

PERSONAL DECK MODIFICATION AND MAINTENANCE RESOLUTION

for

Hidden Creek at the Canyons Owners Association

This PERSONAL DECK MODIFICATION AND MAINTENANCE RESOLUTION (the “Resolution”) is entered into on the date of execution set forth below by the Hidden Creek at the Canyons Owners Association (the “Association”) regarding maintenance and modification of all exteriors, including personal decks, within the Association.

RECITALS

A. WHEREAS the Association is subject to the *Amended Declaration of Condominium for Park West Condominiums*, which was recorded in the office of the Summit County Recorder on June 18, 1981, as Entry No. 180851, as amended (the “Declaration”). The capitalized terms herein shall have the same meaning as used in the Declaration.

B. WHEREAS the Declaration was amended by the *Amendment to Declaration of Condominium for Park West Condominiums*, which was recorded in the office of the Summit County Recorder on October 19, 1994, as Entry No. 00417267 (the “First Amendment”).

C. WHEREAS the Declaration was amended by the *Amendment to Amended Condominium Declaration for Park West Condominiums¹* which was recorded in the office of the Summit County Recorder on August 20, 2010, as Entry No. 00905263.

D. WHEREAS the Declaration was amended by the *Amendment to Amended Condominium Declaration for Park West Condominiums*, which was recorded in the office of the Summit County Recorder on January 09, 2012, as Entry No. 00937211.

E. WHEREAS the Declaration was amended by the *Fourth Amendment to Amended Condominium Declaration for Park West Condominiums*, which was recorded in the office of the Summit County Recorder on January 15, 2021, as Entry No. 01153050.

F. WHEREAS the Association consists of real property as depicted on plats recorded for PARK WEST CONDOMINIUMS (Georgetown and Cluster Portions) in the office of the Summit County Recorder (the “Community”).

G. WHEREAS the Association is subject to the Utah Condominium Ownership Act, Utah Code § 57-8-1 *et seq.* (the “Act”).

H. WHEREAS Section 57-8-8.1(6)(b)(ii)(D) of the Act allows the Association to adopt rules to restrict activity that creates unsightly conditions visible from outside the dwelling.

I. WHEREAS Article XII Section (8) of the Declaration permits the Management Committee to promulgate such reasonable rules, regulations, and procedures as may be necessary or desirable to ensure the project is maintained and used in a manner consistent with the interests of the Unit Owners.

J. WHEREAS the Association has promulgated the *Hidden Creek Homeowners Association Rules and Regulations*, as may be revised from time to time (the “Rules and Regulations”), which includes the “Hidden Creek Remodel – Modification Procedures & Standards” establishing standards for personal decks, including materials, colors, and structural standards. Pursuant to the Rules and Regulations, written permission must be obtained before any modification to personal decks.

K. WHEREAS Article XXII Section a) of the Declaration establishes that Unit Owners are responsible for the maintenance and upkeep of Limited Common Areas and may not make any modifications to the exterior of the buildings without the written permission of the Management Committee.

L. WHEREAS Article VI Section b., as amended by the First Amendment, establishes that Unit Owners are prohibited, without the written consent of the Management Committee, from making any changes, alterations, modifications, additions, or improvements to the exterior of any Unit or Limited Common Area (“Modifications”).

M. WHEREAS Article VI Section c., as amended by the First Amendment, specifies that a written application must be submitted to the Management Committee before any Modification to the deck is made and that the Unit Owner is responsible for paying for the Modification.

N. WHEREAS Section 57-8-37 of the Act allows the Association to levy fines as a means of enforcing the provisions of the Declaration, Rules and Regulations, and Bylaws of the Association (collectively the “Governing Documents”).

O. WHEREAS the Management Committee (the “Committee”) of the Association” has the authority to administer, interpret, and enforce the Governing Documents.

