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Rhonda Francis Summit County Recorder

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By FIRST AMERICAN - PARK CITY

Electronically Recorded

When Recorded, Mail to:

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218 Buck Rail Drive
Kamas, Utah 84036

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR
HIGH STAR RANCH,
A PLANNED UNIT DEVELOPMENT**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGH STAR RANCH, A PLANNED UNIT DEVELOPMENT (this "Declaration") is made and executed by TRI STAR 2005, L.L.C., a Utah limited liability company ("Declarant"), for itself, its successors, grantees and assigns.

RECITALS

A. Declarant submitted that certain real property in Summit County, Utah, to the original Declaration of Covenants, Conditions and Restrictions for Ranch Cabin Subdivision at High Star Ranch, recorded on February 22, 2013, as Entry 00964121, in Book 2172, at Page 0622, in the Official Records of Summit County, Utah (the "Original Declaration") and which property is more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference (the "HSR Residential Subdivisions").

B. Declarant amended, restated and superseded the Original Declaration by adopting the Amended and Restated Declaration of Covenants, Conditions and Restrictions for HSR Residential Subdivisions at High Star Ranch and recording it in the office of the Summit County Recorder on December 11, 2018, as Entry No. 01103010, at Book 2489, Page 1751 (the "Restated Declaration").

C. The HSR Residential Subdivisions are still in the Declarant Control Period as described in the Original Declarant, and the Declarant desires to further amend the Restated Declaration pursuant to the provisions of Section 10.6 thereof by adding, deleting, or restating the provisions of the Restated Declaration, including confirmation of a reinvestment fee covenant, as follows.

NOW, THEREFORE, for such purposes, Declarant hereby makes this Declaration, and which, pursuant to the provisions of the laws of the State of Utah, shall be enforceable equitable servitudes and shall run with the land:

ARTICLE 3

Section 3.12(c) shall be deleted and replaced in its entirety with the following:

(c) Transfer of Class A Membership. The Class A membership held by any Owner of a Residential Lot shall not be transferred, pledged, or alienated in any way, except upon the sale of the Residential Lot giving rise to such membership, and then only to the purchaser of such Residential Lot. Any attempt to otherwise transfer a Class A Membership shall be null and void, and will not be reflected on the books and records of the Association. In the event an Owner of a Residential Lot shall fail or refuse to transfer the Class A membership registered in the Owner's name to the purchaser of the Owner's Residential Lot upon transfer of fee title thereto, the Board shall have the right to record the transfer on the books of the Association. Upon transfer of title to each Residential Lot, a reinvestment fee in the amount of 0.5% of the value of the property shall be paid to the Master Association to be placed in the Master Association's reserve account as provided in Section 3.32, below.

Section 3.32 shall be deleted and replaced in its entirety with the following:

3.32 Reinvestment Fee. The Master Association shall have the right to levy and collect a Reinvestment Fee in connection with the sale by an Owner other than the Declarant of a Residential Lot, a Residential Unit, a Commercial Lot or a Commercial Unit in the Project (collectively, "Fee Property") on the following terms and conditions:

(a) The amount of the Reinvestment Fee due upon a sale shall be one half of one percent (0.5%) of the gross sales price of the Fee Property.

(b) The Reinvestment Fee shall be due and payable to the Master Association upon the closing of the sale of the Fee Property. The Master Association shall have the right to levy and collect Reinvestment Fees due, including late fees and other collection charges, in the same manner as it is entitled to collect Assessments under Section 3.28 of this Master Declaration.

(c) Reinvestment Fees collected by the Master Association shall be placed in the Master Association's reserve account and may be used to pay for future road work and maintenance and/or other purposes described in UCA § 57-1-46.

(d) A Reinvestment Fee shall not be due on any sale or transfer of Fee Property by the Declarant or as a result of any of the excluded transfers set forth in UCA § 57-1-46.

(e) The burden of this Reinvestment Fee covenant shall run with the land and bind all successors-in-interest and assigns.

ARTICLE 6

Section 5.3 shall be deleted and replaced in its entirety with the following:

5.3 Maintenance Obligations of Owners. Subject to the duty of the Master Association to provide for maintenance as provided in Section 3.3, it shall be the duty of each Member or Owner, at the Member or Owner's sole cost and expense, subject to the provisions of this Master Declaration regarding ARC approval, to maintain, repair, replace, and restore, the Member's or Owner's Lot, Unit, Residential Lot or Commercial Lot in a neat, sanitary and attractive condition. It shall be the duty of the owners of Lots in the Cabins and other developments that have shared driveways to share the responsibility and cost of maintenance and repair of the shared driveways, including snow removal. In the event that any Owner shall permit any Improvement, which it is the responsibility of such Owner to maintain, to fall into disrepair or not to be so maintained so as to create a dangerous, unsafe, unsightly or unattractive condition, or to otherwise violate this Master Declaration, the Board shall have the right, but not the duty, upon thirty (30) days' prior written notice to the Member or Owner of such Lot, Unit, Residential Lot or Commercial Lot, to correct such condition and to enter upon such Member's or Owner's Lot, Unit, Residential Lot or Commercial Lot to make such repairs or to perform such maintenance and the cost thereof shall be charged to the Member or Owner. Said cost shall be a Specific Assessment and shall create a lien enforceable in the same manner as other assessments as set forth in this Master Declaration.

