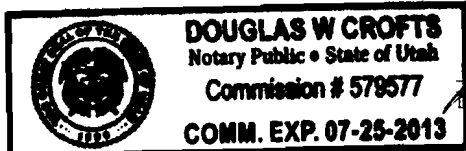


Douglas W. Crofts
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 116

On the 19th day of August, 2009, personally appeared before me, ARDA V. PETERSON
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

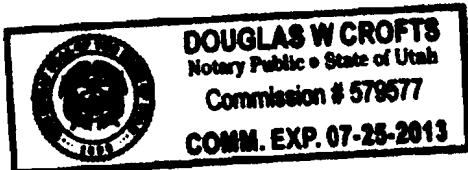


Douglas W. Crofts
Notary Public

State of Utah)
:ss
County of Weber)

Unit # 140

On the 19th day of August, 2009, personally appeared before me, GEOFFREY B COX
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

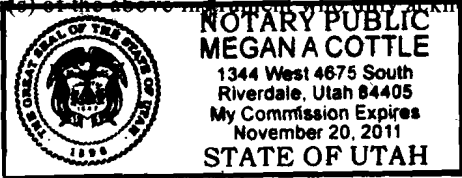


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 136

On the 18 day of August, 2009, personally appeared before me, GERALD LEE WALTERS
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

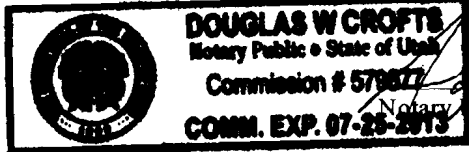


Megan A. Cottle
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 115

On the 19th day of August, 2009, personally appeared before me, L.E. CARNAHAN & JANICE CARNAHAN
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

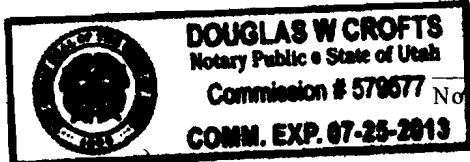


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 119

On the 19th day of August, 2009, personally appeared before me, MILDRED FOX
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

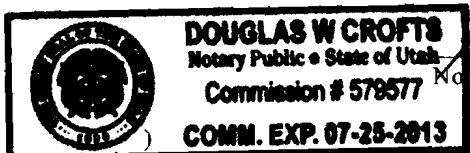


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 139

On the 19th day of August, 2009, personally appeared before me, G. JAMES PETTEYS & KAREN K. PETTEYS
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

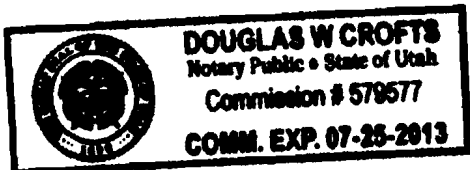


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 124

On the 19th day of August, 2009, personally appeared before me, SHIRLEY A. EARL
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

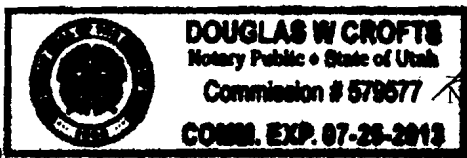


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 114

On the 19th day of AUGUST, 2009, personally appeared before me, JOYCE E JOHNSON
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 122

On the 19th day of AUGUST, 2009, personally appeared before me, IDELLA W. NIELSEN
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 106

On the 19th day of AUGUST, 2009, personally appeared before me, CARLENA A. GEORGE
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

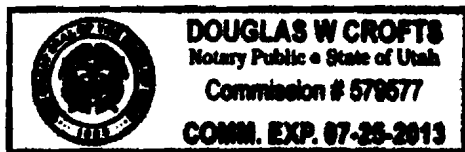


Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # 105

On the 19th day of AUGUST, 2009, personally appeared before me, JOAN HOWARD
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Douglas W. Crofts
Notary Public

State of Utah)
:SS
County of Weber)

Unit # _____

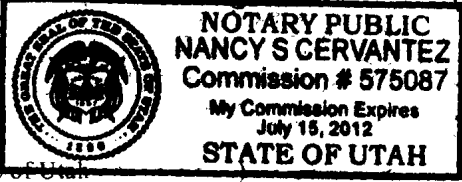
On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Weber)

Unit # 118

On the 21 day of August, 2009, personally appeared before me, Naomi Yamashita
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

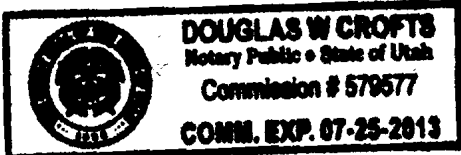


Nancy S. Cervantez
Notary Public

Unit # 103

State of Utah)
:SS
County of Weber)

On the 9th day of NOV., 2009, personally appeared before me, DEXTER L. HEHE
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.



Douglas W. Crofts
Notary Public

Unit # _____

State of Utah)
:SS
County of Weber)

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Weber)

Unit # _____

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public

State of Utah)
:SS
County of Weber)

Unit # _____

On the ___ day of _____, 2009, personally appeared before me, _____
the signer(s) of the above instrument who duly acknowledged to me that (s)he/they executed the same.

Notary Public