

Powderwood Homeowners Association  
6975 N 2200 W  
Park City, UT 84060

REC-5012-105  
**299845**

*Powderwood Homeowners Assoc*

**FOURTH AMENDMENT TO  
AMENDED DECLARATION OF CONDOMINIUM FOR  
POWDERWOOD AT LANDMARK**

68 NOV -9 PM 3:53

ALAN STINEBAUGH  
SUMMIT COUNTY RECORDER  
N.P. 1058

THIS FOURTH AMENDMENT to Amended Declaration of Condominium for Powderwood at Landmark (hereinafter referred to as the "Fourth Amendment") is made and executed this 8th day of November, 1988, by the POWDERWOOD AT LANDMARK ASSOCIATION OF UNIT OWNERS (hereinafter referred to as the "Association").

**RECITALS**

1. On or about August 16, 1983, the Declaration of Condominium for Powderwood at Landmark was recorded in the office of the County Recorder of Summit County, State of Utah, as Entry No. 209624, in Book 269 at Page 692.

2. Pursuant to Article III, Section 22 of the Declaration, as amended, the Association reserved the right and authority to amend the Declaration.

3. The Declaration of Condominium has subsequently been amended on several occasions (The Declaration and all amendments thereto are herein jointly referred to as the "Declaration").

4. That at least Sixty-Seven Percent (67%) of the Percentage Interest of the Unit Owners in person, or represented by proxy, at a meeting of the Association at which a quorum was present, voted to approve and adopt the Fourth Amendment.

5. The requirements of the Utah Condominium Ownership Act regarding amendments to Declarations of Condominium have been satisfied.

6. It is the intent of the Association that this Fourth Amendment not divest any vested property rights of any owner or first mortgagee in the Property.

NOW, THEREFORE, for the reasons recited above, the Association hereby makes the following Fourth Amendment to the Declaration:

1. Recorded concurrently herewith, and incorporated herein by this reference, is the Survey Map on Phase 2, Powderwood at Landmark, (hereinafter the "Phase 2 Map") which shows improvements made to the Additional Land, submitted to the Act, including but not limited to the proposed Storage Unit.

2. There has been, or there is hereby, submitted to the Act and this Declaration, the real property and improvements located in Summit County, State of Utah, and described with particularity on Exhibits "A" and "C" attached hereto and incorporated herein by this reference, on which is located the Storage Unit.

3. As designated on the Phase 2 Map, a <sup>24'</sup>~~26'~~ x 36' Storage Unit shall be constructed upon the common area for the purpose of storing Association machinery, equipment, tools and supplies. The use of the Storage Unit shall be limited to the Association, unless or as otherwise determined by the Management Committee. The Management Committee, however, has the authority to rent or lease any or all of the Storage Unit space to interested and qualified third parties. It shall be the duty of the Association to maintain and repair the Storage Unit.

4. This Fourth Amendment shall take affect upon its being properly signed, executed and filed for record in the office of the County Recorder of Summit County, State of Utah.

EXECUTED the day and year first above written.

POWDERWOOD AT LANDMARK ASSOCIATION  
OF UNIT OWNERS

Ralph Que Coray  
RALPH QUE CORAY, President

ATTESTED:

Patricia A. Montgomery  
Patricia A. Montgomery

STATE OF UTAH            )  
                                  ) ss:  
COUNTY OF                )

On the 9 day of November, 1988, personally appeared before me RALPH QUE CORAY, who by me duly sworn, did say that he, the said President of POWDERWOOD AT LANDMARK ASSOCIATION OF UNIT OWNERS and that the within and foregoing Instrument was signed in behalf of said Corporation by

authority of a Resolution of its Board of Directors, and said RALPH QUE CORAY, duly acknowledged to me that said Corporation executed the same.

