

THIS INSTRUMENT PREPARED BY:  
AND RETURN TO:  
Heidi Boyles, Esq.  
Greenspoon Marder, P.A.  
201 East Pine Street, Suite 500  
Orlando, Florida 32801

ENTRY NO. 00864200

02/02/2009 04:06:17 PM B: 1965 P: 1624

Declaration PAGE 1/6

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 35.00 BY GREENSPOON MARDER



**FOURTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM AND  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**FOR**

**THE LODGE AT WESTGATE PARK CITY RESORT & SPA, A CONDOMINIUM**

\* \* \*

This Fourth Amendment to The Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions (the "Declaration") for The Lodge at Westgate Park City Resort & Spa, a Condominium, is made this 4<sup>th</sup> day of November, 2008, by WESTGATE RESORTS, LTD., a Florida limited partnership ("Declarant").

**W I T N E S S E T H:**

**WHEREAS**, Declarant is developing The Lodge at Westgate Park City Resort & Spa, a Condominium (the "Condominium"), which is located and situated in Summit County, Utah and described on Exhibit "A" attached hereto and incorporated herein, according to the Declaration thereof, recorded at Entry Number 00818013 of the Records of Summit County Recorder's Office, and all Exhibits thereto (the "Declaration"); and

**WHEREAS**, pursuant to Article XX, Section 20.1 of the Declaration, the Declarant reserved the right at any time, so long as it has a right to appoint all officers and directors of the Board to amend the Declaration as the Declarant may deem appropriate in its sole discretion to carry out the purposes of the project; provided that such amendment shall not prejudice or impair to any material extent the rights of any Owner; and

**WHEREAS**, Declarant has determined that it is appropriate to amend the Declaration as set forth below.

**NOW, THEREFORE**, the Declaration is amended as follows:

1. The above recitals are true and correct and form a material part of this Amendment.

Underlined text indicates additions;  
~~Struck-through~~ text indicates deletions.

2. Exhibit "G" to the Declaration is hereby modified as shown on Exhibit "G" attached hereto and incorporated herein

3. Capitalized words and phrases shall have the meaning set forth in the Declaration, unless otherwise defined herein.

4. Except as herein modified, the Declaration shall remain unmodified and in full force and effect. To the extent of any conflict, the terms of this Amendment shall control and govern.

**[Signature Page to Follow]**

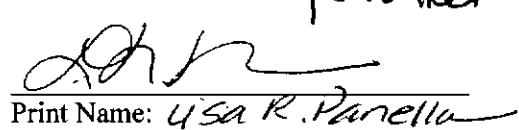
Underlined text indicates additions;  
~~Struck-through~~ text indicates deletions.

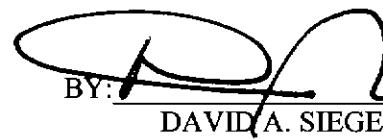
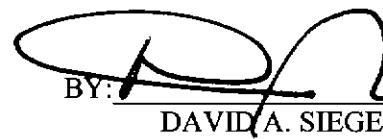
IN WITNESS WHEREOF, the Developer has executed this Third Amendment to the Declaration on the date set forth above.

Signed, Sealed and Delivered  
in the presence of:

WESTGATE RESORTS, LTD., a Florida limited partnership

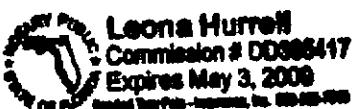
BY: WESTGATE RESORTS, INC., a  
Florida corporation, its general partner

  
Print Name: Ashey Walker  
  
Print Name: USA R. Panella

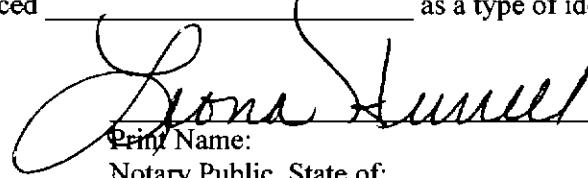
  
BY:   
DAVID A. SIEGEL, President

STATE OF FLORIDA )  
                          )  
                          ) SS  
COUNTY OF ORANGE    )

The foregoing instrument was acknowledged before me this 4 day of November, 2008,  
by DAVID A. SIEGEL, as President of WESTGATE RESORTS, INC., a Florida corporation, as General  
Partner of WESTGATE RESORTS, LTD., a Florida limited partnership, on behalf of the partnership. He  
is personally known to me or has produced \_\_\_\_\_ as a type of identification.



