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MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

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# **ALPINE ACRES PROPERTY OWNERS ASSOCIATION**

**ARTICLES OF INCORPORATION**

**AMENDED BYLAWS**

**RULES AND REGULATIONS**

UPDATED TO APRIL 2017

**ARTICLES OF INCORPORATION**  
**OF**  
**ALPINE ACRES PROPERTY OWNERS ASSOCIATION**

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a nonprofit corporation under the Utah Nonprofit Corporation and Cooperative Association Act, Utah Code Annotated sections 16-6-18 to 16-6-111 (1973 and Supp. 1979), hereby adopt the following Articles of Incorporation for such corporation:

**ARTICLE I**  
**NAME OF CORPORATION**

The name of the corporation shall be Alpine Acres Property Owners Association.

**ARTICLE II**  
**DURATION OF EXISTENCE**

The period of the corporation's duration is perpetual.

ARTICLE III  
PURPOSES OF CORPORATION

The purposes for which the corporation is organized and the activities that the corporation may engage in are as follows:

Section 1. Nonprofit Status. The corporation is organized as a nonprofit corporation under the provisions of the Utah Nonprofit Corporation and Cooperative Association Act. No part of the net earnings of the corporation shall inure to the benefit of any Member, Board Member or officer of the corporation, or any private individual. (except that reasonable compensation may be paid for services rendered to or for the corporation in order to effect one or more of its purposes).

Section 2. Management Purposes. The corporation, is organized and operated to provide for the acquisition, construction, management, maintenance and care of the property and common areas of Alpine Acres Property Owners Association located in Summit County, Utah, for and on behalf of the Members of the corporation; the collection and receipt of funds for such purposes; and the disbursement and payment of said funds for such acquisition, construction, management, maintenance and care, pursuant to the Bylaws of the corporation.

Section 3. Rustic Nature of Area. The corporation shall protect and preserve the natural, rustic nature of the property and Common Areas owned by the corporation in accordance with

the restrictive covenants adopted by the developers of the Alpine Acres Subdivision, Summit County, Utah.

#### ARTICLE IV

##### POWERS

The corporation shall have such statutory powers as are permitted under the provisions of the Utah Nonprofit Corporation and Cooperative Association Act as are necessary for performing the functions incidental to the purposes of the corporation. Said powers shall in no way expand the purposes of the corporation and shall be specifically and explicitly for the limited purpose of providing the powers that are necessary for the conduct of the day-to-day affairs of the corporation within the scope of the purposes set forth in these articles.

#### ARTICLE V

##### DISSOLUTION OF CORPORATION

Upon dissolution of the corporation, all assets of the corporation that remain after all debts and obligations of the corporation have been satisfied shall be distributed in accordance with the provisions of the Utah Nonprofit Corporation and Cooperative Association Act.



ARTICLE VI  
MEMBERS OF THE CORPORATION

The corporation shall have as members only persons who are owners of property located in Section 36, Township 1 North, Range 8 East (Salt Lake Base and Meridian) Summit County, Utah. The members shall have voting rights.

ARTICLE VII  
BYLAWS

Section 1. Content of Bylaws. All other provisions for the administration and regulation of the affairs of the corporation that are not covered by the Articles of Incorporation, including provisions regarding meetings, voting and action to be taken by the Members and the Board Members of the corporation, shall be as set forth in the Bylaws of the corporation. Such Bylaws shall not be inconsistent with these Articles of Incorporation or with the laws of the State of Utah and the United States. The current and future provisions of the Utah Nonprofit Corporation and Cooperative Association Act shall govern particular matters regarding the administration and regulation of the corporation to the extent the Articles of Incorporation and Bylaws of the corporation do not cover such matters.

Section 2. Adoption, Amendment and Repeal of Bylaws. The Members shall have the exclusive power to adopt, amend or repeal the Bylaws by majority vote at a meeting of Members having voting rights, which may be either an annual or special meeting. Written or printed notice setting forth the proposed changes or a summary of the changes to be effected thereby

shall be given to each Member entitled to vote thereon not less than ten days before the date of the meeting and in the manner provided in the Bylaws for giving notice of meetings of Members.

## ARTICLE VIII

### RULES AND REGULATIONS

The Board of Directors may adopt Rules and Regulations for the administration of the affairs of the corporation not inconsistent with the Articles of Incorporation or Bylaws of the corporation or with the laws of the State of Utah or the United States.

## ARTICLE IX

### AMENDMENTS TO ARTICLES OF INCORPORATION

Section 1. Procedure to Amend. Amendments to the Articles of Incorporation shall be made by the Board of Directors adopting a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of Members having voting rights, which may be either an Annual or special meeting.

Section 2. Notice of Proposed Amendment. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby and any recommendations of the Board of Directors for adoption or rejection of the proposed amendment shall be given to each Member entitled to vote thereon not less than ten days before the date of the meeting and in the manner provided in the bylaws for the giving of notice of meetings of

Members. If the meeting is an Annual Meeting, the proposed amendment or such summary may be included in the notice of such Annual Meeting.

Section 3. Voting on Proposed Amendment. At such meeting a vote of the Members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of at least two-thirds of the votes which Members present at such meeting are entitled to cast. There shall be no voting by proxy.

Section 4. Number of Amendments Considered at One Meeting. Any number of amendments may be submitted to the Members and voted upon by them at one meeting.

## ARTICLE X

### INITIAL BOARD OF DIRECTORS

The affairs of the corporation shall be managed and conducted by a Board of Directors. The number of persons constituting the Board of Directors of the corporation shall never be less than three (3), and the initial Board of Directors of the corporation shall be composed of the following persons until otherwise replaced by successors:

<u>Name</u>	<u>Address</u>	<u>Expiration of Term of Office</u>
Harold E. Waldhouse	6281 Meadowcrest Road Salt Lake City, Utah	1980
Leo A. Jardine	1471 Penrose Drive Salt Lake City, Utah	1981

Evelyn T. Marshall	1821 London Plane Road Salt Lake City, Utah	1981
Thomas E. Daniels	2615 Camille Circle Salt Lake City, Utah	1980
Laddie W. Timothy	915 Raymond Road Kaysville, Utah	1980
Donald E. Stauffer	8702 Tracy Drive Sandy, Utah	1980

ARTICLE XI  
INCORPORATORS

The name and address of each incorporator is:

<u>Name</u>	<u>Address</u>
Harold E. Waldhouse	6281 Meadowcrest Road Salt Lake City, Utah
Leo A. Jardine	1471 Penrose Drive Salt Lake City, Utah

ARTICLE XII  
INITIAL PRINCIPAL OFFICE AND REGISTERED AGENT

The location of the initial principal office of the corporation shall be 6281 Meadowcrest Road, Salt Lake City, Utah 84121, and the initial registered agent at such address shall be Harold E. Waldhouse.

