

WHEN RECORDED MAIL TO:

Lower Elk Meadows Property
Owners Association
c/o Sundance Enterprises
Attn: Jon M. Lear, Esq.
19 Exchange Place
Salt Lake City, Utah 84111

16133

UTAH COUNTY PLANNING COMMISSION
RECORDS SECTION
1983 MAY 29 AM 11:16

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Sundance

RECORDED AT THE REQUEST OF

16433

Above Space for Recorder's Use Only

SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LOWER ELK MEADOWS RECREATIONAL RESORT
UTAH COUNTY, UTAH

THIS SUPPLEMENTARY DECLARATION is made this 22 day
of May, 1986, by SUNDANCE DEVELOPMENT CORPORATION, a
Utah corporation, hereinafter called the "Declarant."

R E C I T A L S

A. By that certain Sundance Recreational Resort Plat "C" (hereinafter called "Plat 'C'") dated June 9, 1983, executed and acknowledged by C. Robert Redford and Declarant, the then owners of that certain real property situated in the County of Utah, State of Utah, which is the subject of and which is more particularly described on Plat "C," which Plat "C" was recorded August 8, 1983, as Entry No. 23728 in the official records of said county, said owners caused said real property to be platted as a recreational resort under the ordinances of said county, subject to the conditions of the easements, covenants, agreements and instruments recorded in the official records of said county concurrently therewith under Utah County Planning Commission Numbers P.C. 1893-2, 4, 6, 9 and 11.

B. By that certain Declaration for Lower Elk Meadows Recreational Resort Plat (hereinafter called the "Plat 'C' Declaration") dated June 17, 1983, bearing Utah County Planning Commission Number P.C. 1983-2, executed and acknowledged by C. Robert Redford and Lola Redford, husband and wife, recorded concurrently with Plat "C" on August 8, 1983, as Entry No. 23729, in Book 2069, Page 293 of the official records of said county, and incorporated and made a part of Plat "C" by the terms of Plat "C," all of the then owners of the real property described on Plat "C" submitted their respective real properties situated within Plat "C" to the covenants, restrictions, limitations, conditions, and uses of the Plat "C" Declaration.

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C. The Plat "C" Declaration refers to the Lower Elk Meadows Recreational Resort Property Owners Association as the association to which will be delegated and assigned the powers and duties of maintaining and administrating and enforcing the covenants of the Plat "C" Declaration and disbursing the charges and assessments therein created, while Plat "C" refers to said association as the "Sundance Recreational Resort Plat 'C' Homeowners Association (hereinafter called the "Plat 'C' Association").

D. The Plat "C" Association has never been incorporated, but is an unincorporated association.

E. The Plat "C" Association now desires to amend and completely restate the Plat "C" Declaration by adopting as the declaration applicable to Plat "C" that certain Declaration of Covenants, Conditions and Restrictions for Lower Elk Meadows Recreational Resort recorded August 19, 1985, as Entry No. 23465, in Book 2239, at Page 317, of the official records of Utah County, Utah, as amended by that certain First Amendment thereto recorded October 24, 1985, as Entry No. 31169, in Book 2256, at Page 120 of said official records (hereinafter collectively called the "Plat 'E' Declaration"), with the intent and purpose that upon recordation of this Supplementary Declaration in the official records of said county, the Plat "C" Declaration will be totally amended, entirely superseded and completely restated by the Plat "E" Declaration and the Plat "C" Association merged into Lower Elk Meadows Property Owners Association, a Utah nonprofit corporation and the Association provided for in the Plat "E" Declaration.

F. Section 3.2 of the Plat "C" Declaration provides that the owners of each of the ten (10) lots within Plat "C" own an appurtenant equal undivided 1/10th interest in the common areas within Plat "C."

G. Article IX of the Plat "C" Declaration provides that the vote of the owners of at least 65% of the undivided interest in the common areas within Plat "C" shall be required to amend the Plat "C" Declaration, that any amendments so authorized shall be accomplished through the recordation of an instrument executed by the Board of the Plat "C" Association in which the Board shall certify that the vote required by said Article has occurred and that any amendment to the Plat "C" Declaration must be approved by the Utah County Commission in accordance with applicable provisions relative to amendments of recreational resort projects.

H. The vote of the Owners of at least 65% of the undivided interest in the common areas within Plat "C" has been obtained and the Board of the Plat "C" Association is,

therefore, willing to consent to this Supplementary Declaration and certify that such vote has been obtained. Also, the Utah County Commission has approved this Supplementary Declaration.

I. The Plat "C" Association and its members are the owners of fee simple title to that certain real property situated in the County of Utah, State of Utah, hereinabove defined as Plat "C" and more particularly described on Exhibit A attached hereto and by this reference made a part hereof (herein also called the "Annexed Property").

J. Declarant desires to submit the Annexed Property to the provisions of the Plat "E" Declaration.

K. The Annexed Property constitutes that certain real property more particularly described on Exhibit B to the Plat "E" Declaration.

