

ENTRY NO. 01088991

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Declaration PAGE 1/9

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 298.00 BY IRON MOUNTAIN ASSOCIATES LLC



After recording, return to:
Iron Mountain Associates, LLC
2455 White Pine Canyon Road
Park City, Utah 84060

**FIFTH AMENDMENT
TO THE
SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
FOR THE COLONY AT WHITE PINE CANYON**

THIS FIFTH AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COLONY AT WHITE PINE CANYON ("Fifth Amendment") is made and executed by IRON MOUNTAIN ASSOCIATES, L.L.C, a Utah limited liability company ("Declarant"), for itself, its successors and assigns.

RECITALS

A. Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon, which was recorded in the Summit County Recorder's Office on September 24, 1998, as Entry No. 518327, in Book 1185, at Pages 93-147 as amended by the First Amendment to the Declaration, which was recorded on September 15, 1999, as Entry No. 548586, in Book 1287, at Pages 726-730; and the Second Amendment to the Declaration recorded on December 29, 2000, as Entry No. 579435, in Book 1347, at Pages 691-711; and the Third Amendment to the Declaration recorded on December 28, 2001, as Entry No. 607116, in Book 1424, at Pages 853-856; and the Fourth Amendment to the Declaration recorded on June 25, 2002, as Entry No. 623050, in Book 1456, at Pages 1196-1199, and the Fifth Amendment, recorded on April 11, 2003, as Entry No. 654475, in Book 1525, at Pages 1675-1693; and the Sixth Amendment, recorded on June 25, 2003, as Entry No. 663160, in Book 1545, at Pages 1199-1207; and the Seventh Amendment recorded on January 26, 2004, as Entry No. 687136, in Book 1595, at Pages 1632-1637; and the Eighth Amendment, recorded on March 1, 2006, as Entry No. 770214, in Book 1774, at Pages 848-851; and the Ninth Amendment, recorded on August 24, 2006, as Entry No. 788380, in Book 1812, at Pages 698-700; and the Tenth Amendment, recorded on September 21, 2007, as Entry No. 826011, in Book 1890, at Pages 295-297; and the Eleventh Amendment, recorded April 29, 2009, as Entry No. 871064, in Book 1979, at Page 1129; and the Twelfth Amendment, recorded March 15, 2010, as Entry No. 894024, in Book 2024, at Page 658; which were amended and restated in their entirety by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon as recorded in the Summit County Recorder's Office on June 10, 2010, as Entry No. 900311, in Book 2035, at Pages 804-877, as amended by the First Amendment to the Amended and Restated Declaration, which was recorded on June 14, 2011, as Entry No. 924375, in Book 2084, at Pages 534-539; and the Second Amendment to the Amended and Restated Declaration, which was recorded on June 22, 2011, as Entry No. 925148, in Book 2085, at Pages 975-980, which were amended and restated in their entirety by the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon as recorded

in the Summit County Recorder's Office on October 17, 2012, as Entry No. 955350, in Book 2151, at Pages 1747-1821, as amended by the First Amendment to said Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon, recorded in the Summit County Recorder's Office on October 17, 2012, as Entry No. 955362, in Book 2151, at Page 1940; the Second Amendment to said Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon, recorded in the Summit County Recorder's Office on September 18, 2013, as Entry No. 979409, in Book 2151, at Page 816; the Third Amendment to said Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Colony at White Pine Canyon, recorded in the Summit County Recorder's Office on April 11, 2014, as Entry No. 993149, in Book 2235, at Page 643; and the Fourth Amendment to the Declaration, recorded in the Summit County Recorder's Office on November 23, 2015, as Entry No. 1033347, in Book 2325, at Page 1620 (the "Declaration").

B. Pursuant to Section 10.2.2 of the Declaration, Declarant has the unilateral right to amend the Declaration.

C. The purpose of this Fifth Amendment is to amend Exhibit "A" to subject additional land to the Declaration and add a new Section to the Declaration reserving a Construction Access Easement.

NOW, THEREFORE, Declarant hereby declares, covenants and agrees as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Fifth Amendment shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this Fifth Amendment.