P. THEREFORE, the Association resolves as follows:

RESOLUTION

1. **Deck Modification and Maintenance.** Decks in the Community are Limited Common Areas and are the responsibility of the Owners. Each Unit Owner is responsible for the maintenance, repair, and replacement of their deck in conformance with the standards set forth in the Rules and Regulations, subject to the requirement to obtain prior written approval from the Committee before carrying out any Modifications. The Owner of any deck that has been modified without the written authorization of the Committee, is in continuing violation of the Governing Documents and subject to fines. Owners of decks which are not properly maintained are also in continuing violation of the Governing Documents and subject to fines.

2. **Inspections.**

(a) Annual Visual Inspections. The Committee is authorized to perform annual visual inspections of personal decks and other Limited Common areas for compliance with the Association’s aesthetic, architectural, and design requirements. The

Committee (or the Architectural Review Committee if such powers are delegated to it by the Committee) shall perform these inspections along with the assistance of the Association's manager. The Committee shall document identified violations and maintenance recommendations for the purpose of violation enforcement and/or standard compliance.

(b) Intermittent Structural Inspections. The Committee is authorized to hire a third-party licensed engineer/building consultant to perform structural inspections of personal decks every seven (7) years at group rate pricing. The third-party inspection costs shall be paid for by Owners. The first inspection was performed in 2021; the second inspection is scheduled to be performed in 2028.

3. **Association Right to Fine.** Section T, Subsection 8 of the Rules and Regulations establishes the fine schedule applicable to violations of the Governing Documents, which shall specifically include unauthorized deck Modifications or improper deck maintenance.

4. **Assumption of Right to Maintain or Repair Decks.** The Committee hereby assumes the right and option, but not the ongoing obligation, to paint, repaint, or otherwise maintain or repair any part of the personal decks if such maintenance or repair responsibilities are not adequately performed by the Owners in compliance with standards set forth in the Rules and Regulations. This right to assume deck maintenance and repair shall be exercised at the option of the Committee only after an Owner has failed to bring their deck into compliance, and at least one fine for such violation has been assessed. A decision to exercise the Committee's maintenance and repair right does not relieve the Owner of their ongoing maintenance, repair, or replacement obligations under the Governing Documents, or waive the Association's right to assess additional fines or seek other relief as permitted by law.

5. **Right of Entry.** As published in Section B, Subsection 12 of the Rules and Regulations adopted according to Article XII Section (8) of the Declaration, the Association shall have the right to enter Limited Common Areas or Units, as deemed necessary by the Committee to carry out its maintenance and repair rights under this Resolution.

6. **Association Right to Charge Owner to Correct Modifications.** In addition to fines, if the Association exercises their right to correct an unauthorized Modification or carry out necessary maintenance, the Association's costs incurred may be charged to the responsible Unit Owner as a direct assessment.

7. **Right to Modify Deck Standards.** The Committee shall have the authority to update, modify or otherwise adopt standards for the decks within the community in the Rules and Regulations. Owners shall be responsible for complying with all changes or updates in standards unless the Committee elects to permit non-conforming decks (or portions thereof) through a variance unanimously approved by all members of the Committee.

8. **Owner Maintenance – Approval Required.** Nothing herein shall relieve an Owner from obtaining prior written approval from the Association before carrying out its maintenance obligations as outlined in the Declaration or other Governing Documents.

THIS RESOLUTION IS HEREBY PASSED AND ADOPTED BY THE COMMITTEE this ____ day of _____, 2022.

ATTEST:

Robert Clymer

Committee Member

Steven McBride

Committee Member

Jeff Holland

Committee Member

Signature: *Robert Clymer*
Robert Clymer (May 2, 2022 09:59 PDT)

Email: robertclymer@protonmail.com

Signature: *Jeff Holland*
Jeff Holland (May 2, 2022 14:59 CDT)

Email: jeff.holland@viaiv.com

Signature: *Steven McBride*

Email: smcbride@visualmax.com











Resolution - Hidden Creek (decks) 4.13.22 (003)

Final Audit Report

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