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**01127523 B: 2555 P: 1671**

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Rhonda Francis Summit County Recorder

02/20/2020 12:45:06 PM Fee \$40.00

By COTTONWOOD TITLE INSURANCE AGENCY, INC.

Electronically Recorded

Tax ID #'s: SS-30-A, SS-30-A-3, SS-30-A-4,  
SS-30-A-5, SS-30-A-7, SS-30-A-8,  
SCVC-3, SCVC-4, SCVC-5, SCVC-6  
SCVC-7, SCVC-8, SCVC-9, SCVC-10  
SCVC-11, SCVC-12, SCVC-13, SCVC-14  
SCVC-15, SCVC-16, SCVC-17, SCVC-18

**FOURTH AMENDMENT TO  
MASTER DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS, AND EASEMENTS  
FOR  
SILVER CREEK VILLAGE  
AKA THE VILLAGE PARK CITY**

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CONDITIONS, RESTRICTIONS, AND EASEMENTS  
FOR  
SILVER CREEK VILLAGE AKA THE VILLAGE PARK CITY**

THIS FOURTH AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS (this "**Amendment**") is made as of February 11<sup>th</sup>, 2020 by VILLAGE DEVELOPMENT GROUP INC., a Utah corporation (the "**Declarant**").

**Recitals**

A. Declarant, Declarant's predecessor, and CW Developer Owner are the owners of that certain real property located in Summit County, Utah, described in Exhibit A hereto. Declarant and Declarant's predecessor are the owners of the Initial Covered Property described in Exhibit B hereto.

B. The Master Declaration of Covenants, Conditions, Restrictions, and Easements was recorded in the Official Records of Summit County, Utah on April 20, 2017, as Entry No. 01067652 in Book 2405 at Page 1721, amended by that certain First Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements, recorded in the Official Records of Summit County, Utah on September 18, 2018, as Entry No. 01098454 in Book 2479 at Page 0360, further amended by that certain Second Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements, recorded in the Official Records of Summit County, Utah on November 7, 2018, as Entry No. 01101270 in Book 2486 at Page 0007, and further amended by that certain Third Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements, recorded in the Official Records of Summit County, Utah on December 27, 2019, as Entry No. 01124428 in Book 2547 at Page 0982 (as amended, the "**Declaration**"). Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Declaration.

C. CW Developer Owner is the owner of a portion of the Annexable Property, described in Exhibit B as the "CW Larsen District", which CW Larsen District is subject to the Declaration pursuant to (i) CW Developer Owner's express consent to the Declaration, and (ii) the terms and conditions of that certain Tract Declaration of Covenants, Conditions and Restrictions Silver Creek Village (CW Larsen District) recorded in the Official Records of Summit County, Utah on April 20, 2017, as Entry No. 01067655 in Book 2405 at Pages 1821.

D. Declarant has succeeded to and acquired all of the Declarant's rights as to the Property under the Declaration.

E. Pursuant to Section 14.2 of the Declaration, Declarant desires to amend the Declaration as provided in this Amendment and subject the Project to the provisions of this Amendment.

F. This Amendment, once recorded in the Official Records of Summit County, Utah, shall apply to all of the Annexable Property described in Exhibit A attached hereto, including the Initial Covered Property and the CW Larsen District.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Amendment by this reference.

2. Amendments to Section 5.2.10 of the Declaration. Section 5.2.10 of the Declaration is hereby amended as follows:

(a) The words “Unless otherwise provided in a Tract Declaration, each Owner shall be responsible for the proper maintenance of all landscaping in the following locations:” shall be deleted from Section 5.2.10 of the Declaration and replaced with the following: “Unless otherwise provided in a Tract Declaration or a District Declaration, each Owner shall be responsible for the proper installation and maintenance of all landscaping in the following locations:”.

(b) The words “Each Owner shall maintain (including, without limitation, snow and ice removal as necessary) in good condition and repair all sidewalks that are located within the County right-of-way, public right-of-way area, or other public easement areas adjacent to the Owner’s Lot or Parcel, except that in the event the maintenance of such sidewalks is the responsibility of the Association, the County, or governmental or similar authority, then only for so long as such entities are not undertaking such responsibility.” shall be added to Section 5.2.10 of the Declaration.

(c) The following words “(including, without limitation, in the public right-of-way area, between the sidewalks and the street curb on the Owner’s Lot or Parcel, or other public easement areas adjacent to the Owner’s Lot or Parcel)” shall be added after the words “Owner’s Lot or Parcel” and before the words “, within a specified period of time” in the last paragraph of Section 5.2.10 of the Declaration.