2. Amendment to Exhibit A to Declaration. Exhibit A to the Declaration is hereby deleted in its entirety and replaced with Exhibit "A" which is attached hereto and incorporated herein by this reference.

3. Addition of Construction Access Easement. Section 8.23 is hereby added to the Declaration as follows:

8.23 Construction Access Easement. Declarant, the Association and the operator of the ski resort shall have the right to temporarily access and occupy portions of Phase 5, but only to the extent reasonably necessary, for Declarant, the Association or the operator of the ski resort to: (i) make the improvements permitted by this Declaration; and (ii) carry out Declarant's, the Association's or the ski resort operator's maintenance and repair rights and obligations under this Declaration.

4. Cost Centers Created by Declarant. The following sentences are hereby added to the end of Section 3.10.2 of the Declaration:

Declarant may, in Declarant's sole discretion, grant property within a Cost Center which is designated as Cost Center Easement and Maintenance Agreement for the Meadow Lakes Cost Center for The Colony at White Pine Canyon on any future plats or plat amendments to the Association ("Cost Center Property"), which property shall be held by the Association and may only be conveyed by the Association as permitted by the applicable Cost Center Easement and Maintenance Agreement. Cost Center Property

shall not be considered Association Property, and notwithstanding anything to the contrary in this Declaration, the use, benefit and enjoyment of Cost Center Property shall be limited to the Owners of Homesteads within that Cost Center and their family members, guests and invitees.

5. Declaration Remains in Effect. This Fifth Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Fifth Amendment.

6. Declarant Rights. Declarant shall retain all rights of Declarant as set forth in the Declaration, and this Fifth Amendment shall neither amend nor abrogate such rights.

[Signature on following page]

Exhibit "A"

The Colony at White Pine Canyon Legal Description

All of **The Colony at White Pine Canyon - Phase I Final Subdivision Plat**, according to the official plat thereof, recorded September 24, 1998 as Entry No. 518278 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon - Phase I Amended Final Subdivision Plat**, according to the official plat thereof, recorded March 26, 1999 as Entry No. 534009 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon Phase 1 Amendment to Lot 7 and Entry Area**, according to the official plat thereof, recorded September 20, 2007 as Entry No. 825919 of the official records in the office of the Summit County Recorder, and as amended by that certain **The Colony at White Pine Canyon Phase 1 Third Amendment**, according to the official plat thereof, recorded August 18, 2010 as Entry No. 905004 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon, Phase 1B Final Subdivision Plat**, according to the official plat thereof, recorded January 21, 2004 as Entry No. 686710 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon, Phase 1C Final Subdivision Plat**, according to the official plat thereof, recorded August 16, 2006 as Entry No. 787053 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon - Phase II Final Subdivision Plat**, according to the official plat thereof, recorded September 10, 1999 as Entry No. 548270, as amended by that certain **The Colony at White Pine Canyon Amended Phase II Final Subdivision Plat Adjusting the Boundaries of Lots 52, 53, 54 and 55 Only**, according to the official plat thereof, recorded October 6, 2006 as Entry No. 793142 of the official records in the office of the Summit County Recorder, and as amended by that certain **The Colony at White Pine Canyon Phase II Amendment to Lot 79**, according to the official plat thereof, recorded July 6, 2012 as Entry No. 948558 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon - Phase 3A Final Subdivision Plat**, according to the official plat thereof, recorded December 29, 2000 as Entry No. 579433 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon Phase 3A Final Subdivision Plat Amendment to Lots 110, 111 and Common Area**, according to the official plat thereof, recorded March 23, 2007 as Entry No. 807898 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon - Phase 3B Final Subdivision Plat**, according to the official plat thereof, recorded December 24, 2001 as Entry No. 606728 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon - Phase 3C Final Subdivision Plat**, according to the official plat thereof, recorded June 10, 2002 as Entry No. 621557 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon First Amended Phase 3C Final Subdivision Plat**, according to the official plat thereof, recorded September 20, 2007 as Entry No. 825934 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4A Final Subdivision Plat**, according to the official plat thereof, recorded March 1, 2006 as Entry No. 770208 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon Phase 4A Amendments to Lots 161 & 163**, according to the official plat thereof, recorded May 6, 2008 as Entry No. 843740 of the official records in the office of the Summit County Recorder, and as amended by that certain **The Colony at White Pine Canyon Phase 4A Amendment to Lots 155, 158, 159 & Parcel A**, according to the official plat thereof, recorded August 20, 2008 as