Dated this 16<sup>th</sup> day of April 1980.

<signature of Harold E. Waldhouse found here on original>

<signature of Leo A. Jardine found here on original>

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE )

I hereby certify that on the 15th/16th days of April 1980, personally appeared before me HAROLD E. WALDHOUSE and LEO A. JARDINE, who being by me first duly sworn severally declared that they have read the foregoing Articles of Incorporation and know the contents thereof; the same are true of their own knowledge, except as to matters which are therein stated upon information and belief, and as to those matters, they believe them to be true.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 16<sup>th</sup> day of April 1980.

<signature of Richard H. Thornton or original>

Notary Public

My Commission Expires:

October 15, 1983

## AMENDMENTS TO THE ARTICLES OF INCORPORATION

### AMENDMENT I

Article VI, MEMBERS OF THE CORPORATION, shall be amended as follows:

The corporation shall have as Members only persons or entities who are Owners of property located in Section 36, Township 1 North, Range 8 East (Salt Lake Base and Meridian), Summit County, Utah, or a family member(s) who is designated through a Power of Attorney, as set forth in Article III, as amended, of the Bylaws of the Corporation. The Members shall have voting rights.

Amendment I, to the Articles, approved and adopted by unanimous vote of the Members of the Association at the Annual Meeting on April 10, 1995.

**AMENDED BYLAWS OF  
ALPINE ACRES PROPERTY OWNERS ASSOCIATION**

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AMENDED BYLAWS  
OF  
ALPINE ACRES PROPERTY OWNERS ASSOCIATION

ARTICLE I  
**DEFINITIONS AND NOTICE**

Section 1. Definitions. Except as otherwise provided herein or as may be required by the context, all terms defined in the ARTICLES OF INCORPORATION FOR THE ALPINE ACRES PROPERTY OWNERS ASSOCIATION (“the Articles”), as amended, shall have the same defined meanings when used in these Bylaws. For reference, the following definitions are duplicated herein:

- (a) “Act” shall refer to Section 57-8a, Community Association Act, Utah Code Annotated.
- (b) “Articles” shall refer to the Articles of Incorporation of Alpine Acres.
- (c) “Association” shall refer to the Alpine Acres Property Owners Association, the membership of which may include Owners who are Members in the Project. The Association may be incorporated as a nonprofit corporation. If the Members are ever organized as another type of entity or if the Members act as a group without legal organization, “Association” as used in this Declaration shall refer to that entity or group.

(d) “Board Member” shall mean a duly qualified and elected or appointed member of the Board.

(e) “Board of Directors” or “Board” shall mean the body of elected or appointed people with primary authority to manage the affairs of the Association, including the responsibility and authority to make and enforce all of the reasonable rules covering the operations and maintenance of the Project.

(f) “Bylaws” shall refer to the Amended Bylaws of the Alpine Acres Property Owners Association.

(g) “Common Areas” shall refer to the common areas owned by the Association, and all Association-owned roads and bridges located within the boundaries of Alpine Acres Subdivision in Summit County, Utah.

(h) “Gates” shall refer to the existing security gates located within the Project, including the following: Apache Road Gate, Navajo Road Gate, Yosemite Road Gate, Blackfoot Road Gate, Sioux Road Gate, Cherokee Road Gate, Mohawk Road Gate, Catawba Road Gate, Comanche Road Gate, Cheyenne Road Gate, Iroquois Road Gate and Mohican Road Gate.

(i) “Member” shall mean an Owner who is a member of the Association.

(j) “Occupant” shall mean any Persons, other than a Member or Owner, in possession of, using, entering into a Unit or the Project, including, without limitation, family members, guests, and invitees of a Member, Owner or an Occupant.

(k) “Owner” shall mean the Person or Persons who have record title to a Lot or Unit in the Project, including those who hold a fee simple interest in the Unit (in whole or in part), according to the records of the County Recorder of Summit County, Utah; however, Owner shall not include a trustee for a deed of trust.

(l) “Person” shall mean a natural individual, corporation, estate, partnership, trustee, association, joint venture, government, governmental subdivision or agency, or any other legal entity.

(m) “Project” shall mean the land, whether leasehold or in fee simple, the Building, all improvements and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith; as defined by the Plat and the Declaration and including the Units, and the Common Areas. Project as defined in the Declaration is intended to have the same definition as “Property” as defined in the Act.

(n) “Property” shall mean the property legally described in the Exhibits to the Declaration and all easements and rights appurtenant thereto.

(o) “Reserve Study/Reserve Fund” shall refer to the study completed by the Association every six (6) years (in accordance with State law) and reviewed by the Board every three (3) years, and the fund which may or may not be authorized by the Board in accordance with the findings of the study.

(p) “Roads” shall refer to the Association owned roads in the Property area.

(q) “Rules” shall mean and refer to the Rules and Regulations adopted by the Association.

(r) “Undivided Interest” shall mean the interest of that Owner in the Common Areas, which shall be applicable for the purposes of voting, the payment of Common Expenses, and for other purposes indicated in the Declaration or the Act.

(s) “Unit” shall mean and refer to an individual cabin unit, located on a lot within the Property identified on the Plats. Except where the context specifically requires otherwise, reference to a Unit shall include reference to the Undivided Interest appurtenant to such Unit.

Section 2. Notice. Notice as required in these Bylaws shall be accomplished as provided for in the Declaration.

Section 3. Utah Code Compliance. All provisions contained in these Bylaws shall be in compliance with Section 57-8a, Utah Code Annotated (Community Association Act).