3. Limited Common Area. The following shall be added to Section 11.7 of the Declaration:

**11.7.3 Townhouse Limited Common Area Easement for Utility Services; Encroachments.** Limited Common Areas within a Townhouse Residential Use District shall be subject to a blanket easement over, across, above, and under such Limited Common Areas for ingress, egress, installation, maintenance, repair, and replacement of utilities. Utilities include, without limitation, water, sewer, gas, telephone, electricity, data, video, and cable. In addition, the Association, the District Association and Owners within such Townhouse Residential Use District have a non-exclusive easement over,

across, through, above, and under all Lots within such Townhouse Residential Use District and such Limited Common Areas that are needed for the operation, regulation, maintenance, repair, and replacement of utilities. The Association, District Association, Owner, or other party exercising the utility easement rights under this subsection shall promptly restore any damaged or disturbed property.

If any portion of the Limited Common Areas within a Townhouse Residential Use District, structure or improvement encroaches upon any Lot within such Townhouse Residential Use District, or if any structure or improvement of a Lot within such Townhouse Residential Use District encroaches upon any other Lot or the Limited Common Area within such Townhouse Residential Use District as a result of the manner in which the improvements were initially approved and constructed or due to settling, shifting, alteration, replacement, repair, or restoration by the Association or District Association, a valid easement for encroachment and maintenance of such encroachment, shall exist for the life of the improvement or structure. This easement for encroachment and maintenance includes utility lines serving a Dwelling Unit that may run under or through other Lots within such Townhouse Residential Use District.

4. All other terms and conditions in the Declaration that are not specifically amended or altered herein are hereby ratified and approved, and shall continue in full force and effect.

5. In the event of any inconsistency between the terms and provisions of this Amendment and the Declaration, as previously amended, this Amendment shall control.

*[Signature and Acknowledgement Follow]*



**EXHIBIT "A"**

**Legal Description of "Silver Creek Village"  
(Annexable Property)**

(See Attached)

A tract of land located in the West Half (W2) and the Southwest Quarter of the Southeast Quarter (SW4SE4) of Section 15, the Southeast Quarter (SE4) of Section 16, the Northeast Quarter of the Northeast Quarter (NE4NE4) of Section 21 and the Northwest Quarter of the Northwest Quarter (NW4NW4) of Section 22, all in Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah described as follows:

BEGINNING at a stone marking the corner common to Sections 15, 16, 21 and 22 in Township 1 South, Range 4 East, Salt Lake Base and Meridian, and running thence North  $00^{\circ}24'00''$  East 1195.99 feet (1193.81 feet by deed) to a point 1162.00 feet southerly measured perpendicularly to the southerly right of way line of Utah Department of Transportation Highway Project No.'s 76-D and 76(14), said point also being the southeast corner of that certain tract of land recorded in Book 113 at Page 461 as Entry No. 146301 of deeds in the Summit County Recorder records; thence North  $83^{\circ}50'00''$  West 943.52 feet along the south line of said tract to a point on the easterly right of way line of the North Pace Frontage Road described in Book 1311 at Page 196 as Entry No. 561234 of said records; thence northerly along a non-tangent 787.40 foot radius curve to the right 533.24 feet through a central angle of  $38^{\circ}48'07''$ , said arc having a chord bearing North  $09^{\circ}26'52''$  East 523.11 feet to a point on the southerly right of way line of Interstate Highway I-80, Project No. I-80-4(31) recorded in Book 1M at Page 48 as Entry No. 100938; thence following said I-80 right of way line the following five (5) courses: (1) northeasterly along a non-tangent 991.74 foot radius curve to the right 465.59 feet through a central angle of  $26^{\circ}53'56''$ , said arc having a chord bearing North  $45^{\circ}09'40''$  East 461.33 feet, (2) North  $59^{\circ}20'08''$  East 790.30 feet, (3) thence North  $58^{\circ}36'38''$  East 345.57 feet, (4) North  $31^{\circ}23'22''$  West 25.00 feet, and (5) North  $58^{\circ}42'38''$  East 1135.86 feet to the southerly boundary of Silver Gate Drive; thence along the southerly boundaries of said Silver Gate Drive the following three (3) courses: (1) South  $30^{\circ}55'32''$  East 32.42 feet (South  $30^{\circ}31'33''$  East by prior survey Entry No. 262095 of the Summit County records); (2) southeasterly along a 235.00 foot radius curve to the left 150.78 feet through a central angle of  $36^{\circ}45'46''$ , said arc having a chord bearing South  $49^{\circ}18'25''$  East 148.21 feet; and (3) South  $67^{\circ}41'18''$  East 792.02 feet (South  $68^{\circ}16'19''$  East by prior survey) to the westerly boundary of the Park City Fire Service District property recorded in Book 2353 at Page 818 as Entry No. 1045653; thence along said westerly boundary and the westerly and southerly boundaries of the Snyderville Basin Water Reclamation District property recorded in Book 860 at Page 373 as Entry No. 422249 the following two courses: (1) South  $00^{\circ}24'00''$  West 2061.88 feet, and (2) South  $89^{\circ}43'02''$  East 724.58 feet (748.50 feet by deed) to the east boundary of that certain parcel described in Book 264 at Page 367 as Entry No. 207308 of said records; thence along said east boundary South 1345.66 feet to the northeast corner of Lot 9, Silver Creek Commerce Center, Plat C; thence along the northerly boundary of said Plat C and Silver Creek Commerce Center, Plat A, the following three (3) courses: South  $58^{\circ}25'15''$  West 600.50 feet, (2) South  $77^{\circ}33'34''$  West 304.97 feet, and (3) South  $76^{\circ}22'47''$  West 325.40 feet to the easterly boundary of said Silver Creek Center Condominiums; thence along the easterly and northerly boundaries of said Silver Creek Center Condominiums and the Silver Creek Business Park Amended the following two (2) courses: (1) North  $00^{\circ}11'30''$  West 139.14 feet, and (2) North  $89^{\circ}43'02''$  West 1160.28 feet to the northwest corner of Lot 7,

