

Entry No.	247620	247620
REQUEST OF <u>Red Pine Chalets</u>		
FEE	\$ <u>12.</u> <u>50</u> ALAN SERIGGS, SUMMIT CO. RECORDER	
RECORDED <u>3-11-86</u> at <u>11:03</u> M		

RED PINE CHALETS, PHASE FOUR  
THIRD SUPPLEMENTAL DECLARATION OF AND AMENDMENT TO  
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS THIRD SUPPLEMENTAL DECLARATION is made and  
executed this 7 day of <sup>MARCH</sup>~~February~~, 1986, by The Management  
Committee of the Association of Unit Owners of RED PINES  
CHALETS, PHASE FOUR ("Management Committee").

R E C I T A L S:

A. On December 3, 1981, Park West Development Corp.,  
Inc., as Declarant, made and executed an Amended and  
Restated Condominium Declaration for Red Pines Chalets Phase  
Four, which was recorded in the office of the County  
Recorder of Summit County, State of Utah, on December 3,  
1981, as Entry No. 186264 in Book M204 at pages 556 et seq.  
(hereinafter referred to as the "Original Declaration"), and  
on January 25, 1983, Declarant made and executed a Second  
Amended Condominium Declaration for Red Pine Chalets, Phase  
Four (hereinafter referred to as the "Second Declaration")  
as part of a plan for the Red Pine Chalets, Phase Four  
("Project"), which Second Declaration was executed by  
Declarant on January 25, 1983, and recorded in the office of  
the County Recorder of Summit County, State of Utah, on  
January 26, 1983, in Book M248 at page 653 et. seq., as  
Entry No. 201459. The related Record of Survey Map (the

BOOK 376 PAGE 448

1254

"Original Map") was recorded concurrently with the Original Declaration. The Original Declaration, the Original Map and the Second Declaration submitted to the provisions of the Utah Condominium Owner Act (Utah Code Annotated, Sections 57-8-1 et. seq., as amended from time to time) ("Act") the following described real property situated in Salt Lake County, State of Utah, to-wit:

BEGINNING at a point 494.76 feet North of the Southeast corner of Section 36, Township 1 South, Range 3 East, Salt Lake Base & Meridian, and running thence South 50°00' West 148.67 feet; thence North 40°00' West 201.45 feet; thence North 194.15 feet; thence North 50°00' East 358.32 feet; thence South 483.24 feet to the point of BEGINNING.

TOGETHER WITH a 60.0 foot right of way easement described as follows: BEGINNING at a point 1253.00 feet North and 244.50 feet West of the Southeast corner of Section 36, Township 1 South, Range 3 East, Salt Lake Base and Meridian and running thence South 803.81 feet to a point of a 110.00 foot radius curve to the right, the radius point of which bears West 110.00 feet; thence Southwesterly along the arc of said curve 65.22 feet; thence North 48°00' West 61.34 feet to a point on a 50.00 foot radius curve to the left, the radius point of which bears North 65°53'45" West 50.00 feet thence Northeasterly along the arc of said curve 21.035 feet to a point of tangency; thence North 803.81 feet; thence East 60.00 feet to the point of BEGINNING.

B. The Second Declaration replaced the Original Declaration.

C. Article XXVII of the Second Declaration, set forth a procedure for amendment of the Second Declaration and the Association of Unit Owners of the Project desire to

amend the Second Declaration in accordance with the provisions herein contained.

#### I. DEFINITIONS

When used in this Third Supplemental Declaration (including that portion hereof headed "Recitals"), the following terms shall have the meaning indicated:

1. "Third Supplemental Declaration" shall mean and refer to this Red Pine Chalets, Phase Four, Third Supplemental Declaration of and Amendment to Covenants, Conditions and Restrictions.

2. Other Definitions. Except as herein otherwise defined or as may be required by the context, all terms defined in Article II of the Second Declaration shall have such defined meanings when used in this Third Supplemental Declaration.

#### II. AMENDMENTS TO SECOND DECLARATION

A. The provisions of Article V, DESCRIPTION OF PROPERTY, Subparagraph (b), Description of Improvements, as contained in the Second Declaration are herewith and hereby amended and modified and restated in their entirety to provide as follows:

BOOK 376 PAGE 450

(b) Description of Improvements. The buildings will be constructed by the Declarant and will be in accordance with the information contained in the Map. They will consist of two (2) buildings containing a total of sixteen (16) Units. The buildings will be of wood frame construction on concrete pads, with board exterior. All Units will be totally electric as to heating and appliances. Electricity is

separately metered to each Unit. Water and sewage disposal, at the election of the Management Committee, will either be separately metered and billed to each Unit or will be commonly assessed and treated as part of common area expenses. (It is intended that the Management Committee select the most cost-effective manner of having such water and sewage disposal services provided to each Unit.) Each Unit has a separate electric water heater. The Project will be subject to the easements which are reserved through the Project and as may be required for Utility Services.

B. The provisions of Article VII, STATEMENT OF PURPOSE AND RESTRICTION ON USE, Subparagraph (a), Purpose, as contained in the Second Declaration are herewith and hereby amended and modified and restated in their entirety to provide as follows:

(a) Purpose. The purpose of the Condominium Project is to provide recreational or residential housing for Unit Owners, their families, guests and lessees and to provide parking and recreational space for use in connection therewith, all in accordance with the provisions of the Act.

