

WHEN RECORDED, MAIL TO:  
DEBRA GRIFFITHS HANDLEY  
DART ADAMSON & DONOVAN  
275 EAST 200 SOUTH, SUITE 1050  
SALT LAKE CITY, UTAH 84111

**ENTRY NO. 01078108**

09/22/2017 09:55:12 AM B: 2429 P: 0521

Declaration PAGE 1/5

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER  
FEE 109.00 BY ADAMSON & HOGGAN LLC



*Recorder's Use Only*

**FOURTH AMENDMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE OAKS AT DEER VALLEY**

This Fourth Amendment to the Declaration of Covenants, Conditions, and Restrictions for Oaks at Deer Valley, is made and entered as of the 13<sup>th</sup> day of September, 2017, by the Oaks at Deer Valley Homeowners Association, Inc., a Utah nonprofit corporation (the "Association"), by and through its Board of Trustees, based upon the appropriate affirmative votes cast by the Members of the Association.

**RECITALS**

A. The Oaks at Deer Valley Homeowners Association, Inc. (the "Association") is a Utah nonprofit corporation formed under the auspices of the Utah Revised Nonprofit Corporation Act, Utah Code Ann. Section 57-8a-101, et. seq., as amended, and the Utah Community Association Act, Utah Code Ann. Section 57-8a-101, et. seq., as amended.

B. The Property subject to the Declaration, as amended, includes all Lots and Common Areas within the Oaks at Deer Valley Subdivision, as amended, according to the Official Plat of the Oaks at Deer Valley Subdivision. The individual Lots subject to the Declaration and the Bylaws of the Association are more specifically described as:

*See Exhibit A attached hereto and incorporated by reference.*

C. The Declaration of Covenants, Conditions, and Restrictions of The Oaks at Deer Valley (the "Declaration") was recorded in the Office of the Summit County Recorder, State of Utah, on August 7, 1989, Entity No. 311419, at Book 531 and Pages 63-105.

D. The Declaration was amended by that certain First Amendment to Declaration when recorded with the Summit County Recorder on July 18, 1990 as Entry No. 326967 at Book 571 and Page 226 (the "First Amendment to the Declaration"), that certain Second Amendment to Declaration recorded with the Summit County Recorder on August 11, 1992, as Entry No. 363729 at Book 677 and Page 053 (the "Second Amendment to the Declaration"), and that certain Third Amendment to the Declaration recorded with the Summit County Recorder on April 1, 1998, as Entry No. 503271 at Book 1132 and Pages 679-681 (the "Third Amendment to the Declaration").

E. The Declaration, the First Amendment to the Declaration, the Second Amendment to the Declaration and the Third Amendment to the Declaration may be referred to individually or in the aggregate herein as the "Declaration."

F. In the Second Amendment, Article VII, Section 5 of the Declaration entitled "Amendment or revocation" was amended.

G. Per the Declaration, the Owner(s) who hold(s) title to a Lot is/are entitled to one (1) vote per Lot as Member(s) of the Association.

H. On or about June 26, 2017, a Notice of Proposed Amendment and Vote by Written Ballot (the "Notice") was mailed to the membership of the Association consistent with the notice provisions of the Declaration and the Bylaws for the purpose of proposing an amendment of Article VII, Section 5 of the Declaration, entitled "Amendment or revocation", as herein discussed.

I. In the Notice, the Board of Trustees proposed, based upon feedback from the Members at and preceding 2016 Annual Meeting of the Association, that Article VII, Section 5 of the Declaration be amended to change the percentage necessary to amend a provision of the Declaration from sixty-six percent (66%) of the Members to a simple majority or fifty-one percent (51%) of the Members.

J. Written ballots and proxies were mailed with the Notice to members. Members who chose to submit proxies were instructed to complete and return proxies by August 21, 2017, as required by the Declaration. Members casting ballots for themselves or as proxyholders were instructed to complete and return ballots to the Association by Friday, August 25, 2017 (the "Ballot Deadline"). All ballots were to be received by the Ballot Deadline to determine whether fifty-one percent (51%) of the Owners of Lots had submitted ballots to establish a quorum.

K. Once the Ballot Deadline had passed, ballots representing ninety-one percent (91%) of the Members were counted, confirming a quorum had been established.

L. Once the Ballot Deadline had passed and all ballots cast had been counted, the Association confirmed that over seventy-five percent (75%) of the Members voted to amend Article VII, Section 5 of the Declaration, well exceeding the sixty-six percent (66%) required.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, the foregoing recitals are incorporated into and made a part of this Amendment, and agree that the Declaration is hereby amended as follows:

1. Defined Terms. Except as otherwise specifically provided in this Amendment, all capitalized terms used in this Amendment shall have the meaning assigned to such terms in the Declaration.

2. Survival of Terms. Except as provided or amended below, all of the terms of the Declaration are hereby restated to the same extent, and for all intents and purposes, as though made and given as of the date of this Amendment, except where any term specifically relates to

documents, events, or conditions of an earlier date or period. In the event of any inconsistency between the provisions of the Declaration and the provisions of this Amendment, the provisions of this Amendment shall control.