My commission expires:

  
Print Name: Leona Hurrell  
Notary Public, State of: \_\_\_\_\_  
Serial Number, if any: \_\_\_\_\_

## EXHIBIT G

### UNITS THAT MAY BE SUBMITTED TO TIMESHARE OWNERSHIP

#### **Unit Numbers** **Moose Lodge**

3406      *LWPC R3... #*  
3500  
3600  
3700  
3810

#### **Bison Lodge**

4200  
4203  
4207  
4209  
4211 4202  
4300  
4302  
4304  
4400  
4500  
4600 4407

Underlined text indicates additions;  
~~Struck-through~~ text indicates deletions.

## JOINDER AND CONSENT OF MORTGAGEE

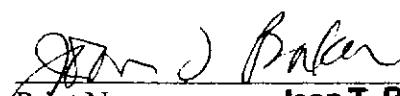
Bank of America, N.A., a national banking corporation, whose mailing address is P.O. Box 31590, Tampa, FL 33631 ("Mortgagee"), is the owner and holder of the Deed of Trust, Assignment of Rents and Leases and Security Agreement recorded in Book 1886, beginning at Page 129 (the "Mortgage"), in the Public Records of Summit County Recorder ("Public Records"). The Mortgage encumbers the property submitted to a condominium plan (the "Resort") pursuant to the Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions for the Resort, recorded in Book 1874, beginning at Page 479, of the Public Records (the "Declaration"), as amended by that certain First Amendment to Declaration dated July 2, 2008, recorded in Book 1938, beginning at Page 0477, of the Public Records, that certain Second Amendment to Declaration dated May 30, 2008, recorded in Book 1942, beginning at Page 0605, of the Public Records and that certain Third Amendment to Declaration dated July 8, 2008, recorded in Book 1964, beginning at Page 1024, of the Public Records. The Declaration is being amended by and through a Fourth Amendment to Declaration ("Fourth Amendment"), to be recorded immediately prior to the recordation of this instrument.

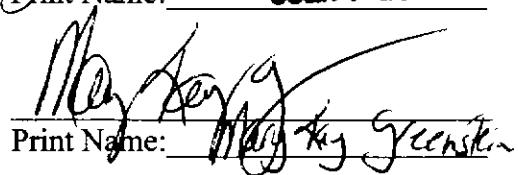
Mortgagee hereby joins in and consents to the making of the Fourth Amendment, and agrees that the lien of its Mortgage shall be upon the condominium units and undivided percentage interest in the Common Areas and Facilities appurtenant thereto according to the Declaration, as amended by the Second Amendment, and that, in the event of foreclosure of the Mortgage, the Declaration shall remain effective in accordance with its terms. Mortgagee's execution of this instrument and joinder in the Fourth Amendment, is not intended as, and shall not be deemed to give rise to, an assumption by Mortgagee of any obligations or liabilities of the developer or declarant under the Declaration or of any person.

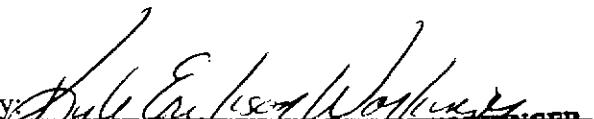
Dated on this 14 day of November, 2008.

WITNESSES:

BANK OF AMERICA, N.A., a national banking corporation

  
Print Name: Joan T. Baker

  
Print Name: Mary Kay Greenstein

By:   
Print Name: KYLE ERIKSON WOKINGER  
As Its: Vice President

STATE OF FLORIDA        )  
                              )ss.:  
COUNTY OF Hillsborough )

The foregoing instrument was acknowledged before me this 14th day of November, 2008, by Kyle Erikson Workinger, as Vice President of and on behalf of Bank of America, N.A., a national banking corporation. She is personally known to me or produced as identification.

*Joan T. Baker*

Print Name: Joan T. Baker

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Joan T. Baker  
 Commission #DD749881  
Expires: APR. 16, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

[SEAL]