Silver Creek Business Park Amended; thence along the easterly boundary of the North Pace Frontage Road the following four (4) courses: (1) northwesterly along a non-tangent 1462.39 foot radius curve to the left 732.07 feet through a central angle of 28°40'55", said arc having a chord bearing North 45°39'32" West 724.45 feet, (2) North 60°00'00" West 336.18 feet, (3) northwesterly along a 1402.39 foot radius curve to the right 150.91 feet through a central angle of 06°09'56", said arc having a chord bearing North 56°55'02" West 150.84 feet, and (4) North 28°43'02" West 68.48 feet to the south line of said Section 16; thence along said south line South 89°39'03" East 267.29 feet to the point of BEGINNING.

LESS AND EXCEPTING a tract of land located in the West Half (W2) of Section 15, the Southeast Quarter (SE4) of Section 16, the Northeast Quarter of the Northeast Quarter (NE4NE4) of Section 21 and the Northwest Quarter of the Northwest Quarter (NW4NW4) of Section 22, all in Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah described as follows:

BEGINNING at a stone marking the corner common to Sections 15, 16, 21 and 22 in Township 1 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 00°24'00" East 1195.99 feet (1193.81 feet by deed) to a point 1162.00 feet southerly measured perpendicularly to the southerly right of way line of Utah Department of Transportation Highway Project No.'s 76-D and 76(14), said point also being the southeast corner of that certain tract of land described in Book 113 at Page 461 of deeds in the Summit County Recorder records; thence North 83°50'00" West 943.52 feet along the south line of said tract to a point on the easterly right of way line of a frontage road described in Book 1311 at Page 196 of said records; thence northerly 533.24 feet along a non-tangent 787.40 foot radius curve to the right through a central angle of 38°48'07", said arc having a chord bearing North 09°26'52" East 523.11 feet to a point on the southerly right of way line of Interstate Highway I-80, Project No. I-80-4(31); thence following said I-80 right of way line the following five (5) courses: (1) northeasterly 465.60 feet along the arc of said curve through a central angle of 26°53'56", said arc having a chord bearing North 45°09'40" East 461.33 feet, (2) North 59°20'08" East 790.30 feet, (3) thence North 58°36'38" East 345.57 feet, (4) North 31°23'22" West 25.00 feet, and (5) North 58°42'38" East 1135.86 feet to the southerly boundary of Silver Gate Drive recorded in a Boundary Adjustment Agreement recorded in Book 2368 at Page 1213 as Entry No. 1051989; thence along the southerly boundaries of said Silver Gate Drive the following three (3) courses: (1) South 30°55'32" East 32.42 feet (South 30°31'33" East by prior survey Entry No. 262095 of the Summit County records), (2) southeasterly along a 235.00 foot radius curve to the left 150.78 feet through a central angle of 36°45'46", said arc having a chord bearing South 49°18'25" East 148.21 feet, and (3) South 67°41'18" East 792.02 feet (South 68°16'19" East by prior survey) to the westerly boundary of the Park City Fire Service District property recorded in Book 2353 at Page 818 as Entry No. 1045653; thence along said westerly boundary and the westerly boundary of the Snyderville Basin Water Reclamation District property recorded in Book 860 at Page 373 as Entry No. 422249 South 00°24'00" West 604.31 feet (South 00°02'46" West by deed); thence South 87°03'48" West 257.91 feet; thence northwesterly 951.94 feet along a non-tangent 465.00 foot radius curve to the left through a central angle of 117°17'42", said arc having a chord bearing North 62°30'30" West 794.20 feet; thence South 58°50'39" West 69.63 feet; thence southwesterly 65.33 feet along a 250.00 foot radius curve to the right through a central angle of