L. Under the provisions of the section of the Plat "E" Declaration entitled "Annexation Without Approval and Pursuant to General Plan" of the Article of the Declaration entitled "Integrated Nature of the Covered Property," Declarant reserves the right to subject all or any part of the real property described on Exhibit B thereto to the Plat "E" Declaration without the approval, consent or vote of any other person or party, provided that a supplementary declaration covering the subject portion of said real property described on said Exhibit B is executed and recorded by Declarant.

D E C L A R A T I O N

NOW, THEREFORE, Declarant hereby covenants, agrees and declares as follows:

1. The Annexed Property is hereby made subject to all of the terms, covenants, conditions, restrictions and provisions of the Plat "E" Declaration pursuant to the provisions of the section thereof entitled "Annexation Without Approval and Pursuant to General Plan" of the Article thereof entitled "Integrated Nature of the Covered Property" to all intents and purposes as though the Annexed Property had originally been included within the property made subject to the Plat "E" Declaration.

2. The recordation of this Supplementary Declaration shall constitute and effectuate the annexation of the Annexed Property, making the Annexed Property subject to the Plat "E" Declaration and subject to the functions, powers and jurisdiction of Lower Elk Meadows Property Owners Association, a Utah nonprofit corporation (hereinafter called the "Association"), as provided in the Plat "E" Declaration. Upon

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such recordation, the Annexed Property shall be part of the Covered Property as that term is defined in the Plat "E" Declaration, and all the Owners of Lots (as those terms are defined in the Plat "E" Declaration) within the Annexed Property shall automatically become Members of the Association.

3. Upon the recordation of this Supplementary Declaration the Plat "C" Declaration shall be totally amended, completely restated and entirely superseded by the Plat "E" Declaration, and the Plat "C" Association shall be merged into the Association.

4. All easements reserved by Declarant in the Plat "E" Declaration are hereby reserved by Declarant over the Annexed Property, together with the right to grant and transfer the same as provided in the Plat "E" Declaration.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first hereinabove written.

SUNDANCE DEVELOPMENT CORPORATION,
a Utah corporation

By [Signature]
Its [Signature]

STATE OF UTAH)
) : ss.
COUNTY OF Utah)

On the 23 day of May, 1986, personally appeared before me Robert M. [Signature], who being by me duly sworn, did say that he is the Pres of SUNDANCE DEVELOPMENT CORPORATION, a corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said Robert M. [Signature] acknowledged to me that said corporation executed the same.

[Signature]
NOTARY PUBLIC
Residing at: Provo, UT

My Commission Expires:

8/29/89

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CERTIFICATION AND CONSENT

The Board of Directors of the Lower Elk Meadows Recreational Resort Property Owners Association, an unincorporated association also known as Sundance Recreational Resort Plat "C" Homeowners Association, hereby:

1. Certifies that the affirmative vote of Owners required by Article IX of the Plat "C" Declaration referred to in the preceding Supplementary Declaration in order to amend said Plat "C" Declaration as provided in the preceding Supplementary Declaration has been obtained; and

2. Consents to and agrees to be bound by the preceding Supplementary Declaration.

DATED this 22 day of May, 1986.

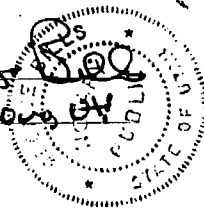
LOWER ELK MEADOWS RECREATIONAL
RESORT PROPERTY OWNERS ASSOCIATION
By the Board of Directors

By Jon Lear
Chairman of the Board

STATE OF UTAH)
) ss.
COUNTY OF Utah)

On the 22 day of May, 1986, personally appeared before me Jon Lear, who being by me duly sworn, did say that he is the Chairman of the Board of Lower Elk Meadows Recreational Resort Property Owners Association, an unincorporated association, and that the foregoing instrument was signed on behalf of said association by authority of its Bylaws or a resolution of its Members, and said Jon Lear acknowledged to me that said association executed the same.

Mary Sue
NOTARY PUBLIC
Residing at: hono uti



My Commission Expires:
8/29/89

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APPROVAL OF UTAH COUNTY COMMISSION

The Utah County Commission hereby approves the preceding Supplementary Declaration as required by Article IX of the Plat "C" Declaration referred to in the preceding Supplementary Declaration.

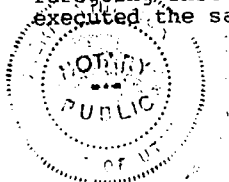
DATED this 29th day of May, 1986.

UTAH COUNTY COMMISSION

By [Signature]
Chairman

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

On this 29th day of May, 1986, personally appeared before me Gary J. Anderson, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



[Signature]
NOTARY PUBLIC
Residing at: Utah County Utah

My Commission Expires:

February 29, 1988

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That certain real property situated in the County of Utah, State of Utah, more particularly described as Plat C, Sundance Recreational Resort, according to the official plat thereof filed for record August 8, 1983, as Entry No. 23728 (Map Filing #2896) in the office of the County Recorder of Utah County, Utah.

EXHIBIT A

-7- 16433

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