## ARTICLE II

### OFFICES AND REGISTERED AGENT

Section 1. Principal Office. The principal office of the Association shall be located within the State of Utah. The Association may have such other offices within the State of Utah as the Board of Directors may designate or as the business of the Association may require from time to time.

Section 2. Registered Office. The registered office of the Association may be, but need not be, the same as its principal office in the State of Utah, and the address of the registered office may be changed from time to time by the Board of Directors.

Section 3. Registered Agent. The registered agent of the Association may be either an individual resident in the State of Utah whose business office is identical with the registered office of the Association, a domestic corporation or a foreign corporation authorized to transact business in the State of Utah and having a business office identical with the Association's registered office. The registered agent may be changed from time to time by the Board of Directors and shall be changed if such agent resigns, dies or, in case of an individual or foreign corporation, ceases to have a business office identical with the registered office of the Association.

ARTICLE III  
PURPOSES OF THE ASSOCIATION

Section 1. Common Areas. The Common Areas owned by the Association as part of the Property, including Association-owned roads and parcels of land located within the boundaries of Alpine Acres Subdivision in Summit County, Utah. All such Common Areas are for the restricted use of Members of the Association.

Section 2. Management Purposes. The corporation is organized and operated to provide for the acquisition, construction, management, maintenance and care, of the property and Common Areas of the Association, for and on behalf of the Members of the Association; the collection and receipt of funds for such purposes; and the disbursement and payment of said funds for such acquisition, construction, management, maintenance and care, pursuant to the Bylaws of the Association.

Section 3. Association and Owner Responsibilities. Except as otherwise noted, the Association is responsible for the maintenance, repair and replacement of Common Areas, and the Owner is responsible for the maintenance, repair and replacement of the Owner's lot area.

Section 4. Rustic Nature of Area. The Association shall protect and preserve the natural, rustic nature of the property and Common Areas owned by the Association in accordance with the restrictive covenants adopted by the developers of the Alpine Acres Subdivision, Summit



County, Utah. Existing fences and Gates shall be preserved to maintain the natural feel of the area, to preserve privacy and solitude for Owners, and to provide security for area properties.

#### ARTICLE IV

##### MEMBERS

Section 1. Eligibility for Membership. The Association shall have as Members only persons or entities who are Owners of property located in Section 36, Township 1 North, Range 8 East (Salt Lake Base and Meridian), Summit County, Utah. Such Members shall be current and up to date on dues as determined by the Board of Directors to be considered as such. The memberships of the Association shall be appurtenant to and may not be separated from ownership of the property described above.

a. Procedure to Become Member. An Owner shall become a Member of the Association upon (1) payment of the Association the dues, fees and assessments assessed by the Association with respect to the person's or entity's property and (2) approval by the Board of Directors of the person's or entity's membership application. Upon making application to become a Member of the Association, the applicant agrees, if the application is accepted, to be bound by the Articles of Incorporation, the Bylaws and all Rules and Regulations of the Association.

b. Voting. Each membership in the Association shall be entitled to only one vote.

c. Joint Ownership. In the event any parcel of property located in Section 36 is owned by two or more persons, whether by joint tenancy, tenancy in common or otherwise, the membership for such lot shall be issued in the names of all the Owners, and they shall designate to the Association in writing at the time of issuance one person who shall hold the membership and have the power to vote said membership.

d. Ownership of More than One Parcel of Property. No one person or entity may hold more than one membership regardless of the number of parcels of property that person or entity might own within Section 36, whether such ownership is individual or joint.

e. Contract Purchasers. In the case of persons or entities purchasing any property located in Section 36 on contract, the contract seller may assign such seller's right of enjoyment of the Common Area and facilities of the Association and such seller's voting right in the Association. Any such assignment shall be in writing and shall be delivered to the Association before any such contract purchaser may use the Common Area and facilities of the Association or vote, as the case may be.

f. Lienholders. Persons or entities who hold an interest in any property located in Section 36 solely as security for payment of indebtedness or the performance of any obligation shall not be Members of the Association unless pursuant to such security interest or a deed in lieu thereof, such person or entity succeeds to the fee simple title to such property.

g. Continuing Membership. After an applicant's membership application has been accepted by the Board of Directors, the applicant's membership in the Association shall continue from year to year upon payment of all dues and assessments.

h. Initial Membership. All persons or entities who are Members of the Association, an unincorporated, non-profit entity, at the time of the adoption of these Bylaws may automatically become Members of the Association upon payment of their annual membership dues for the next succeeding membership year, without the necessity of filing a membership application.

## Section 2. Dues, Fees and Assessments.

a. Annual Membership Dues. Membership years shall run from January 1st of one year to December 31st of the same year. Each Member shall pay annual membership dues before May 1st of each year for the following membership year. Any required payment not made by May 1st of each year shall accrue interest at the rate of twelve percent (12%) per annum, unless such interest is waived by the Board of Directors.

b. Amount of Annual Membership Dues. The annual membership dues required to be paid by each Member shall be \$100.00. The Board of Directors may vote to increase or decrease such dues for a membership year by an amount not to exceed ten percent (10%) per annum by giving Members written notice of such increase on or before April 1<sup>st</sup> of the preceding membership year. Any increases in the amount of annual membership dues that exceed ten percent (10%) per annum must be approved by the Members at a regular or special meeting.

c. Miscellaneous Fees and Assessments. The Board of Directors may assess admission fees for new memberships or make special assessments upon receiving authorization to do so from the membership at a regular or special meeting.

Section 3. Termination of Membership. A person's or entity's membership in the Association may be terminated by the Board of Directors on account of the Member's willful failure to pay any monetary sums due to the Association or upon the Member's continued infractions of the Bylaws, Rules and/or Regulations of the Association. Such membership may be terminated only after proper advance notice setting forth the charges has been given and a full hearing thereon has been held.

Section 4. Withdrawal of Member from Association. Any Member may withdraw from the Association upon giving written notice thirty (30) days prior to the effective date of such withdrawal to the Board of Directors. All fees or assessments already paid by the withdrawing Member shall be forfeited, and shall not be refunded by the Association. Any such withdrawal, however, shall not affect that Member's liability for dues, interest, assessments or other fees imposed, assessed or contracted by the Association prior to the effect date of withdrawal.