Entry No. 825909, and as amended by that certain **The Colony at White Pine Canyon Phase 4A Amendment to Combine Lots 158 & 160**, according to the official plat thereof, recorded September 11, 2009 as Entry No. 882141 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4B Final Subdivision Plat**, according to the official plat thereof, recorded September 20, 2007 as Entry No. 825931 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon Phase 4B Subdivision Amendment to Lots 220 & 221**, according to the official plat thereof, recorded June 27, 2008 as Entry No. 848394 of the official records in the office of the Summit County Recorder, as amended by that certain **The Colony at White Pine Canyon Phase 4B Subdivision Amendment to Lots 206, 207 & 214, 215**, according to the official plat thereof, recorded August 20, 2008 as Entry No. 852910 of the official records in the office of the Summit County Recorder, and as amended by that certain **The Colony at White Pine Canyon Phase 4B Subdivision Amendment to Lots 182 & 183**, according to the official plat thereof, recorded August 5, 2009 as Entry No. 879569 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4D Subdivision**, according to the official plat thereof, recorded March 15, 2010 as Entry No. 894023 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4E The Lakes 1 Subdivision**, according to the official plat thereof, recorded June 14, 2011 as Entry No. 924374 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon, Phase 4E The Lakes 2 Subdivision**, according to the official plat thereof, recorded June 22, 2011 as Entry No. 925147 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon, Phase 4E Pinecone Ridge Subdivision**, according to the official plat thereof, recorded October 17, 2012 as Entry No. 955349 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4E, The Lakes 3 Subdivision**, according to the official plat thereof, recorded October 17, 2012 as Entry No. 955361 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4E, The Lakes 4 Subdivision**, according to the official plat thereof, recorded September 18, 2013 as Entry No. 979408 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4E, The Lakes 5 Subdivision**, according to the official plat thereof, recorded April 11, 2014 as Entry No. 993123 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4C Lower West Monitor Subdivision**, according to the official plat thereof, recorded November 23, 2015 as Entry No. 1033345 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 4C Upper West Monitor Subdivision**, according to the official plat thereof, recorded November 23, 2015 as Entry No. 1033346 of the official records in the office of the Summit County Recorder.

All of **The Colony at White Pine Canyon Phase 5A Meadow Lakes Subdivision**, according to the official plat thereof, recorded APRIL 2, 2018 as Entry No. 01088980 of the official records in the office of the Summit County Recorder.

All of The Colony at White Pine Canyon Phase 5B Meadow Lakes Subdivision, according to the official plat thereof, recorded APRIL 2, 2018 as Entry No. 01088982 of the official records in the office of the Summit County Recorder.

All of The Colony at White Pine Canyon Phase 5C Meadow Lakes Subdivision, according to the official plat thereof, recorded APRIL 2, 2018 as Entry No. 01088984 of the official records in the office of the Summit County Recorder.

All of The Colony at White Pine Canyon Phase 5D Meadow Lakes Subdivision, according to the official plat thereof, recorded APRIL 2, 2018 as Entry No. 01088986 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Numbers:

Phase 1

CWPC-1-AM	CWPC-2-3-AM	CWPC-3-3AM	CWPC-5-6-AM
CWPC-5-AM	CWPC-6-5-AM	CWPC-6-AM	CWPC-7-EA-7-AM
CWPC-7-EA-B-AM	CWPC-7-EA-C-AM	CWPC-7-EA-D-AM	CWPC-7-EA-E-AM
CWPC-8-AM	CWPC-9-AM	CWPC-10-AM	CWPC-11-AM
CWPC-12-AM	CWPC-13-AM	CWPC-14-AM	CWPC-15-AM
CWPC-16-AM	CWPC-17-AM	CWPC-18-AM	CWPC-19-AM
CWPC-20-AM	CWPC-21-AM	CWPC-22-AM	CWPC-23-AM
CWPC-24-AM	CWPC-25-AM	CWPC-26-AM	CWPC-27-AM
CWPC-28-AM	CWPC-29-AM	CWPC-30-AM	CWPC-A
CWPC-A1-3AM	CWPC-A2-3AM	CWPC-B-3AM	CWPC-CA-IMP
CWPC-SKI-AM	CWPC-1B-6B	CWPC-1B-6C	CWPC-1B-SKI
CWPC-1C-6A	PP-1	PP-1-A	PP-1-B
PP-1-D			

Phase 2

CWPC-II-31	CWPC-II-32	CWPC-II-33	CWPC-II-33-A
CWPC-II-34	CWPC-II-35	CWPC-II-36	CWPC-II-37
CWPC-II-38	CWPC-II-39	CWPC-II-40	CWPC-II-41
CWPC-II-42	CWPC-II-43	CWPC-II-44	CWPC-II-45
CWPC-II-46	CWPC-II-47	CWPC-II-48	CWPC-II-49
CWPC-II-50	CWPC-II-51	CWPC-II-52-AM	CWPC-II-53-AM
CWPC-II-54-AM	CWPC-II-55-AM	CWPC-II-56	CWPC-II-57
CWPC-II-58	CWPC-II-59	CWPC-II-60	CWPC-II-61A
CWPC-II-61B	CWPC-II-62	CWPC-II-63	CWPC-II-64
CWPC-II-65	CWPC-II-66	CWPC-II-67	CWPC-II-68
CWPC-II-69	CWPC-II-70	CWPC-II-71	CWPC-II-72
CWPC-II-73	CWPC-II-74	CWPC-II-75	CWPC-II-76
CWPC-II-77	CWPC-II-77-A	CWPC-II-78	CWPC-II-79
CWPC-II-80	CWPC-II-OS	CWPC-II-SKI	CWPC-II-SKI-1
CWPC-II-SKI-1-AM	CWPC-II-SKI-2		

Phase 3A

CWPC-3A-81	CWPC-3A-82	CWPC-3A-83	CWPC-3A-84
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CWPC-3A-85
CWPC-3A-89
CWPC-3A-93
CWPC-3A-97
CWPC-3A-101
CWPC-3A-105
CWPC-3A-109
CWPC-3A-A-AM

