

**SECOND AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS  
OF THE BACK NINE AT JEREMY RANCH SUBDIVISION PLATS "A" AND "B"**

THIS AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE BACK NINE AT JEREMY RANCH SUBDIVISION, PLATS "A" AND "B" is made and executed by the Back Nine at Jeremy Ranch Homeowners Association (the "Association") on the date set forth below and shall be effective upon recording in the Summit County Recorder's Office.

**RECITALS**

A. The original Declaration of Covenants, Conditions and Restrictions of the Back Nine at Jeremy Ranch Subdivision, Plat "A" was recorded in the office of the Summit County Recorder on July 12, 1994 as Entry No. 00409349 and the original Declaration of Covenants, Conditions and Restrictions of the Back Nine at Jeremy Ranch Subdivision, Plat "B" was recorded in the office of the Summit County Recorder on December 30, 1994 as Entry No. 00421940 (collectively, the "Original Declarations").

B. The Original Declarations were consolidated, amended, superseded, and replaced in their entirety by the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Back Nine at Jeremy Ranch Subdivision, Plats "A" and "B" recorded in the office of the Summit County Recorder on July 10, 2000 as Entry No. 00568820 (the "Declaration");

C. A First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Back Nine at Jeremy Ranch Subdivision Plats "A" and "B" was recorded in the office of the Summit County Recorder on October 10, 2019 as Entry No. 01119473 (the "First Amendment");

D. The Bylaws for the Association were amended on July 21, 2003 and are subordinate to the Declaration and any amendment thereto;

E. The Association wants to modernize and better facilitate communication and Member participation by permitting electronic communication, notice, and voting;

F. Companies offering commercial fractional ownership—a mechanism establishing ownership of vacation properties in the form of a 1/2 to 1/8 or lesser share—have started selling "fractions" of Dwellings Units as vacation properties in the Association;

G. The Association wants to preserve a sense of community and property values by prohibiting commercial fractional ownership within the Project;

H. To help alleviate the problems and achieve the purposes identified in Recitals E-G, the Association is adopting this Second Amendment to the Declaration ("Second Amendment").

I. Pursuant to Article 12 of the Declaration, this Second Amendment to the Declaration has been duly adopted by the affirmative vote or approval and consent, or combination thereof of Member who own two-thirds (2/3) or more of the Lots in the Project;

Now therefore, the Association hereby amends the Declaration as follows:

### **AMENDMENT**

The Declaration is hereby revised and amended to include the following:

#### **28. GENERAL COMMUNICATION:**

Notwithstanding anything to the contrary in the Declaration, Bylaws, any Association rules or subsequent amendments thereto, any notice, communication, vote, approval, or consent permitted or required by statute or in the Declaration, Bylaws, any Association rules or subsequent amendments thereto, may be made by electronic means, including, but not limited to, ballots voting on amendments or Board of Trustee positions. These same ballots may be submitted electronically to a party designated by the Board of Trustees prior to any deadline which may be designated by the Board of Trustees.

The Declaration at Article 5 is hereby revised and amended to include the following:

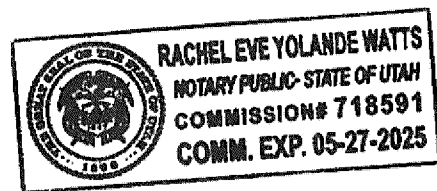
#### **5.14 "Fractional Use" of a Dwelling is prohibited. Fractional Use is defined as follows:**

any Dwelling which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting interest holders' or their designees' right or functional ability to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Fractional Use is also established by any of the following elements: co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times; centralized or professional management; reservation systems; maximum or minimum day limits on each interest holder's occupancy or use of the property; or management fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party. This definition shall not include non-commercial groups such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust as opposed to sold on the free market for commercial purposes.

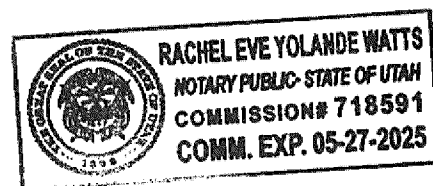
**\*\*\*\*\* End of Amendment \*\*\*\*\***

**THE BACK NINE AT JEREMY RANCH HOMEOWNERS ASSOCIATION:**

Notary Public for Utah



Notary Public for Utah



On this 11<sup>th</sup> day of October, 2023, Todd MacDonald personally appeared and proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged he executed the same.