14°58'24", said arc having a chord bearing South 66°19'51" West 65.15 feet; thence South 73°49'03" West 78.34 feet; thence southwesterly 225.28 feet along a 350.00 foot radius curve to the left through a central angle of 36°52'44", said arc having a chord bearing South 55°22'41" West 221.41 feet; thence South 53°03'42" East 125.00 feet; thence southwesterly 65.73 feet along a non-tangent 225.00 foot radius curve to the left through a central angle of 16°44'21", said arc having a chord bearing South 28°34'07" West 65.50 feet; thence southwesterly 21.11 feet along a reverse 15.00 foot radius curve to the right through a central angle of 80°38'33", said arc having a chord bearing South 60°31'13" West 19.41 feet; thence southwesterly 381.71 feet along a reverse 255.00 foot radius curve to the left through a central angle of 85°45'56", said arc having a chord bearing South 57°57'31" West 347.06 feet; thence South 15°04'34" West 567.67 feet; thence southwesterly 181.14 feet along a 670.50 foot radius curve to the right through a central angle of 15°28'45", said arc having a chord bearing South 22°48'56" West 180.59 feet; thence South 30°33'18" West 281.92 feet; thence southerly 283.17 feet along a 529.50 foot radius curve to the left through a central angle of 30°38'28", said arc having a chord bearing South 15°14'04" West 279.81 feet; thence South 00°05'09" East 210.71 feet; thence southeasterly 507.60 feet along a 630.00 foot radius curve to the left through a central angle of 46°09'51", said arc having a chord bearing South 23°10'05" East 493.98 feet; thence southerly 272.99 feet along a non-tangent 239.00 foot radius curve to the left through a central angle of 65°26'43", said arc having a chord bearing South 07°36'49" East 258.39 feet; thence South 35°53'39" East 2.50 feet; thence South 54°06'21" West 40.12 feet; thence southwesterly 64.27 feet along a 235.50 foot radius curve to the right through a central angle of 15°38'08", said arc having a chord bearing South 61°55'25" West 64.07 feet; thence southwesterly along a reverse 172.75 foot radius curve to the left 115.25 feet through a central angle of 38°13'24", said arc having a chord bearing South 50°37'47" West 113.12 feet; thence southwesterly 18.54 feet along a reverse 85.50 foot radius curve to the right through a central angle of 12°25'18", said arc having a chord bearing South 37°43'44" West 18.50 feet; thence southwesterly 112.62 feet along a reverse 532.50 foot radius curve to the left through a central angle of 12°07'02", said arc having a chord bearing South 37°52'52" West 112.41 feet; thence South 31°49'21" West 67.77 feet to a point on the northeasterly right of way of North Pace Frontage Road described in Warranty Deed No 360534 in Book 667 at Page 380, Summit County Records; thence along said northeasterly right of way the following four (4) courses: 1) northwesterly 14.01 feet along a non-tangent 1462.39 foot radius curve to the left through a central angle of 00°32'57", said arc having a chord bearing North 59°43'32" West 14.01 feet, 2) thence North 60°00'00" West 336.18 feet, 3) thence northwesterly 150.91 feet (149.06 feet by deed) along a 1402.39 foot radius curve to the right through a central angle of 06°09'56" (06°14'12" by deed), said arc having a chord bearing North 56°55'02" West 150.84 feet (North 56°52'54" West 148.99 feet by deed) to the easterly boundary of said Frontage Road described in Book 1309 at Page 728, and 4) thence North 28°43'02" West 68.48 feet (69.54 feet by deed) to the north line of said Section 21; thence along said north line South 89°39'03" East 267.29 feet (266.20 feet by deed) to the point of BEGINNING.

**EXHIBIT "B"**

**Initial Covered Property**

All of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18 of Silver Creek Village Center Subdivision Plat, recorded on April 4, 2017 as Entry No. 1066785, in the official records of the Summit County Recorder's Office.

**CW Larsen District**

All of Lots 13, 15, 16 of Silver Creek Village Center Subdivision Plat, recorded on April 4, 2017 as Entry No. 1066785, in the official records of the Summit County Recorder's Office.