3. Article VII, Section 5 of the Declaration, Amendment or revocation, is deleted in its entirety and replaced with the following:

Section 5. Amendment, repeal or revocation. At any time while any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration is in force and effect, it may be amended, revoked or repealed by the recording of a written instrument specifying the amendment, repeal or revocation was approved by a vote of at least fifty-one percent (51%) of the Owners of Lots subject to this Declaration, in person or represented by proxy, at either a properly noticed meeting at which a quorum was present or by written ballot once a quorum was established, and executed by President of the Association.

4. Ratification. The Association, by and through its Board of Trustees, expressly acknowledge and agree that, except as expressly set forth herein, this Amendment shall not alter, amend, modify or otherwise affect the terms, provisions, and conditions of the Declaration, and all of same are hereby renewed, extended, carried forward, ratified and confirmed and shall be deemed for all purposes in full force and effect.

5. Binding Effect. This Amendment shall be binding upon and inure to the benefit of all current and future Members, Mortgagees and their respective heirs, personal representatives, successors, and assigns.

6. Severability. Any provision of this Amendment which is prohibited or unenforceable in any jurisdiction or court shall, as to such jurisdiction or court, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability in any jurisdiction or court shall not invalidate or render unenforceable such provision in any other jurisdiction or court.

7. Entire Agreement. This Amendment as signed by the parties represent the entire agreement of the parties with respect to the subject matter hereof, and there are no promises, undertakings, representations, or warranties by any party relative to subject matter hereof not expressly set forth or referred to herein or therein.

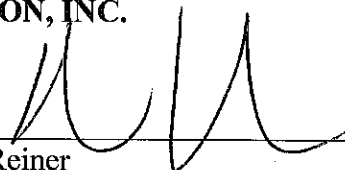
8. Further Amendment. Neither this Amendment nor any terms hereof may be amended, supplemented, or modified except by a written instrument executed by the parties pursuant to Section 5, Article VII of the Declaration.

9. Authority. The undersigned represents that such representative has full power, authority, and legal right to execute and deliver this Amendment and that the same constitutes a valid and binding obligation of such party.

10. This Amendment shall be binding upon and shall inure to the benefit of the parties hereto specifically including the Owners/Members of Lots governed by the Declaration, their respective successors and assigns.

IN WITNESS WHEREOF, this Fourth Amendment is hereby executed by the President of the Association as of the day, month and year first above written.

**THE OAKS AT DEER VALLEY HOMEOWNERS  
ASSOCIATION, INC.**



By: Richard Reiner  
Its: President

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF SUMMIT    )

I hereby certify that on the 13<sup>th</sup> day of September 2017, personally appeared before me Richard Reiner, who, being by me first duly sworn, declared that he is the authorized person who signed the foregoing document and that the statements therein contained are true.



  
NOTARY PUBLIC

EXHIBIT A

**OAKS AT DEER VALLEY SUBDIVISION**

Lots 1,2,3,4,6,7,8,9,10,11,12,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33, 34,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,56,57,58,59,60,61,62,63, 64,65,66,67,68,72,73,74,75,76,77,78,79,80,81,82,84,85,86,87,88,89,90,91,92,93,94,95, 96, and 97, as amended or supplemented.

**SUMMIT COUNTY TAX PARCEL NOS.**

OAKS-1	OAKS-2	OAKS-3	OAKS-4
OAKS-5	OAKS-6	OAKS-7	OAKS-8
OAKS-9	OAKS-10	OAKS-11	OAKS-12
OAKS-13	OAKS-14	OAKS-15	OAKS-16
OAKS-17	OAKS-19	OAKS-20	OAKS-21
OAKS-22	OAKS-23	OAKS-24	OAKS-25
OAKS-26	OAKS-27	OAKS-28	OAKS-29
OAKS-30	OAKS-31	OAKS-32	OAKS-33
OAKS-34	OAKS-35	OAKS-36	OAKS-37
OAKS-38	OAKS-39	OAKS-40	OAKS-41
OAKS-42	OAKS-43	OAKS-44	OAKS-45
OAKS-46	OAKS-47	OAKS-48	OAKS-49
OAKS-50	OAKS-51	OAKS-52	OAKS-53
OAKS-54	OAKS-55	OAKS-56	PATT-57
OAKS-59	OAKS-60	OAKS-61	OAKS-62-63
OAKS-63-AM	OAKS-64-AM	OAKS-65	OAKS-66
OAKS-67	OAKS-68	OAKS-69	OAKS-70
OAKS-71	OAKS-72	OAKS-73	OAKS-74
OAKS-75	OAKS-76	OAKS-77	OAKS-78
OAKS-79	OAKS-80	OAKS-81	OAKS-82
OAKS-83	OAKS-84	OAKS-85	OAKS-86
OAKS-87	OAKS-88	OAKS-89	OAKS-90
OAKS-91	OAKS-92	OAKS-93	OAKS-94
OAKS-95	OAKS-96	OAKS-97	