

ENTRY NO. 01227624

11/15/2024 10:24:47 AM B: 2839 P: 1025

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RHONDA FRANCIS, SUMMIT COUNTY RECORDER

FEE 202.00 BY THE PRESERVE HOMEOWNERS ASSOCIATION



WHEN RECORDED, PLEASE RETURN TO:

The Preserve Homeowners Association
c/o Park Pointe Management
2677 Cottage Loop
Park City, Utah 84098

Affects Parcel Nos.: See Exhibit A

**THIRD AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR THE PRESERVE AT PARK CITY**

THIS THIRD AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVE AT PARK CITY (the “**Third Amendment**”) is made and executed as of the ___ day of _____, 2024, by the undersigned being the duly authorized officer and trustee of the Board of Trustees (the “**Board**”) for The Preserve Homeowners Association, a Utah nonprofit corporation (the “**Association**”), pursuant to the provisions of Title 57, Chapter 8a, Utah Code Annotated, as amended.

RECITALS

A. The Preserve Development Company, LLC, a Utah limited liability company, predecessor-in-interest to FCOI Preserve LLC, a Delaware limited liability company, submitted that certain real property in Summit County, Utah, to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Preserve at Park City dated March 2008, recorded as Entry No. 00840887 on March 28, 2008 in the Summit County Recorder’s Office, as amended by that certain First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Preserve at Park City dated September 30, 2019, and recorded as Entry No. 01118945 on October 1, 2019 in the Summit County Recorder’s Office, and as further amended by that certain Second Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Preserve at Park City dated March 29, 2023, and recorded as Entry No. 01202732 on April 7, 2023 in the Summit County Recorder’s Office (as amended, the “**Declaration**”);

B. The real property described in the attached Exhibit A has been submitted to the Declaration; and

C. This Amendment has been approved by the required affirmative vote of Owners in accordance with Section 5.2 of the Declaration, as affected by Utah Code Ann. § 57-8a-104(1).

WITNESSETH

NOW, THEREFORE, the Declaration is hereby amended as follows, with such amendment to become effective upon the recording of this Third Amendment in the Summit County Recorder's Office, State of Utah:

1. Incorporation/Interpretation. The Recitals above shall form a substantive part of this Third Amendment. The terms of the Declaration are hereby incorporated into this Third Amendment, except as revised below. In the event of a conflict between the terms of this Third Amendment and the terms of the Declaration, the terms of this Third Amendment shall control. Capitalized terms used in this Third Amendment and not defined in this Third Amendment shall have the meanings given to such terms in the Declaration.

2. Amendment of Section 3.20. Section 3.20 of Article III of the Declaration is amended as follows. The words "'Holiday" lighting of dwellings and surrounding trees within the public view shed is not permitted" shall be deleted from Section 3.20 of Article III of the Declaration and replaced with the following: "Holiday lighting and displays within The Preserve shall be subject to applicable law and Rules and Regulations enacted by the Board from time to time."

3. Ratification. The Declaration, as amended herein, shall remain in full force and effect.

4. Certification. Pursuant to Section 5.2 of the Declaration, as affected by Utah Code Ann. § 57-8a-104(1), the Board, by its authorized officer's signature below, hereby certifies that the vote required to amend the Declaration has occurred and that this Third Amendment was approved by said vote.

[Remainder of Page Intentionally Blank; Signature Page Follows]

EXHIBIT A
TO THIRD AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR THE PRESERVE AT PARK CITY

That certain real property located in Summit County, Utah, and more particularly described as follows:

1- LOTS 1 through 2, 4 through 10, and 15 through 20 and Open Spaces of THE PRESERVE as shown within The Preserve Phase I Plat recorded on December 17th, 2003 in Summit County, Utah as further described here:

PRESRV-1-1	PRESRV-1-5	PRESRV-1-9	PRESRV-1-17
PRESRV-1-2	PRESRV-1-6	PRESRV-1-10	PRESRV-1-18
	PRESRV-1-7	PRESRV-1-15	PRESRV-1-19
PRESRV-1-4	PRESRV-1-8	PRESRV-1-16	PRESRV-1-20
PRESRV-1-OS-1	PRESRV-1-OS-2	PRESRV-1-OS-3	PRESRV-1-OS-4

2- LOT 3 of THE PRESERVE as shown within The Preserve Phase 1 Lot 3 Amended Plat recorded on April 5th, 2022 in Summit County, Utah as further described here:

PRESRV-1-3-AM

3- LOTS 21 through 26, 28, 33 through 42, 44, and 45 and Open Spaces of THE PRESERVE as shown within The Preserve Phase 2 Plat recorded on December 7th, 2004 in Summit County, Utah as further described here:

