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Rhonda Francis Summit County Recorder

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By FIRST AMERICAN - SUN PEAK

Electronically Recorded

**WHEN RECORDED RETURN TO:**

Sun Peak Association

c/o Bruce H Shapiro

Bruce H Shapiro PC

392 E Winchester St, Suite 400

Murray, Utah 84103

**FIRST AMENDMENT TO AMENDED AND RESTATED  
COVENANTS, CONDITIONS AND RESTRICTIONS,  
FOR  
SUNPEAK ASSOCIATION**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, FOR SUNPEAK ASSOCIATION, is made as of this day of October 17, 2024, by the Sunpeak Association (the "Association").

**RECITALS:**

A. The Sun Peak Community is subject to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sunpeak Association recorded April 17, 2020 as Entry Number 01130828 in Book 2566 at Page 541 of the Official Records of the Summit County Recorder.

B. The Association desires to amend the Declaration to reflect a change in the fractional interest ownership rights within the Sun Peak Community.

C. By affirmative vote of more than 51% of the Member votes of the Sun Peak Association this First Amendment has been approved and shall become effective upon recordation.

**AMENDMENT:**

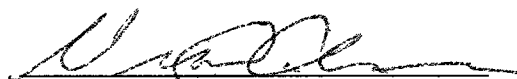
1. Fractional Ownership. No Owner of any Lot or Condominium Unit shall sell, assign, transfer or otherwise convey, or offer to sell, assign, transfer or otherwise convey any interest in such Lot or Condominium Unit for the operation of a fractional, timeshare, interval, company or club ownership interest or similar shared ownership or use program whereby the right to use of such Lot or Condominium Unit rotates among participants in such ownership, interest holder or program on a fixed, floating, or reserved time basis over a period of time.

Fractional Ownership means any arrangement (whether written or verbal) whereby multiple individuals, entities, companies, or other combinations acquire title to a Lot or Condominium Unit (or any other possessory or use right in a Lot or Condominium Unit) with the intention of allocating use rights among legal or beneficial owners, whether pursuant to verbal or written agreements, regarding the sharing of use and possession rights for a Lot or Condominium Unit. This definition shall not include non-commercial family partnerships, family associations, or family trusts with divided interests or agreements in which the real estate is held and transferred within the family partnership, family association, or family trust as opposed to sell, assign, transfer or otherwise convey for commercial purposes.

2. The undersigned hereby ratify this Amendment and acknowledge that the provisions hereof shall modify and amend the Declaration. This instrument shall run with and bind and benefit the property subject thereto.

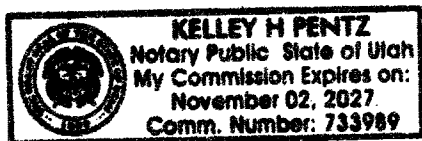
This First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sunpeak Association is executed as of the date first stated above.

Sunpeak Association  
a Utah Corporation

  
Vincent Novack, President

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SUMMIT         )

Before me, a Notary Public, in and for said county, personally Vincent Novack, who is the President of the Sunpeak Association, Inc, executed the foregoing First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sunpeak Association and acknowledged that he executed the same on behalf of the Sun Peak Association for the purposes expressed.



  
Notary Public

Date

## EXHIBIT A LEGAL DESCRIPTION

LOTS 1 THROUGH 30 AND OPEN SPACE INCLUSIVE, **WILLOW DRAW COTTAGES AT SUN PEAK, PLAT A**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. WDCS-A-1, WDCS-A-2, WDCS-A-3, WDCS-A-4, WDCS-A-5, WDCS-A-6, WDCS-A-7, WDCS-A-8, WDCS-A-9, WDCS-A-10, WDCS-A-11, WDCS-A-13, WDCS-A-14, WDCS-A-15, WDCS-A-16, WDCS-A-17, WDCS-A-18, WDCS-A-19, WDCS-A-20, WDCS-A-21, WDCS-A-22, WDCS-A-23, WDCS-A-24, WDCS-A-25, WDCS-A-26, WDCS-A-27, WDCS-A-28, WDCS-A-29, WDCS-A-30 AND WDCS-OS)