Section 5. Annual Meeting. The Annual Meeting of the Members shall be held on the second Monday of April of each year, or on another date determined by the Board with required noticing, for the following purposes: electing Members of the Board, approving the annual budget, approving the minutes of the previous meeting, and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Utah, such meeting shall be held on the next succeeding business day. If the election of Board Members is not held on the day designated herein for any Annual Meeting of the Members or at any adjournment thereof, the Board of Directors shall cause the election to

be held at a special meeting of the Members to be held as soon thereafter as conveniently may be called. At each Annual Meeting, the Board of Directors shall make a report to the Members showing in reasonable detail the assets and liabilities of the Association and a general statement of its transactions and conditions.

Section 6. Failure to Hold Annual Meeting. Failure to hold the Annual Meeting at the designated time shall not work a forfeiture or dissolution of the Association. If an Annual Meeting is not held within three months after the time provided in section 3 above, however, an Annual Meeting may be called by any ten (10) Members.

Section 7. Special Meeting. Special meetings of the Members may be called by the President or a majority of the Board of Directors for any purpose or purposes and shall be called by the President or the Secretary at the request of not less than fifteen (15) Members of the Association.

Section 8. Place of Meeting. The Board of Directors may designate any place within the State of Utah as the place of meeting for any Annual Meeting or for any special meeting called by the Board of Directors. A waiver of notice signed by all Members entitled to vote at a meeting may designate any place either within or without the State of Utah, as the place for the holding of Annual or special meetings. If no designation is made by the Board of Directors or Members or if a special meeting is otherwise called by the President, either at their request or at the request of the requisite number of Members, the place of the meeting shall be at the principal office of the Association in the State of Utah.

Section 9. Notice of Meeting. Written or printed notice stating the place, day and hour of the meeting and also, in the case of a special meeting, the purpose or purposes for which the

meeting is called, shall be delivered (a) not less than ten (10) nor more than thirty (30) days before the date of the meeting, (b) either electronically or by mail, (c) by or at the direction of the President, the Secretary or the officer or persons calling the meeting, and (d) to each Member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail postage prepaid and addressed to the Member's address as it appears on the records of the Association.

Section 10. Meeting Held Without Notice. If all the Members shall meet at any time or place, either within or without the State of Utah, and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at such meeting any Association action may be taken.

Section 11. Quorum. If proper notice has been given as provided in Section 8 above, one-third (1/3) of the Members of the Association present in person shall constitute a quorum at a meeting of Members. If less than one-third (1/3) of the Members are present at a meeting, a majority of the Members so present may adjourn the meeting from time to time without further notice. If at such adjourned meeting a quorum is present, any business may be transacted that might have been transacted at the meeting as originally notified. The Members present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum present at the meeting.

Section 12. Voting. Each membership shall be entitled to one vote upon each matter submitted to vote at a meeting of Members. There shall be no voting allowed by proxy.

Section 13. Manner of Acting. If a quorum of members is present at a meeting, the affirmative vote of the majority of the Members present at the meeting shall be the act of the Members.

Section 14. Meetings by Telecommunications. If a Board Member may participate by means of electronic communication, the Board shall provide the information necessary for all interested Members to participate by the available means of electronic communication.

Section 15. Action Without Meeting. Any action required to be taken at a meeting of the Members or any other action that may be taken at a meeting of the Members may be taken without a meeting if a consent in writing setting forth the action so taken is signed by all of the Members entitled to vote with respect to the subject matter of such action. Such consent shall have the same force and effect as a unanimous vote of the Members. Such actions must be consistent with the requirements of the Revised Nonprofit Corporation Act.

ARTICLE V  
BOARD OF DIRECTORS

Section 1. General Powers. The business and affairs of the Association shall be managed by its Board of Directors.

Section 2. Number, Tenure and Qualifications. The number of Board Members shall be five (5), each of whom must be a Member of the Association or designated family member, but none of whom need be residents of the State of Utah. This clause shall not create any obligation with regard to the Board, and shall not restrict any potential Board Member from running for the Board. The number of Board Members may be increased or decreased from time to time by amendment of this section, but no decrease shall have the effect of shortening the term of any incumbent Board Member or reducing the number of Board Members to less than three (3). Two (2) Board Members shall be elected in even years and three (3) Board Members shall be elected in odd years. Each Board Member shall hold office for a period of two (2) years and until a successor shall have been elected or qualified. The term of office shall begin immediately after the Annual Meeting has been adjourned. A Board Member may be re-elected to hold office for an additional term of two years, but no Board Member may hold office for more than four consecutive years. Board Members who have held office for four consecutive years shall not hold office for one ensuing year, after which they will then become eligible to again hold the office of a Board Member, and may be elected for one or two more terms of office not to exceed four consecutive years.

Section 3. Manner of Election. A request for nominations for open or expiring board positions shall be provided to Members not less than thirty (30) days prior to the Annual



Meeting. Nominations for the Board Members may also be made by Members at the Annual Meeting and by a nominating committee selected by the Board of Directors. Nominations made by the Members at the meeting must be seconded by another membership and must have prior approval of the nominated member to be valid. At each election for Board Members every membership entitled to vote at such election shall have the right to vote for as many persons as there are Board Members to be elected and for whose election they have the right to vote. The vote may be by secret ballot. Each membership in the Association shall be entitled to only one vote.

Section 4. Officers of the Board of Directors. The President, Vice President and Secretary of the Association shall also be the President, Vice President and Secretary, respectively, of the Board of Directors.

Section 5. Regular Meetings. A regular meeting of the Board of Directors shall be held on the first Monday of each quarter, or at another time as determined by the Board with required noticing, at such time and place that may be directed by the President of the Association. The Board of Directors may provide by resolution other days, times, and places for the holding of regular quarterly or other meetings of the Board.

Section 6. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any three (3) Board Members. The person or persons authorized to call special meetings of the Board of Directors may fix any reasonable time and place as the time and place for holding such special meeting.