CWPC-3A-86
CWPC-3A-90
CWPC-3A-94
CWPC-3A-98
CWPC-3A-102
CWPC-3A-106
CWPC-3A-111-AM
CWPC-3A-SKI

CWPC-3A-87
CWPC-3A-91
CWPC-3A-95
CWPC-3A-99
CWPC-3A-103
CWPC-3A-107
CWPC-3A-112

CWPC-3A-88
CWPC-3A-92
CWPC-3A-96
CWPC-3A-100
CWPC-3A-104
CWPC-3A-108
CWPC-3A-113

Phase 3B

CWPC-3B-114
CWPC-3B-117-A
CWPC-3B-121

CWPC-3B-115
CWPC-3B-118
CWPC-3B-122

CWPC-3B-116
CWPC-3B-119
CWPC-3B-123

CWPC-3B-117
CWPC-3B-120

Phase 3C

CWPC-3C-124-1AM
CWPC-3C-130-1AM
CWPC-3C-136-1AM
CWPC-3C-140-1AM
CWPC-3C-A-1AM

CWPC-3C-126-1AM
CWPC-3C-131-1AM
CWPC-3C-137-1AM
CWPC-3C-141-1AM
CWPC-3C-B-1AM

CWPC-3C-127-1AM
CWPC-3C-132-1AM
CWPC-3C-138-1AM
CWPC-3C-142-1AM

CWPC-3C-128-1AM
CWPC-3C-135-1AM
CWPC-3C-139-1AM
CWPC-3C-143-1AM

Phase 4A

CWPC-4A-154
CWPC-4A-160A-AM
CWPC-4A-164
CWPC-4A-168
CWPC-4A-172
CWPC-4A-176
CWPC-4A-180

CWPC-4A-155-AM
CWPC-4A-161-AM
CWPC-4A-165
CWPC-4A-169
CWPC-4A-173
CWPC-4A-177
CWPC-4A-181

CWPC-4A-156
CWPC-4A-162
CWPC-4A-166
CWPC-4A-170
CWPC-4A-174
CWPC-4A-178
CWPC-4A-A-AM

CWPC-4A-159-AM
CWPC-4A-163-AM
CWPC-4A-167
CWPC-4A-171
CWPC-4A-175
CWPC-4A-179
CWPC-4A-B

Phase 4B

CWPC-4B-182-AM
CWPC-4B-187
CWPC-4B-213
CWPC-4B-217
CWPC-4B-221-AM

CWPC-4B-184
CWPC-4B-206-AM
CWPC-4B-1214-AM
CWPC-4B-218
CWPC-4B-A

CWPC-4B-185
CWPC-4B-207-AM
CWPC-4B-215-AM
CWPC-4B-219
CWPC-4B-B

CWPC-4B-186
CWPC-4B-212
CWPC-4B-216
CWPC-4B-220-AM

Phase 4D

CWPC-4D-208
CWPC-4D-254

CWPC-4D-209
CWPC-4D-256

CWPC-4D-210

CWPC-4D-253

Phase 4E – The Lakes 1

CWPC-4ELK-1-233
CWPC-4ELK-1-244

CWPC-4ELK-1-236
CWPC-4ELK-1-251

CWPC-4ELK-1-237

CWPC-4ELK-1-240

Phase 4E – The Lakes 2

CWPC-4ELK-2-224

CWPC-4ELK-2-226

Phase 4E - Pinecone Ridge

CWPC-4EPCR-A
CWPC-4EPCR-241

CWPC-4EPCR-B
CWPC-4EPCR-242

CWPC-4EPCR-238
CWPC-4EPCR-243

CWPC-4EPCR-239

Phase 4E – The Lakes 3

CWPC-4ELK-3-228

CWPC-4ELK-3-229

Phase 4E – The Lakes 4

CWPC-4ELK-4-222

CWPC-4ELK-4-223

Phase 4E – The Lakes 5

CWPC-4ELK-5-227

CWPC-4ELK-5-230

CWPC-4ELK-5-231

CWPC-4ELK-5-232

CWPC-4ELK-5-234

CWPC-4ELK-5-235

CWPC-4ELK-5-257

CWPC-4ELK-5-A

CWPC-4ELK-5-B

CWPC-4ELK-5-C

Phase 4C – Lower West Monitor

CWPC-4C-LWM-188

CWPC-4C-LWM-189

CWPC-4C-LWM-190

CWPC-4C-LWM-191

CWPC-4C-LWM-192

CWPC-4C-LWM-193

CWPC-4C-LWM-194

CWPC-4C-LWM-A

CWPC-4C-LWM-B

Phase 4C – Upper West Monitor

CWPC-4C-UWM-195

CWPC-4C-UWM-196

CWPC-4C-UWM-197

CWPC-4C-UWM-198

CWPC-4C-UWM-199

CWPC-4C-UWM-200

CWPC-4C-UWM-201

CWPC-4C-UWM-202

Phase 5A

New Tax Serial Numbers To Be Assigned

Part of Summit County Tax Serial Numbers: PP-32-A

Phase 5B

New Tax Serial Numbers To Be Assigned

Part of Summit County Tax Serial Numbers: PP-32-A

Phase 5C

New Tax Serial Numbers To Be Assigned

Part of Summit County Tax Serial Numbers: PP-32-A

Phase 5D

New Tax Serial Numbers To Be Assigned

Part of Summit County Tax Serial Numbers: PP-32-A