All other provisions of the Restated Declaration remain in full force and effect.

23 IN WITNESS WHEREOF, Tri Star 2005, L.L.C., has executed this Declaration this day of February, 2023.

Tri Star 2005, L.L.C.,
a Utah limited liability company

By: Tom Grimmett
Name: Tom Grimmett
Title: Manager

STATE OF UTAH

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} SS.

COUNTY OF SUMMIT

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On the 23 day of February, 2023, personally appeared before me Tom Grimmett, signer of the above Declaration, who being duly sworn, did say that he is the Manager of Tri Star 2005, L.L.C., a limited liability company of the State of the State of Utah, and that the Declaration was signed in behalf of said company under authority granted by its operating agreement, and said Tom Grimmett duly acknowledged to me that said company executed the same.



Stacy Headrick
Notary Public

Exhibit "A"

ALL PROPERTY WITHIN **NORTH MEADOW PHASE 1 AMENDED**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. NM-1-1-AM, NM-1-2-AM, NM-1-8-AM, NM-1-13-AM

ALL PROPERTY WITHIN **NORTH MEADOW PHASE 2 AMENDED**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. NM-2-3-AM, NM-2-4-AM, NM-2-5-AM, NM-2-6-AM, NM-2-7-AM, NM-2-9-AM, NM-2-10-AM, NM-2-11-AM, NM-2-12-AM

ALL PROPERTY WITHIN **SPRING HILL AT HIGH STAR RANCH PHASE 1**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial No. SHHSR-1-10

ALL PROPERTY WITHIN **SPRING HILL AT HIGH STAR RANCH PHASE 3**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial No. SHHSR-3-11

ALL PROPERTY WITHIN **SPRING HILL AT HIGH STAR RANCH PHASE 4**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. SHHSR-4-1, SHHSR-4-2, SHHSR-4-3, SHHSR-4-4, SHHSR-4-5, SHHSR-4-6, SHHSR-4-7, SHHSR-4-8, SHHSR-4-9, SHHSR-4-10, SHHSR-4-11, SHHSR-4-12, SHHSR-4-13, SHHSR-4-14, SHHSR-4-15, SHHSR-4-16, SHHSR-4-17, SHHSR-4-18

ALL PROPERTY WITHIN **THORN CREEK PHASE 1**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-1-47, THORNC-1-48, THORNC-1-49, THORNC-1-50, THORNC-1-51, THORNC-1-53

ALL PROPERTY WITHIN **THORN CREEK PHASE 2**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-2-45, THORNC-2-46, THORNC-2-54, THORNC-2-55, THORNC-2-56

ALL PROPERTY WITHIN THORN CREEK PHASE 3 – FIRST AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-3-43-AM, THORNC-3-44-AM, THORNC-3-57-AM, THORNC-3-58-AM, THORNC-3-59-AM, THORNC-3-60-AM

ALL PROPERTY WITHIN THORN CREEK PHASE 4, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-4-41, THORNC-4-42, THORNC-4-61, THORNC-4-62

ALL PROPERTY WITHIN THORN CREEK PHASE 5 AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-5-35-AM, THORNC-5-36-AM, THORNC-5-37-AM, THORNC-5-38-AM, THORNC-5-39-AM, THORNC-5-40-AM

ALL PROPERTY WITHIN THORN CREEK PHASE 6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-6-19, THORNC-6-20, THORNC-6-21, THORNC-6-22, THORNC-6-23, THORNC-6-24, THORNC-6-25, THORNC-6-26

ALL PROPERTY WITHIN THORN CREEK PHASE 7, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-7-12, THORNC-7-13, THORNC-7-28, THORNC-7-32, THORNC-7-33, THORNC-7-34

ALL PROPERTY WITHIN THORN CREEK PHASE 8, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-8-14, THORNC-8-15, THORNC-8-16, THORNC-8-17, THORNC-8-18, THORNC-8-27

ALL PROPERTY WITHIN THORN CREEK PHASE 9 AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-9-1-AM, THORNC-9-2-AM, THORNC-9-29-AM, THORNC-9-30-AM, THORNC-9-31-AM

ALL PROPERTY WITHIN THORN CREEK PHASE 10, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. THORNC-10-3, THORNC-10-4, THORNC-10-5, THORNC-10-6, THORNC-10-7, THORNC-10-8, THORNC-10-9, THORNC-10-10, THORNC-10-11

ALL PROPERTY WITHIN **WESTERN CABINS**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. WSTRNC-14, WSTRNC-15, WSTRNC-16

ALL PROPERTY WITHIN **RANCH CABIN PHASE 1A**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. RCS-1A-1, RCS-1A-2

ALL PROPERTY WITHIN **RANCH CABIN PHASE 1B**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. RCS-1B-3, RCS-1B-4

ALL PROPERTY WITHIN **RANCH CABIN PHASE 2A**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. RCS-2A-7, RCS-2A-8

ALL PROPERTY WITHIN **RANCH CABIN PHASE 2B**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. RCS-2B-9, RCS-2B-10

ALL PROPERTY WITHIN **RANCH CABIN PHASE 2C**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE OF UTAH.

Tax Serial Nos. RCS-2C-5, RCS-2C-6