Section 7. Notice of Meetings. Notice of any special meeting of the Board of Directors shall be given at least three (3) days previous thereto by electronic or telephone message given

to, or by written notice mailed or delivered personally to, each Board Member at their address listed in the records of the Association. If mailed, such notice shall be deemed to be delivered when deposited in the U.S. mail postage prepaid and so addressed. Any Board Member may waive notice of any meeting, and attendance of a Board Member at a meeting shall constitute a waiver of notice of such meeting, except where a Board Member attends a meeting for the express purpose of objecting to the transaction of any business because a meeting was not lawfully called or convened. Neither the business to be transacted, nor the purpose of such business, needs to be specified in the notice or waiver of notice of such meeting.

Section 8. Action Without Meeting. Any action that is required to or may be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing setting forth the action so taken is signed by all of the Board Members. Such consent shall have the same effect as a unanimous vote.

Section 9. Meetings by Telephone Conference Calls. Members of the Board of Directors may participate in a meeting of the Board by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other. Participation in a meeting under this section shall constitute presence in person at the meeting.

Section 10. Quorum. A majority of the number of Board Members fixed by Section 2 of this article IV shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If less than such majority is present at a meeting, the majority of the Board Members present at the meeting may adjourn the meeting from time to time without further notice.

Section 11. Manner of Acting. The act of a majority of Board Members present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 12. Vacancies. Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Board Members, although the remaining Board Members might constitute less than a quorum of the required number of Board Members. A Board Member elected to fill a vacancy shall be elected for the unexpired term of the Board Member's predecessor in office. Any directorship to be filled by reason of an increase in the number of Board Members shall be filled by the affirmative vote of a majority of the Board of Directors, such election to take effect until the next Annual Meeting of the Members or a special meeting of the Members called for the purpose of electing a Board Member to the office so created. Any directorship to be filled by reason of the removal of one or more Board Members by the Members may be filled by election by the Members at the meeting at which the Board Member or Members are removed.

Section 13. Removal of Board Members by Owners. At a meeting called expressly for that purpose, one or more Board Members or the entire Board of Directors may be removed, with or without cause, by a vote of a majority of the Members then entitled to vote at an election of Board Members.

Section 14. Removal for Failure to Participate. If any Board Member shall fail to appear (in person or by some other means allowing for participation) at four (4) successive regular Board meetings or fifty percent (50%) or more of the regular meetings within the preceding 12 months, after having received proper notice of the meetings and after the Board has attempted in good faith to schedule meetings consistent with all of the Member's schedules, the other Board

Members may by unanimous vote, except for the Board Member to be removed, remove that Member and appoint a new Member.

Section 15. Compensation. By resolution of the Board of Directors, Board Members may be paid for the expenses of attending meetings of the Board, the approval of such expenses being subject to the review and rescission of the Members at the next meeting of Members held after such payment. Otherwise, the Board Members shall not be compensated for their services to the Association as Board Members. Nothing contained herein, however, shall be construed to preclude any Board Member from serving the Association in any other capacity and receiving compensation therefor.

Section 16. Presumption of Assent. A Board Member of the Association who is present at a meeting of the Board of Directors at which action on any Association matter is taken shall be presumed to have assented to the action taken unless the Board Member's dissent shall be entered in the minutes of the meeting or unless such Member shall file his written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Association immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Board Member who voted in favor of such action.

Section 17. Annual Budget. At least annually, the Board shall prepare and adopt a budget for the Association.

Section 18. Property of the Association. The Board of Directors may not sell, lease, mortgage or encumber Association property unless authorized by an affirmative vote of at least two-thirds of the votes cast by the Members present at a valid Association meeting.

Section 19. Changes to Rules and Regulations. Any changes to the Rules and Regulations made by the Board of Directors must be approved by the Members before being implemented. Approval shall be by an affirmative vote of a majority of the votes cast by the Members present at a valid Association meeting.

## ARTICLE VI COMMITTEES

Section 1. Executive Committee. The Board of Directors, by resolution, may designate and appoint an Executive Committee consisting of two Board Members, which committee, to the extent provided in said resolution, shall have and exercise the authority of the Board of Directors in the management of the Association; provided, however, that no such Executive Committee shall have the authority of the Board of Directors in reference to:

- a. amending, altering or repealing any Rule or Regulation;
- b. electing, appointing or removing any Member of any such Executive Committee or any other committee designated and appointed by the Board of Directors;
- c. electing, appointing or removing any Board Member or officer of the Association;
- d. amending the Articles of Incorporation;
- e. adopting a plan of merger or adopting a plan of consolidation with another Association;
- f. authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the Association;

- g. authorizing the voluntary dissolution of the Association or revoking any proceedings therefor;
- h. authorizing the creation of a Reserve Study and implementation of a Reserve Fund if the Committee determines its necessity;
- i. adopting a plan for distribution of the assets of the Association; or amending, altering or repealing any resolution of the Board of Directors
- j. which by its terms provides that it shall not be amended, altered, or repealed by such Executive Committee.

The designation and appointment of any such Executive Committee and the delegation thereto of authority shall not operate or relieve the Board of Directors or any individual Board Members of any responsibility imposed by law.

Section 2. Other Committees. Other committees not having and exercising the authority of the governing board in the management of the corporation may be designated and appointed by a resolution of the Board of Directors from time to time for the purpose or accomplishing the objectives of the Association. Such committees shall consist of two or more Board Members.

Section 3. Term of Office. Each Member of a committee (including the Executive Committee) who is designated and appointed by the Board of Directors shall continue as a Member of such committee at the pleasure of the Board of Directors or until any Member so appointed resigns his committee assignment.

Section 4. Chairman. One Member of each committee (including the Executive Committee) who is designated and appointed by the Board of Directors shall be appointed Chairman of that committee by the Board of Directors.

Section 5. Quorum. Unless otherwise provided in the resolution of the Board of Directors designating and appointing a committee, including the Executive Committee, a majority of the whole committee shall constitute a quorum of said committee, and the act of a majority of the Members present at a meeting at which a quorum is present shall be the act of the committee.