*Nary Campbell*  
NOTARY PUBLIC  
Residing at: *Summit County*

My Commission Expires:

*8-1-92*



EXHIBIT A

The land referred to in the foregoing notice is situated in Summit County, State of Utah, and is described as follows:

The POWDER WOOD AT LANDMARK, as the same is identified in the Record of Survey Map recorded in Summit County, Utah, as Entry No. 209623, as modified by Ordinance No. 143 dated June 26, 1984, and recorded June 28, 1984 as Entry No. 222012 in Book 304 at Page 177, and by Ordinance 144 dated June 26, 1984, and recorded June 28, 1984 as Entry No. 222013, in Book 304, at Page 179, Summit County Recorder's Office and in the Declaration of Covenants Conditions and Restrictions and By-Laws of the POWDER WOOD AT LANDMARK recorded in Summit County, Utah, on August 16, 1983, as Entry No. 209624, in Book 269, at Page 692, and in the Amended Declaration of Covenants, Conditions, Restrictions and By-Laws of the Powder Wood at Landmark, recorded in Summit County, Utah on June 28, 1984 as Entry No. 222015, in Book 304, at Page 184, and in the First Amendment to Amended Declaration recorded September 10, 1984, as Entry No. 224934, in Book 313, at Page 829, and the Second Amendment to Amended Declaration recorded December 26, 1984, as Entry No. 228618, in Book 325, at Page 35, records of Summit County, Utah.

Commencing at the southeast corner of the East Half of the East Half of Section 13, Township 1 South, Range 3 East, Salt Lake Base and Meridian; thence North  $89^{\circ} 40' 42''$  West 1348.31 feet to the southwest corner of said half-half section; thence North  $00^{\circ} 20' 38''$  West along the west line of said half-half section 1567.69 feet to the TRUE POINT OF BEGINNING; thence North  $00^{\circ} 20' 38''$  West along said west line 1198.72 feet to a point on the southwesterly right-of-way line of the Interstate 80 Frontage Road; thence south  $35^{\circ} 42' 22''$  East along said right-of-way line 460.14 feet; thence South  $1^{\circ} 00' 00''$  East 332.42 feet to a point on a 215.00 foot radius curve to the left (radius point bears North  $89^{\circ} 00' 00''$  East 215.00 feet of which the central angle is  $24^{\circ} 10' 00''$ ); thence southerly along the arc of said curve 90.68 feet; thence South  $25^{\circ} 10' 00''$  East 472.47 feet; thence South  $64^{\circ} 50' 00''$  West 180.53 feet; thence North  $73^{\circ} 00' 00''$  West 339.91 feet to the point of beginning; containing 7.903 acres, more or less.

LOCATED IN SUMMIT COUNTY, UTAH.

EXHIBIT "C"

Commencing at the southeast corner of the East Half of the East Half of Section 13, Township 1 South, Range 3 East, Salt Lake Base and Meridian; thence North  $89^{\circ} 40' 42''$  West 1348.31 feet to the southwest corner of said half-half section; thence North  $00^{\circ} 20' 38''$  West along the west line of said half-half section 943.74 feet to the TRUE POINT OF BEGINNING; thence North  $00^{\circ} 20' 38''$  West along said west line 623.95 feet; thence South  $73^{\circ} 00' 00''$  East 339.91 feet; thence North  $64^{\circ} 50' 00''$  East 180.53 feet; thence South  $25^{\circ} 10' 00''$  East 11.79 feet to a point on a 635.00 foot radius curve to the right (radius point bears South  $64^{\circ} 50' 00''$  West 635.00 feet of which the central angle is  $41^{\circ} 01' 34''$ ); thence southerly along the arc of said curve 454.69 feet; thence South  $15^{\circ} 51' 34''$  West 130.06 feet; thence North  $74^{\circ} 08' 26''$  West 183.96 feet; thence South  $73^{\circ} 00' 00''$  West 247.13 feet; thence West 77.00 feet to the point of beginning; containing 6.564 acres, more or less.

LOCATED IN SUMMIT COUNTY, STATE OF UTAH.