LOTS 1 THROUGH 21 AND OPEN SPACE INCLUSIVE, **WILLOW DRAW COTTAGES AT SUNPEAK, PLAT "B"**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. WDCS-B-1, WDCS-B-2, WDCS-B-3, WDCS-B-4, WDCS-B-5, WDCS-B-6, WDCS-B-7, WDCS-B-8, WDCS-B-9, WDCS-B-10, WDCS-B-11, WDCS-B-12, WDCS-B-13, WDCS-B-14, WDCS-B-15, WDCS-B-16, WDCS-B-17, WDCS-B-18, WDCS-B-19, WDCS-B-20, WDCS-B-21, WDCS-B-OS)

LOTS 1 THROUGH 4 AND OPEN SPACE INCLUSIVE, **WILLOW DRAW COTTAGES AT SUN PEAK, PLAT C**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. WDCS-C-1, WDCS-C-2, WDCS-C-3, WDCS-C-4, WDCS-C-OS)

LOTS 1 THROUGH 12, TRACT "A" AND OPEN SPACE INCLUSIVE **WILLOW DRAW COTTAGES AT SUN PEAK, PLAT D**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. WDCS-D-1, WDCS-D-2, WDCS-D-3, WDCS-D-4, WDCS-D-5, WDCS-D-6, WDCS-D-7, WDCS-D-8, WDCS-D-9, WDCS-D-10, WDCS-D-11, WDCS-D-12, WDCS-D-OS, WDCS-D-A)

LOTS 1 THROUGH 27 AND OPEN SPACE INCLUSIVE, **WILLOW DRAW COTTAGES AT SUN PEAK, PLAT E** ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED JULY 16, 1996 AS ENTRY NO. 458215 OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial Nos. WDCS-E-1, WDCS-E-2, WDCS-E-3, WDCS-E-4, WDCS-E-5, WDCS-E-6, WDCS-E-7, WDCS-E-8, WDCS-E-9, WDCS-E-10, WDCS-E-11, WDCS-E-12, WDCS-E-13, WDCS-E-14, WDCS-E-15, WDCS-E-16, WDCS-E-17, WDCS-E-18, WDCS-E-19, WDCS-E-20, WDCS-E-21, WDCS-E-22, WDCS-E-23, WDCS-E-24, WDCS-E-25, WDCS-E-26, WDCS-E-27, WDCS-E-OS)

LOTS 1 THROUGH 15, CABLE TV HEADEND SITE, AND OPEN SPACE INCLUSIVE, **WILLOW DRAW COTTAGES AT SUN PEAK, PLAT F**, ACCORDING TO THE OFFICIAL

PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. WDCS-F-1, WDCS-F-2, WDCS-F-3, WDCS-F-4, WDCS-F-5, WDCS-F-6, WDCS-F-7, WDCS-F-8, WDCS-F-9, WDCS-F-10, WDCS-F-11, WDCS-F-12, WDCS-F-13, WDCS-F-14, WDCS-F-15, WDCS-F-OS, WDCS-F-TV)

ALL OF LOTS 1 THROUGH 34 AND OPEN SPACE INCLUSIVE, **MAHOGANY HILLS SUBDIVISION**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. MH-1, MH-2, MH-3, MH-4, MH-5, MH-6, MH-7, MH-8, MH-9, MH-10, MH-11, MH-12, MH-13, MH-14, MH-15, MH-16, MH-17, MH-18, MH-19, MH-20, MH-21, MH-22, MH-23, MH-24, MH-25, MH-26, MH-27, MH-28, MH-29, MH-30, MH-31, MH-32, MH-33, MH-34, MH-OPEN )

ALL OF LOTS 35 THROUGH 98 AND OPEN SPACE INCLUSIVE, **MAHOGANY HILLS II SUBDIVISION**, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. MH-II-35, MH-II-36, MH-II-37, MH-II-38, MH-II-39, MH-II-40, MH-II-41, MH-II-42, MH-II-43, MH-II-44, MH-II-45, MH-II-46, MH-II-47, MH-II-48, MH-II-49, MH-II-50, MH-II-51, MH-II-52, MH-II-53, MH-II-54, MH-II-55, MH-II-56, MH-II-57, MH-II-58, MH-II-59, MH-II-60, MH-II-61, MH-II-62, MH-II-63, MH-II-64, MH-II-65, MH-II-66, MH-II-67, MH-II-68, MH-II-69, MH-II-70, MH-II-71, MH-II-72, MH-II-73, MH-II-74, MH-II-75, MH-II-76, MH-II-77, MH-II-78, MH-II-79, MH-II-80, MH-II-81, MH-II-82, MH-II-83, MH-II-84, MH-II-85, MH-II-86, MH-II-87, MH-II-88, MH-II-89, MH-II-90, MH-II-91, MH-II-92, MH-II-93, MH-II-94, MH-II-95, MH-II-96, MH-II-97, MH-II-98, MH-II-OPEN)

LOTS 1 THROUGH 29, AND OPEN SPACE INCLUSIVE, **CEDAR DRAW SUBDIVISION**; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE.