## ARTICLE VII

### OFFICERS

Section 1. Officers Authorized. The officers of the Association shall consist of a President, a Vice President, a Secretary, a Treasurer and a representative, who shall be elected by the Board of Directors from among the Board Members of the Association. No two offices may be held by the same person, and only one person from the same membership shall be a Member of the Board of Directors at the same time.

Section 2. Election and Term of Office. The officers shall be elected annually by the Board of Directors at the first meeting of the Board of Directors held after each Annual Meeting of the Members, which meeting shall be held within thirty (30) days after the membership meeting. After the Annual Meeting has been adjourned, notice of the time and place of the first meeting of the new Board of Directors shall be given by the highest ranking Member of the previous Board of Directors who is remaining a member of the new Board of Directors. The ranking of the Board of Directors shall be: (1) President, who ranks the highest, (2) Vice President, (3) Secretary, (4) Treasurer, (5) representative. If none of the preceding is a Member of the newly elected Board of Directors, then the Member who received the most votes in the

Board's election shall set the time and place of the first meeting of the Board of Directors. Each officer shall hold office until such Board Member dies, resigns, or has been removed in the manner hereinafter provided, is not a member of the Board of Directors, or until a successor shall have been duly elected and shall have qualified.

Section 3. Resignations. Any officer may resign at any time by giving written notice to the Board of Directors, to the President or to the Secretary. Such resignation shall take effect at the time specified therein or, if not so specified, upon delivery. Unless otherwise specified in the resignation, the acceptance of such resignation shall not be necessary to be effective.

Section 4. Removal. Any officer elected by the Board of Directors may be removed by the Board of Directors whenever in the judgment of the Board of Directors the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Section 5. Vacancies. A vacancy in any elected office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

Section 6. President.

a. Relation to the Board of Directors. The President shall, when present, preside at all meetings of Members and of the Board of Directors.

b. General duties. The President shall be the principal Executive Officer of the Association, and subject to the control of the Board of Directors, shall in general (1) supervise and control all of the business and affairs of the Association; (2) perform all



duties incident to the office of the President and (3) carry out such other duties as may be prescribed by the Board of Directors from time to time.

c. Signing Documents. Together with the Secretary or any other officer of the Association authorized by the Board of Directors, the President may sign any deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors and members have authorized be executed, except in cases where the signing and execution of such documents or instruments is (1) expressly delegated by the Board of Directors, the Members or by these Bylaws to some other officer or agent of the Association or (2) required by law to be otherwise signed and executed.

Section 7. Vice President. In the absence of the President, or in the event of inability to act, the Vice President shall perform the duties of the President and when so acting shall have all the powers of and be subject to all the restrictions upon the President. The Vice President acting in the absence of the President shall perform such other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 8. Secretary. The Secretary shall: (a) keep the minutes of meetings of the members and of the Board of Directors in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the Association records and of the seal of the Association; (d) see that the seal of the Association is affixed to all documents the execution of which on behalf of the Association under its seal is duly authorized; (e) keep a register of each Member's post office address that is furnished to the Secretary by such Member; and (f) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 9. Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of duties in such sum and with such surety or sureties as the Board of Directors shall determine. The Treasurer shall: (a) have charge and custody of and be responsible for all funds and securities of the Association; (b) receive and give receipt for monies due and payable to the Association from any source what so ever, and deposit all such monies in the name of the Association in such banks, trust companies or other depositories as are selected in accordance with the provisions of article IX of these Bylaws; and (c) in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the President or by the Board of Directors

Section 10. Representative. The representative of the Association may (a) represent the Board of Directors at meetings of other organizations to which the Association belongs, (b) convey messages from the Board of Directors to said organizations, (c) report the actions taken by such organizations to the Board of Directors; and (d) perform such other duties as from time to time may be assigned by the President or by the Board of Directors.

## ARTICLE VIII

### INDEMNIFICATION OF BOARD MEMBERS, OFFICERS, EMPLOYEES AND AGENTS

Section 1. Indemnification. No Board Member, officer, or member of a Committee shall be personally liable for any obligations of the Association or for any duties or obligations arising out of any acts or conduct of said Board Member, officer, or Committee member performed for

or on behalf of the Association. The Association shall and does hereby indemnify and hold harmless each person who shall serve at any time as a Board Member, officer of the Association, or a member of a duly formed Committee, as well as such person's heirs and administrators, from and against any and all claims, judgments, and liabilities to which such persons shall become subject, by reason of that person having heretofore or hereafter been a Board Member, officer of the Association, or member of a Committee or by reason of any action alleged to have been heretofore or hereafter taken or omitted to have been taken by him/her as such Board Member, officer, or Committee member, and shall advance and reimburse any such person for all legal and other expenses reasonably incurred in connection with any such claim or liability; provided that the Association shall have the right to defend such person from all suits or claims; provided further, however, that no such person shall be indemnified against or be reimbursed for or be defended against any expense or liability incurred in connection with any claim or action arising out of such person's intentional misconduct. The rights accruing to any person under the foregoing provisions of this Section shall not exclude any other right to which such person may lawfully be entitled, nor shall anything herein contained restrict the right of the Association to indemnify or reimburse such person in any proper case, even though not specifically provided for herein or otherwise permitted.

Section 2. Other Indemnification. The indemnification herein provided shall not be deemed exclusive of any other right to indemnification to which any person seeking indemnification may be provided under any statute, agreement, vote of disinterested Board Members, or otherwise, both as to action taken in any official capacity and as to action taken in any other capacity while holding such office. The indemnification herein provided shall continue

as to any person who has ceased to be a Board Member, officer, Committee member, or employee, and shall inure to the benefit of the heirs, executors, and administrators of any such person.

Section 3. Settlement by Association. The right of any person to be indemnified shall be subject always to the right of the Association by the Board, in lieu of such indemnity, to settle any such claim, action, suit, or proceeding at the expense of the Association by the payment of the amount of such settlement and the costs and expenses incurred in connection therewith.

