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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
VIAL FOTHERINGHAM LLP
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BY: JCR, DEPUTY - WI 4 P.

**FOURTH AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF EMIGRATION OAKS, A PLANNED UNIT DEVELOPMENT**

This Amendment to the Declaration of Covenants, Conditions, and Restrictions ("Declaration") that established a planned unit development known as Emigration Oaks, is made this 7 day of Sept, 2004 by the Emigration Oaks Property Owners Association ("Association").

RECITALS

*and Estates of Emigration Oaks
and PUD
4A PUD
JCR*

A. Certain real property in Salt Lake County, Utah, known as Emigration Oaks, A Planned Unit Development was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Covenants, Conditions, and Restrictions dated April 26, 1985, and recorded as Entry No. 4078735 in Book 5648, Page 2997, et seq., in the Recorders Office for Salt Lake County, Utah;

B. Said Declaration has been amended and supplemented by the following documents:

1. An Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development recorded July 10, 1985 as Entry No. 4108691 in Book 5670, at Page 816, et seq., in the Recorder's Office for Salt Lake County, Utah;
2. A Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development recorded August 9, 1991 as Entry No. 5109545 in Book 6344, at Page 2221, et seq., in the Recorder's Office for Salt Lake County, Utah;
3. A Third Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development recorded January 4, 1993 as Entry No. 5407646 in Book 6584, at Page 108, et seq., in the Recorder's Office for Salt Lake County, Utah;

4. A Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development recorded August 29, 1991 as Entry No. 5118708 in Book 6351, at Page 337, et seq., in the Recorder's Office for Salt Lake County, Utah;
5. A Second Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development recorded January 4, 1993 as Entry No. 5407647 in Book 6584, at Page 112, et seq., in the Recorder's Office for Salt Lake County, Utah;
6. A Third Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, A Planned Unit Development recorded February 24, 1994 as Entry No. 5747029 in Book 6878, at Page 2672, et seq., in the Recorder's Office for Salt Lake County, Utah;
7. A Fourth Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, A Planned Unit Development recorded January 3, 1995 as Entry No. 5997304 in Book 7081, at Page 2244, et seq., in the Recorder's Office for Salt Lake County, Utah;
8. A Fifth Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, A Planned Unit Development recorded as Entry No. 7610410 in Book 8353, at Page 728, et seq., in the Recorder's Office for Salt Lake County, Utah;
9. A Sixth Supplement to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, A Planned Unit Development recorded as Entry No. 8132199 in Book 8558, at Page 7924, et seq., in the Recorder's Office for Salt Lake County, Utah;

C. This amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto.

D. This amendment is intended create an assessment obligation in all lot owners of Emigration Oaks, and to amend the voting and notice procedures;

E. The Association finds it in their best interest and the best interest of the owners and their health, safety, and welfare to adopt the following amendments;

F. Pursuant to Article XII of the Declaration, Unit Owners representing more than sixty-seven percent (67%) of the total votes approved the following amendments;

G. Pursuant to Article XII of the Declaration, more the fifty-one percent (51%) of Eligible Mortgagees have consented to the following amendments.

NOW, THEREFORE, The Association, by and through its Board of Directors, hereby amends the Declaration as follows:

A. ARTICLE I of the Declaration shall be amended to add Paragraph 23, to read as follows:

23. Acceptable Means of Voting shall mean and include any vote cast in person, by proxy, or through electronic means, such as e-mail or fax.

B. ARTICLE V, Paragraph I, Personal Obligation and Lien for Assessments shall be amended by replacing the word "excluding" for the word "including" so that the first line shall read as follows:

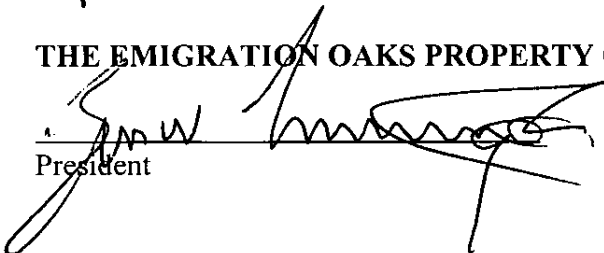
Each owner (including Declarant) shall...

C. ARTICLE XII, Paragraph II, Notices shall be amended to read as follows:

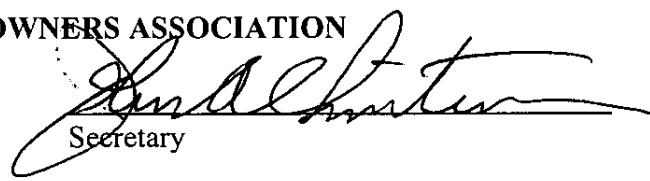
2. Notices. Any notice required or permitted to be given to any Owner, Member, Eligible Mortgagee, or Eligible Insurer or Guarantor under the provisions of this Declaration or The Articles shall be deemed to have been properly furnished if mailed postage prepaid, e-mailed, or faxed to the person or entity which appears as the Member, Owner, Eligible Mortgagee, or Eligible Insurer or Guarantor of the Lot or Mortgage concerned, at the current mailing address, e-mail address, or fax number for such person or entity appearing in the applicable lists of the Association at the time of mailing. It is the responsibility of the owner to provide the Association with their current mailing address, phone number, e-mail address, and fax number.

IN WITNESS WHEREOF, THE EMIGRATION OAKS PROPERTY OWNERS ASSOCIATION has executed this Amendment to the Declaration as of the 7th day of Sept, 2004, in accordance with Article XII of the Declaration.

THE EMIGRATION OAKS PROPERTY OWNERS ASSOCIATION



President



Secretary

STATE OF UTAH)
 :SS
County of SALT LAKE

On the 7th day of September, 2004, personally appeared Bruce Cummings and John Christensen who, being first duly sworn, did that say that they are the President and Secretary of the Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was

signed and sealed in behalf of said Association by authority of its Board of Directors; and each of them acknowledged said instrument to be their voluntary act and deed.



Notary Public for Utah

My Commission Expires: 3/31/07