  
Notary Public for Utah



**EXHIBIT A  
LEGAL DESCRIPTIONS AND**

**LOTS 1 THRU 16** of the BACK NINE SUBDIVISION, PLAT A-1 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-A-1-1, BN-A-1-2, BN-A-1-3, BN-A-1-4, BN-A-1-5, BN-A-1-6, BN-A-1-7, BN-A-1-8, BN-A-1-9, BN-A-1-10, BN-A-1-11, BN-A-1-12, BN-A-1-13, BN-A-1-14, BN-A-1-15, and BN-A-1-16

**LOTS 17 THRU 46** of the BACK NINE SUBDIVISION, PLAT A-2 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-A-2-17, BN-A-2-18, BN-A-2-19, BN-A-2-20, BN-A-2-21, BN-A-2-22, BN-A-2-23, BN-A-2-24, BN-A-2-25, BN-A-2-26, BN-A-2-27, BN-A-2-28, BN-A-2-29, BN-A-2-30, BN-A-2-31, BN-A-2-32, BN-A-2-33, BN-A-2-34, BN-A-2-35, BN-A-2-36, BN-A-2-37, BN-A-2-38, BN-A-2-39, BN-A-2-40, BN-A-2-41, BN-A-2-42, BN-A-2-43, BN-A-2-44, BN-A-2-45, and BN-A-2-46

**LOTS 47 THRU 63** of the BACK NINE SUBDIVISION, PLAT A-3 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-A-3-47, BN-A-3-48, BN-A-3-49, BN-A-3-50, BN-A-3-51, BN-A-3-52, BN-A-3-53, BN-A-3-54, BN-A-3-55, BN-A-3-56, BN-A-3-57, BN-A-3-58, BN-A-3-59, BN-A-3-60, BN-A-3-61, BN-A-3-62, and BN-A-3-63

**OPEN SPACE**, BACK NINE SUBDIVISION PLATA-3, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE

Parcel Number:

BN-A-3-OS-X

**LOT 104 AMENDMENT TO LOT 104** of the BACK NINE SUBDIVISION, PLAT B-1 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Number:

BN-B-104AM

**LOTS 105 THRU 115** of the BACK NINE SUBDIVISION, PLAT B-1 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-B-1-105, BN-B-1-106, BN-B-1-107, BN-B-1-108, BN-B-1-109, BN-B-1-110,  
BN-B-1-111, BN-B-1-112, BN-B-1-113, BN-B-1-114, and BN-B-1-115

**OPEN SPACE/WILDLIFE CORRIDOR**, BACK NINE SUBDIVISION PLAT B-1,  
ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY  
RECORDERS OFFICE.

Parcel Number:

BN-B-1-OS-X

**LOTS 93 THRU 103** of the BACK NINE SUBDIVISION, PLAT B-2 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-B-2-93, BN-B-2-94, BN-B-2-95, BN-B-2-96, BN-B-2-97, BN-B-2-98, BN-B-2-99,  
BN-B-2-100, BN-B-2-101, BN-B-2-102, and BN-B-2-103

**OPEN SPACE/WILDLIFE CORRIDOR**, BACK NINE SUBDIVISION PLAT B-2,  
ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY  
RECORDERS OFFICE.

Parcel Number:

BN-B-2-OS-X

**LOTS 64 THRU 75** of the BACK NINE SUBDIVISION, PLAT B-3 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-B-3-64, BN-B-3-65, BN-B-3-66, BN-B-3-67, BN-B-3-68, BN-B-3-69, BN-B-3-70,  
BN-B-3-71, BN-B-3-72, BN-B-3-73, BN-B-3-74, and BN-B-3-75

**LOT 76A** BACK NINE SUBDIVISION PLAT B-3 OF 3 AMENDING LOTS 76 & 77,  
ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY  
RECORDERS OFFICE

Parcel Number:

BN-B-3-76A-AM

**LOTS 78 THRU 92** of the BACK NINE SUBDIVISION, PLAT B-3 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Numbers:

BN-B-3-78, BN-B-3-79, BN-B-3-80, BN-B-3-81, BN-B-3-82, BN-B-3-83, BN-B-3-84, BN-B-3-85, BN-B-3-86, BN-B-3-87, BN-B-3-88, BN-B-3-89, BN-B-3-90, BN-B-3-91, and BN-B-3-92

**OPEN SPACE/ WILDLIFE CORRIDOR** BACK NINE SUBDIVISION PLAT B-3 ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

Parcel Number:

BN-B-3-OS-X