(Tax Serial Nos. CDW-1, CDW-2, CDW-3, CDW-4, CDW-5, CDW-6, CDW-7, CDW-8, CDW-9, CDW-10, CDW-11, CDW-12, CDW-13, CDW-14, CDW-15, CDW-16, CDW-17, CDW-18, CDW-19, CDW-20, CDW-21, CDW-22, CDW-23, CDW-24, CDW-25, CDW-26, CDW-27, CDW-28, CDW-29, CDW-OS)

LOTS 1 THROUGH 35 AND CDE-OS INCLUSIVE, **CEDAR DRAW ESTATES SUBDIVISION** ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED OCTOBER 29, 1993 AS ENTRY NO. 390440 OF THE OFFICIAL RECORDS ON FILE IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial Nos. CDE-1, CDE-2, CDE-3, CDE-4, CDE-5, CDE-6, CDE-7, CDE-8, CDE-9, CDE-10, CDE-11, CDE-12, CDE-13, CDE-14, CDE-15, CDE-16, CDE-17, CDE-18, CDE-19, CDE-20, CDE-21, CDE-22, CDE-23, CDE-24, CDE-25, CDE-26-AMCDE-27, CDE-28, CDE-29, CDE-30, CDE-31, CDE-32, CDE-33, CDE-34, CDE-35, CDE-OS)

LOT 36, **CEDAR DRAW ESTATES LOT 36 AMENDED**, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(Tax Serial No. CDE-36-AM)

LOTS 1 THROUGH 13 AND OPEN SPACE INCLUSIVE, **CEDAR DRAW ESTATES II SUBDIVISION**, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED NOVEMBER 22, 1994 AS ENTRY NO. 419724 OF THE OFFICIAL RECORDS, IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial Nos. CDE-II-1, CDE-II-2, CDE-II-3, CDE-II-4, CDE-II-4, CDE-II-5, CDE-II-6, CDE-II-7, CDE-II-8, CDE-II-9, CDE-II-10, CDE-II-11, CDE-II-12, CDE-II-13, CDE-II-OS).

LOTS 1 THROUGH 9 INCLUSIVE, **THE COVE ESTATES**, CONTAINED WITH "THE COVE AT SUN PEAK", ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDER'S OFFICE

(Tax Serial Nos. CSP-1, CSP-2, CSP-3, CSP-4, CSP-5-AM, CSP-6, CSP-7-AM, CSP-8-AM, CSP-9)

UNITS A AND B, IN BUILDINGS 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 7C, 8A, 8B, 8C, 9A, 9B, 9C, 10A, 11A, 12A AND 13A, CONTAINED WITHIN THE **COVE AT SUN PEAK**, A UTAH CONDOMINIUM PROJECT AS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED JUNE 12, 1996, AS ENTRY NO. 456153, OF PLATS, (AS SAID RECORD OF SURVEY MAP MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) AND AS FURTHER DEFINED AND DESCRIBED IN THE DECLARATION OF CONDOMINIUM OF THE COVE AT SUN PEAK, RECORDED JUNE 12, 1996 AS ENTRY NO. 456155, IN BOOK 971, AT PAGE 91 (AS SAID DECLARATION MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) IN THE OFFICE OF THE RECORDER OF SUMMIT COUNTY, UTAH.

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN AND TO THE COMMON AREAS AND FACILITIES MORE PARTICULARLY DESCRIBED IN SAID DECLARATION AND ANY AMENDMENTS AND/OR SUPPLEMENTS THERETO.