PRESRV-2-21	PRESRV-2-26	PRESRV-2-36	PRESRV-2-41
PRESRV-2-22	PRESRV-2-28	PRESRV-2-37	PRESRV-2-42
PRESRV-2-23	PRESRV-2-33	PRESRV-2-38	PRESRV-2-44
PRESRV-2-24	PRESRV-2-34	PRESRV-2-39	PRESRV-2-45
PRESRV-2-25	PRESRV-2-35	PRESRV-2-40	PRESRV-2-AOS-1

4- LOT 27 of THE PRESERVE as shown within The Preserve, Phase 2, Amendment to Lot 27 Plat recorded on July 1st, 2019 in Summit County, Utah as further described here:

PRESRV-2-27-AM

5- LOT 43 of THE PRESERVE as shown within The Preserve Phase 2 First Amendment to Lot 43 Plat recorded on December 5th, 2006 in Summit County, Utah as further described here:

PRESRV-2-43-1AM

6- LOTS 29 through 32 and 88 of THE PRESERVE as shown within The Preserve Phase 2A Plat recorded on October 31st, 2014 in Summit County, Utah as further described here:

PRESRV-2A-29	PRESRV-2A-30	PRESRV-2A-31	PRESRV-2A-32	PRESRV-2A-88
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7- LOTS 51 through 66 and 69 through 84 and Open Spaces of THE PRESERVE as shown within The Preserve Phase 3 Subdivision Plat recorded on August 8th, 2007 in Summit County, Utah as further described here:

PRESRV-3-51	PRESRV-3-60	PRESRV-3-71	PRESRV-3-80
PRESRV-3-52	PRESRV-3-61	PRESRV-3-72	PRESRV-3-81
PRESRV-3-53	PRESRV-3-62	PRESRV-3-73	PRESRV-3-82
PRESRV-3-54	PRESRV-3-63	PRESRV-3-74	PRESRV-3-83
PRESRV-3-55	PRESRV-3-64	PRESRV-3-75	PRESRV-3-84
PRESRV-3-56	PRESRV-3-65	PRESRV-3-76	PRESRV-3-OS-1
PRESRV-3-57	PRESRV-3-66	PRESRV-3-77	PRESRV-3-OS-2
PRESRV-3-58	PRESRV-3-69	PRESRV-3-78	PRESRV-3-OS-3
PRESRV-3-59	PRESRV-3-70	PRESRV-3-79	

8- LOTS 67 and 68 of THE PRESERVE as shown within The Preserve Phase 3 Subdivision Amending Lots 67 & 68 Plat recorded on December 7th, 2018 in Summit County, Utah as further described here:

PRESRV-3-67-AM	PRESRV-3-68-AM
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9- LOTS 85 through 87 of THE PRESERVE as shown within the Preserve Phase 3 Amended Lots 85-86-87 Plat recorded on March 31st, 2016 in Summit County, Utah as further described here:

PRESRV-3-85-AM	PRESRV-3-86-AM	PRESRV-3-87-AM
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10- Parcels SS-13-1, SS-13-2, SS-13-3, SS-152-9

SS-13-1:

Beginning at a point East 981 feet from the Northwest Corner of Section 5, Township 1 South, Range 4 East, Salt Lake Base and Meridian; thence East 326 feet along the section line; thence South 1000 feet; thence West 326 feet; thence North 1000 feet to the point of beginning.

Together with the right-of-way at least 50 feet in width over the Milton O. Bitner property conveyed by Craig L. Anderson and subject to all the rights of ways for existing roadways.

SS-13-2:

BEGINNING AT A POINT WHICH IS EAST 1307 FEET FROM THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST ALONG THE SECTION LINE 435 FEET; THENCE SOUTH 1000 FEET; THENCE WEST 435 FEET; THENCE NORTH 1000 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH A RIGHT OF WAY AT LEAST 50 FEET IN WIDTH OVER THE MILTON O. BITNER PROPERTY AS CONVEYED BY PRIOR DEED.

SS-13-3:

Beginning at a point East 2177 feet from the Northwest Corner of Section 5, Township 1 South, Range 4 East, Salt Lake Base and Meridian; thence East 423 feet along the section line; thence South 1029 feet; thence West 423 feet; thence North 1029 feet to the point of beginning.

Subject to easements, restrictions and rights of way currently of record and general property taxes for the year 2017 and thereafter.

SS-152-9:

Commencing at the Southwest corner of Section 32, Township 1 North, Range 4 East, SLB&M, and running thence North 225 feet; thence East 200 feet; thence South 225 feet; thence West 200 feet to point of beginning.