

When Recorded Mail To:  
 Birkhill at Fireclay LLC  
 c/o Hamlet Corporation  
 308 East 4500 South, Suite 200  
 Murray, Utah 84107

11262978  
 10/18/2011 11:47:00 AM \$12.00  
 Book - 9958 Pg - 9222-9223  
 Gary W. Ott  
 Recorder, Salt Lake County, UT  
 US TITLE PARK CITY  
 BY: eCASH, DEPUTY - EF 2 P.

**BIRKHILL COMMUNITY ASSOCIATION, INC.**  
**FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BIRKHILL COMMUNITY ASSOCIATION, INC.**

THIS FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BIRKHILL COMMUNITY ASSOCIATION, INC. ("Fourth Amendment") is made and executed this 18 day of October, 2011, by Birkhill at Fireclay, LLC, a Utah limited liability company (the "Declarant"), pursuant to the provisions of Title 57, Chapter 8a, Utah Code Annotated, as amended.

WITNESSETH:

WHEREAS, Declarant made, executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Birkhill Community Association (the "Declaration") dated September 9, 2008 and recorded among the Salt Lake County Recorder's Office, Entry 10523181, Book 9643, Pages 7793-7964, pursuant to which the Declarant subjected all that property described in the Declaration (the "Property"); and

WHEREAS, the Declaration was amended by that certain First Amendment to the Declaration of Covenants, Conditions & Restrictions for Birkhill Community Association, Inc. dated January 20, 2009 and recorded among the Salt Lake County Recorder's Office, Entry 10603096, Book 9676, Pages 4616-4626, by that certain Second Amendment to the Declaration of Covenants, Conditions & Restrictions for Birkhill Community Association, Inc. dated February 25, 2009 and recorded among the Salt Lake County Recorder's Office, Entry 10645445, Book 9696, Pages 7648-7654, and by that certain Third Amendment to the Declaration of Covenants, Conditions & Restrictions for Birkhill Community Association, Inc., dated February 16, 2010, and recorded among the Salt Lake County Recorder's Office, Entry 10899681, Book 9804, Pages 7601-7609; and

WHEREAS, pursuant to Article 17.1.(a) of the Declaration, Declarant reserved the right during the Development Period to modify, amend or change any of the provision of the Declaration as the Declarant may deem necessary or desirable without the consent of the Members, Owners, Community Association or any other party; and

WHEREAS, the Development Period has not yet expired and Declarant desires to amend the Declaration as set forth below.

NOW, THEREFORE, the Declarant hereby declares that the Declaration be amended as follows:

1. The Recitals shall form a substantive part of this Fourth Amendment.
2. Section 9.2.5. of the Declaration is hereby amended by deleting the second (2<sup>nd</sup>) sentence in its entirety and replacing it with the following sentence: "Other than any hazardous, toxic or contaminated materials which may be stored, placed or used on the Property in

connection with the operation of a healthcare facility or hospital and provided that such materials are stored, placed or used in compliance with all applicable laws and regulations, no other hazardous, toxic or contaminated materials which are regulated by any federal, state or local agency shall be stored, placed or used on the Property.”

3. A new Section 9.7. is added to the Declaration as follows:

9.7. Permitted Use of Lot 204. Lot 204, as shown on the subdivision plat for the Community entitled, “Birkhill Phase 2”, recorded among the Salt Lake County Recorder’s Office, August 12, 2011 Book 2011P, page 104, may be used, for among other purposes, the operation of a healthcare facility or hospital.

4. In all other respects, the Declaration, First Amendment, Second Amendment and Third Amendment remain unchanged.

WITNESS the hand and seal of Birkhill at Fireclay, LLC, on the day herein above first written:

WITNESS/ATTEST:

BIRKHILL AT FIRECLAY, LLC  
By: Hamlet Homes Corporation, Member

*Tina Hernandez*

By: *John Aldous* (SEAL)  
John Aldous, President

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 18 day of Oct., 2011, before me, the subscriber, a Notary Public of the state of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Birkhill at Fireclay, LLC, the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.

*[Signature]*  
Notary Public

My Commission Expires: 6.21.2015



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