C. The provisions of Article VII, STATEMENT OF PURPOSE AND RESTRICTION ON USE, Subparagraph (b), Restrictions on Use, as contained in the Second Declaration are herewith and hereby amended and modified and restated in their entirety to provide as follows:

(b) Restrictions on Use. The Units and Common Areas and Facilities shall be used and occupied only as hereinafter set forth:

(1) Units shall be used only for purposes of residential occupancy and/or temporary (recreational) or permanent residence and for no other purpose.

D. A new Article XXXVII is added to the Second Declaration and is set forth in its entirety as follows:

ARTICLE XXXVII

RED PINE COMMUNITY RECREATIONAL FACILITIES

(a) Recreational Declaration. A certain "Declaration of Covenants, Conditions and Restrictions of the Recreational Facilities of the Red Pine Community" (referred to in this Article as the "Recreational Declaration") was recorded in the office of the Summit County Recorder on March 11, 1985, as Entry No. 231564, in Book 334 at Pages 583 et seq. All terms used in this Article XXXVII which are defined in the Recreational Declaration shall have the meanings ascribed to them therein. As more fully provided for in the Recreational Declaration, Red Pine Chalets, Phase Four has qualified to become a part of the Red Pine Community and each Owner of a Unit is said Project has become a Member of the Red Pine Community Association, a Utah nonprofit corporation, and has been granted a nonexclusive and limited right and easement to use and enjoy the Recreational Facilities.

(b) Binding Effect of Recreational Declaration. The Recreational Declaration and all the terms and provisions thereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, with respect to all interests in real property (including, without limitation, units limited common areas, and common areas) associated with or comprising a part of Red Pine Chalets, Phase Four and shall be binding upon and inure to the benefit of all persons who voluntarily, by operation of law, or otherwise now or hereafter hold any interest in said Project (including, without limitation, unit owners and purchasers, the association of unit owners, the declarant or developer, mortgagees, and trustees and beneficiaries under deeds of trust). Each person shall comply with, and all such interests shall be subject to, the terms of the Recreational Declaration, the Articles of Incorporation of the Red Pine Community Association, and the provisions of any rules, regulations, agreements, instruments, and determinations contemplated by the Recreational Declaration and said Articles.

(c) Priority of Assessments. Unpaid regular and special assessments provided for in the Recreational Declaration shall constitute a lien upon condominium units in Red Pine Chalets, Phase Four equal in priority and on the same footing as the lien for any unpaid assessments provided for in this Declaration of Condominium relating to the same period of delinquency.

(d) Conflicts. In the event of a conflict between any provision(s) of this Declaration and any provision(s) of the Recreational Declaration, the provisions of the Recreational Declaration shall govern.

(e) Prohibition Concerning Amendments. This Article XXXVII shall not be amended without the prior affirmative vote of at least eight percent (80%) of Members present in person or by proxy at a duly noticed meeting of the Members of the Red Pine Community Association, the notice of which meeting must specify the exact terms of the proposed amendment and provide each Member with a proxy whereby he may vote for or against approval of such amendment.

### III. CERTIFICATION OF VOTE

The Management Committee, by and through its officers, and pursuant to the provisions of Article XXVII herewith and hereby certifies that a vote of the Unit Owners of the Project authorizing the amendments set forth herein has occurred and with respect thereto, Unit Owners owning not less than 66.66% of the undivided interest in the Common Areas and Facilities of the Project have given their affirmative vote and approval for the amendments contained herein.

BOOK 376 PAGE 453

### IV. EFFECTIVE DATE

The effective date of this Third Supplemental Declaration shall be the date on which said instruments are

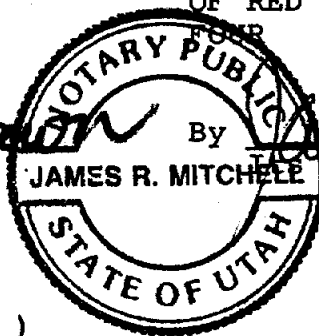
filed for record with the office of the County Recorder of Summit County, State of Utah. From and after said date the Second Declaration and Original Map of Red Pine Chalets, Phase Four Condominiums shall consist of the Second Declaration and Original Map as supplemented and amended by this Third Supplemental Declaration.

IN WITNESS WHEREOF, Management Committee has executed this instrument on the day and year first above written.

MANAGEMENT COMMITTEE OF THE  
ASSOCIATION OF UNIT OWNERS  
OF RED PINE CHALETS, PHASE

ATTEST:

By Shelly M. Brown  
Its Secretary



By Jack L. Reid  
President

STATE OF UTAH )  
: SS  
COUNTY OF SALT LAKE )

BOOK 376 PAGE 454

On the 7 day of MARCH, 1986, personally appeared before me Shelly M. Brown and Jack L. Reid, who on oath did say that he, the said MAN is the President of the Management Committee of Red Pine Chalets, Phase Four, and that she, the said WOMAN is the Secretary of the Management Committee of Red Pine Chalets, Phase Four, and the within and foregoing instrument was signed on behalf of said Management Committee by authority of the Bylaws of said Management Committee and the Association of Unit Owners

of Red Pine Chalets, Phase Four and the said

President and Secretary each duly  
acknowledged to me that the said Management Committee  
executed the same.

My Commission Expires:

1 APR 86

James R. Mitchell  
NOTARY PUBLIC, Residing at:  
PARK CITY UTAH

BOOK 376 PAGE 455