(Tax Serial Nos. CSP-1A-A, CSP-1A-B-B, CSP-1B-A, CSP-1B-B, CSP-1C-A, CSP-1C-B, CSP-2A-A, CSP-2A-B, CSP-2B-A, CSP-2B-B, CSP-2C-A, CSP-2C-B, CSP-3A-A, CSP-3A-B, CSP-3B-A, CSP-3B-B, CSP-3C-A, CSP-3C-B, CSP-4A-A, CSP-4A-B, CSP-4B-A, CSP-4B-B, CSP-4C-A, CSP-4C-B, CSP-5A-A, CSP-5A-B, CSP-5B-A, CSP-5B-B, CSP-5C-A, CSP-5C-B, CSP-6A-A, CSP-6A-B, CSP-6B-A, CSP-6B-B, CSP-6C-A, CSP-6C-B, CSP-7A-A, CSP-7A-B, CSP-7B-A, CSP-7B-B, CSP-7C-A, CSP-7C-B, CSP-8A-A, CSP-8A-B, CSP-8B-A, CSP-8B-B, CSP-8C-A, CSP-8C-B, CSP-9A-A, CSP-9A-B, CSP-9B-A, CSP-9B-B, CSP-9C-A, CSP-9C-B, CSP-10A-A, CSP-10A-B, CSP-11A-A, CSP-11A-B, CSP-12A-A, CSP-12A-B, CSP-13A-A and CSP-13A-B).

UNITS 100, 101, 102, 200, 201, 202, 300, 301, 302 IN BUILDING A AND UNITS 103, 104, 105, 203, 204, 205, 303, 304, 305, IN BUILDING B, CONTAINED WITHIN THE **BEAR LODGE CONDOMINIUMS**, A UTAH CONDOMINIUM PROJECT AS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED JUNE 12, 1996 AS ENTRY NO. 456154, IN BOOK 96, AT PAGE 38 OF PLATS, (AS SAID RECORD OF SURVEY MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) AND AS FURTHER DEFINED AND DESCRIBED

IN THE DECLARATION OF CONDOMINIUM OF THE BEAR LODGE CONDOMINIUMS, RECORDED JUNE 12, 1996 AS ENTRY NO. 456156, IN BOOK 971, AT PAGE 112 (AS SAID DECLARATION MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) IN THE OFFICE OF THE RECORDER OF SUMMIT COUNTY, UTAH.

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN AND TO THE COMMON AREAS AND FACILITIES MORE PARTICULARLY DESCRIBED IN SAID DECLARATION AND ANY AMENDMENTS AND/OR SUPPLEMENTS THERETO.

(Tax Serial Nos. BL-100-A, BL101-A, BL-102-A, BL-200-A, BL-201-A, BL-202-A, BL-300-A, BL-301-A, BL-302-A, BL-103-B, BL-104-B, BL-105-B, BL-203-B, BL-204-B, BL-205-B, BL-303-B, BL-304-B, AND BL-305-B)

Recreation Parcel:

A parcel of land lying within the Northwest Quarter of Section 31, Township 1 South, Range 4 East, Salt Lake Base and Meridian, County of Summit, State of Utah, more particularly described as follows:

Commence at the Northwest Corner of said Section 31, said Section Corner being a brass cap set by the County Surveyor in 1958 (Basis of bearing being North 00°00'06" West between the West Quarter Corner of said Section 31 and the Northwest Corner of said Section 31); thence South 00°00'06" East along said Section line 316.92 feet; thence East 616.86 feet to the Easterly boundary of the Mahogany Hills Subdivision as recorded, said point also being on the Southerly boundary of the Willow Draw Cottages at SunPeak, Plat C as recorded, said point also being the TRUE POINT OF BEGINNING; thence along the Southerly boundary of said Willow Draw Cottages at SunPeak, Plat C, South 68°53'13" East 166.05 feet to the Northerly right-of-way of Bear Hollow Drive, said point being on a 390.00 foot radius non-tangent curve to the left (Center bears South 32°39'01" East); thence following three (3) courses along said right-of-way: 1) along the arc of said curve 131.71 feet through a central angle of 19°20'59"; 2) South 38°00'00" West 184.31 feet to the beginning of a 365.00 foot radius curve to the right (Center bears North 52°00'00" West); 3) along the arc of said curve 105.51 feet through a central angle of 16°33'44" to the Southeast Corner of the Willow Draw Cottages at SunPeak, Plat A as recorded; thence following four (4) courses along said Willow Draw Cottages at SunPeak, Plat A boundary: 1) North 35°26'16" West 80.95 feet; 2) North 44°40'05" West 131.75 feet; 3) North 04°47'59" West 137.12 feet; 4) North 08°01'20" East 171.22 feet to the Southerly boundary of said Mahogany Hills Subdivision; thence along the boundary of said subdivision South 68°53'13" East 277.22 feet to the TRUE POINT OF BEGINNING.

(Tax Serial No. PP-116-A)