## ARTICLE IX

### INTERESTED BOARD MEMBERS AND OFFICERS

Section 1. Certain Transactions Involving Interested Board Members or Officers Authorized. No contract or transaction between the Association and one or more of its Board Members or officers, or between the Association and any other corporation, partnership, Association or other organization in which one or more of its Board Members or officers are Board Members or officers or have a financial interest shall be void or voidable solely for that reason, solely because such interested Board Member or officer is present at or participates in the meeting of the Board of Directors that authorizes the contract or transaction or solely because of votes counted for such authorization if:

- a. the material facts as to interest and as to the contract or transaction are disclosed or are known to the Board of Directors, and the Board in good faith authorizes

the contract or transaction by a vote sufficient for such purpose without counting the vote of the interested Board Member or Members;

b. the material facts as to the interest and as to the contract or transaction are disclosed or are known to the Members entitled to vote thereon, and the contract or transaction is specifically approved in good faith by vote of the Members; or

c. the contract or transaction is fair to the Association as of the time it is authorized and is approved or ratified by the Board of Directors or the Members.

Section 2. Interested Board Members May Be Counted in Determining Quorum.

Interested Board Members may be counted in determining the presence of a quorum at a meeting of the Board of Directors that authorizes the contract or transaction.

## ARTICLE X

### CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. Contracts. The Board of Directors may authorize any officer or officers or agent or agents to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances. In the absence of specific authorization or limitation to the contrary, all deeds and mortgages made by the Association and all other written contracts and agreements to which the Association shall be a party shall be executed in the name of the Association by the President or Vice President and attested by the Secretary. When necessary or required, the Secretary shall affix the Association's seal to such deeds, mortgages and other written contracts and agreements.

Section 2. Loans. The Association shall not lend money to or use its credit to assist its officers, Board Members, employees or other control persons.

Section 3. Checks, Drafts, etc. All checks, drafts, orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by such officer or officers or agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors. Unless otherwise specifically directed by the Board of Directors; all such checks, drafts, orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by the President or Vice President and by the Treasurer.

Section 4. Deposits. All funds of the Association not being currently employed by the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositories as the Board of Directors may select.

Section 5. Gifts. The Board of Directors may accept on behalf of the Association any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Association.

ARTICLE XI  
COMPENSATION AND DISTRIBUTIONS

No part of the income of the Association shall be distributed to its Members, Board Members or officers. The Association (1) may pay compensation in a reasonable amount to its Members, Board Members or officers for services rendered, (2) may confer benefits upon its Members in conformity with its purposes, (3) may pay interest on certificates of indebtedness issued by it evidencing capital contributions, and (4) upon dissolution or final liquidation may make distributions to its Members as permitted by the Utah Nonprofit Corporation and Cooperative Association Act, and no such payment, benefit or distribution shall be deemed to be a distribution of income.

ARTICLE XII  
BOOKS AND RECORDS

The Association shall keep (1) correct and complete books and records of account, (2) minutes of the proceedings of its Members and Board of Directors and (3) electronically and/or at its registered office or other location as determined by the Board, a record of its Members, giving the names and addresses of all members. All books and records of the Association may be inspected by any Member, a Member's agent or attorney, for any proper purpose and at any reasonable time.

ARTICLE XIII  
FISCAL YEAR

The fiscal year of the Association shall begin on the first day of January and end on the last day of December in each year.

ARTICLE XIV  
WAIVER OF NOTICE

Whenever any notice is required to be given to any Member or Board Member of the Association under the provisions of these Bylaws, the Articles of Incorporation or the Utah Nonprofit Corporation and Cooperative Association Act, a waiver of such notice in writing signed by the person or persons entitled to such notice shall be deemed equivalent to the giving of such notice, whether such waiver is given before or after the time of the meeting or action with respect to which the notice is given.

ARTICLE XV  
RULES AND REGULATION

Pursuant to the laws of the State of Utah, article VIII of the Articles of Incorporation of the Association and these Bylaws, the Board of Directors by resolution may adopt, publish and enforce rules and regulations applicable to all Members of the Association and their guest, which



rules have to do with the management, maintenance, preservation and operation of the property of the Association and the regulation and management of the affairs of the Association. Such Rules and Regulations may not be inconsistent with the Articles of Incorporation or Bylaws of the Association or with the ordinances of the Summit County, Utah, the laws of the State of Utah or the laws of the United States.

## ARTICLE XVI

### MISCELLANEOUS

Section 1. Notice of Unpaid Assessments. At the request of a lienholder holding a lien with respect to any property owned by a member in Section 36, Township 1 North, Range 8 East, Salt Lake Base and Meridian, Summit County, Utah, the Board of Directors shall report to such lienholder any unpaid assessments due from any Member with respect to such property.

Section 2. Conflicting Provisions. In case any of these Bylaws conflict with any provisions of the laws of the State of Utah, such conflicting Bylaws shall be null and void upon final court determination of such effect, but all other Bylaws shall remain in full force and effect. In case of any conflict between the Articles of Incorporation of the Association and these Bylaws, the Articles of Incorporation shall control.

Section 3. Inspection of Bylaws. The Association shall keep at its principal office the original or a copy of these Bylaws as amended, certified by the Secretary, which shall be open to inspection at reasonable times by all Members of the Association and all lienholders of property held by Members of the Association.

ARTICLE XVII  
AMENDMENTS

Section 1. Procedure to Amend. Amendments to these Bylaws shall be made in accordance with Article VII of the Articles of Incorporation of the Association. The Board of Directors may adopt a resolution setting forth a proposed amendment and direct that it be submitted to a vote at a meeting of the Members having voting rights, which may be either an Annual or special meeting.

Section 2. Notice of Proposed Amendment. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby and any recommendations of the Board of Directors for adoption or rejection of the proposed amendment shall be given to each member entitled to vote thereon not less than ten days before the date of the meeting and in the manner provided in the Bylaws for the giving of notice of meetings of Members. If the meeting is an Annual Meeting, the proposed amendment or such summary may be included in the notice of such Annual Meeting.

Section 3. Voting on Proposed Amendment. At such a meeting a vote of the Members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes which Members present at such meeting are entitled to cast. There shall be no voting by proxy.

Section 4. Number of Amendments Considered at One Meeting. Any number of amendments may be submitted to the Members and voted upon by them at one meeting.

Section 5. Initial Bylaws. Bylaws of the Association were originally adopted on April 14, 1980.

Section 6. Past Amendments Adopted. Consistent with the authority granted in the Initial Bylaws, Amendment I was approved by unanimous vote by Members of the Association at the Annual Meeting on April 10, 1995; Amendment II was approved and adopted by a 30 to 1 majority vote at the Annual Meeting held on April 14, 1997.

Section 7. Current Amended Bylaws. By these Amended Bylaws, the Association now desires to further amend the Initial Bylaws and subsequently amended Amendments I and II. Said Amended Bylaws are adopted and recorded in full compliance with the amendment procedures found in the Bylaws, with Article VII of the Articles of Incorporation, and with State law.

**Legal Description:** All of the lots included in Section 36, T1N-R8E, located in the following Alpine Acres Plats: Plat A, Lots 1-20, Plat B, Lots 21-46, Plat C, Lots 46-60, Plat D, Lots 61-85, Plat E, Lots 86-105, Plat F, Lots 106-110, Plat G, Lots 111-114, and Plat H (Lot 115).

**Parcel Description:** AA-1 through AA-115, including in Alpine Acres Plats A-H.

IN WITNESS WHEREOF, the President of the Board of Directors for the Alpine Acres Property Owners Association has executed this instrument as of the date first set forth below.

ALPINE ACRES PROPERTY OWNERS  
ASSOCIATION, a Utah non-profit  
association

By: D. William Pettigrew

William Pettigrew

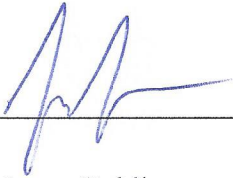
Its: President

STATE OF UTAH )

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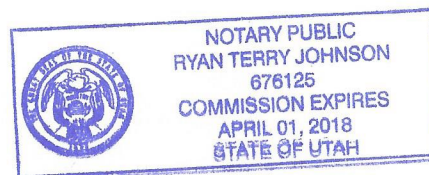
County of Salt Lake )  
~~Summit~~

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2017 by WILLIAM PETTIGREW, who is the President of ALPINE ACRES PROPERTY OWNERS ASSOCIATION, a Utah non-profit association.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

April 01, 2018



## ALPINE ACRES RULES AND REGULATIONS

April 2017

These Rules and Regulations are intended to protect the rights and privacy of individual property owners of Alpine Acres and to preserve the present environment and rustic nature of the surroundings to the maximum possible extent.

### I. ROADS

Alpine Acres Association has responsibility and full authority for establishing rules and regulations for the use and maintenance of all Association-owned roads, so that the rights and privileges of all property owners are protected.

1. Association-owned interior roads shall provide access and egress privileges to all individual property owners and their guests, at all times, but shall not be used as access for vehicles to property or roads outside Alpine Acres Subdivision without consent of Alpine Acres Association.
2. No person or property owner may block or restrict access or egress on any Alpine Acres roads. However, existing lockable Gates (existing before December 31, 1990), as listed in the Bylaws, are recognized as being necessary to the welfare and security of property owners abutting these roads. Such Gates shall be allowed if walk-through space is provided by each gate, pedestrian traffic is not obstructed, and there is provision made for access by fire, police, utility companies, and Alpine Acres Association. The Association shall retain the right to improve or modify these Gates by a majority vote of the Board of Directors, but the existing Gates are “grandfathered” and shall not be removed.
3. The Association makes no guarantee of safety of individuals utilizing Association roads but will do everything possible to maintain the safe condition of all Alpine Acres roads within the subdivision boundaries.
4. Property owners may use road right-of-way or cross road right-of-way for water lines provided existing road conditions are maintained without damage, no unsafe hazard is created, and construction follows the applicable guidelines contained in paragraph 6.
5. It is realized that changes or improvements of Alpine Acres roads may be necessary from time to time. However, any changes must be approved, in advance, by the Alpine Acres Board of Directors.
6. Property owners are encouraged to maintain or improve Alpine Acres roads leading to their own property at their own expense. However, maintenance or improvements must be consistent with the following guidelines:
  - a) Roads must remain rustic in nature without destruction of vegetation.

- b) Existing widths shall not be changed.
- c) Drainage must be maintained or improved.
- d) Surfacing must be accomplished with "road-base type" material. Sewer rock or gravel are not desirable since walking, bicycle riding and general aesthetics are impaired; further, gravel or rock surfacing will not remain stable.

7. Abutting property owners of any road in Alpine Acres Subdivision may undertake extensive maintenance, repair, or improvement of their, own road, at their own expense, provided they follow the guidelines in paragraph 6 above, and provided they first obtain approval of a majority of all the individual abutting property owners of that road, and they receive approval from the Board of Directors.

8. The Association shall monitor road conditions throughout the entire subdivision and shall, from time to time, perform necessary maintenance, repair, or improvements as their budget allows. Maintenance, repair, or improvements shall be carried out and distributed fairly throughout the subdivision so that all members will receive equal benefits.

9. The Board of Directors may apportion an amount of their annual operating budget for road maintenance, and may accumulate such a fund from year to year. The Board shall also, at its discretion, apportion funding to a designated Reserve Fund for future capital road improvements. The Board of Directors shall have the authority to hire contractors to perform road work but may not spend funds which are not within their annual budget or within the accumulated road construction fund, and may not borrow for such road work. In addition, the Board of Directors shall not pursue increases in the annual dues, solely, for the purpose of road construction. Further, special assessments for roads shall not be undertaken unless extreme conditions arise that require emergency repairs-

10. The speed limit on Association roads shall be 10 MPH.

## II. FISHING

- 1. Fishing is allowed in the rivers flowing through Alpine Acres.
- 2. Licensed and legal fishing according to the rules and regulations of the State of Utah is permitted.

## III. HUNTING AND FIREARMS

- 1. No hunting within the boundaries of Alpine Acres is permitted.

#### IV FIRE AND FIREWORKS

1. Open fires are not permitted during times of high fire danger, or when banned by the Fire District or Summit County. The Forest Service posts signs in the canyon when high fire danger exists.
2. All cabins with wood or coal burning devices shall have Fire District approved spark arresters on the chimneys.
3. Fireworks are prohibited.