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Rhonda Francis Summit County Recorder

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By MILLER HARRISON LLC

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Hidden Creek at the Canyons  
1794 Olympic Pkwy, Ste. 200  
Park City, UT 84098

**FOURTH AMENDMENT TO THE  
AMENDED CONDOMINIUM DECLARATION FOR  
PARK WEST CONDOMINIUMS**

This *Fourth Amendment to the Amended Condominium Declaration for Park West Condominiums* (the "**Amendment**") is executed and adopted by Hidden Creek at the Canyons Owners Association (the "**Association**").

**RECITALS**

A. The *Amended Condominium Declaration for Park West Condominiums* was recorded on June 18, 1981 as Entry No. 180851 in the office of the Summit County Recorder (hereinafter the "**Declaration**").

B. The *Amendment to Declaration of Condominium for Park West Condominiums* was recorded on October 19, 1994 as Entry No. 417267 in the office of the Summit County Recorder.

C. The 2010 *Amendment to Amended Condominium Declaration for Park West Condominiums* was recorded on August 20, 2010 as Entry No. 905263 in the office of the Summit County Recorder

D. The 2012 *Amendment to Amended Condominium Declaration for Park West Condominiums* was recorded on January 9, 2012 as Entry No. 937211 in the office of the Summit County Recorder.

E. This Amendment affects the real property located in Summit County, State of Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated herein by reference.

F. The Association desires to amend the Declaration as set forth in this Amendment to add provisions that will allow the Association to charge a reinvestment fee and to update Management Committee voting and term limits.

G. Unless otherwise set forth herein, the capitalized terms shall have their same meanings and definitions as stated in the Declaration.

H. Pursuant to Article XXVII of the Declaration, the undersigned hereby certifies that this Amendment was approved by Owners holding more than 66.66% of the undivided interests of the Association.

## AMENDMENTS

**NOW, THEREFORE**, in consideration of the foregoing Recitals, the Association hereby executes this Amendment, which shall be effective as of its recording date with the Summit County Recorder's office.

**(1) Amendment No. 1.** The following shall be added as subsection (b) to Article XVIII, of the Declaration:

(b) Reinvestment Fee Covenant. The Management Committee may require the transferor/seller or transferee/buyer to pay a reinvestment fee related to the transfer of a Unit as provided for in Utah Code § 57-1-46 based on the value of the Unit at the time of the transfer. A transfer is any change in the ownership of the Unit as reflected in the office of the Summit County Recorder, regardless of whether it is pursuant to the sale of the Unit or not. If a reinvestment fee is required, then the amount shall be set forth by the Management Committee in the Rules. The value of the Unit for purposes of this section shall be the higher of: (1) the value of the Unit as determined by the property tax assessor on the date of the transfer of title, or (2) the purchase price paid for the Unit related to the transfer. Unless the Management Committee sets a different Reinvestment Fee amount in the Association's Rules, the Reinvestment Fee shall be one-half of one percent (0.5%). The Reinvestment Fee shall be due within thirty (30) days after the effective date of the deed or similar instrument transferring title. The Reinvestment Fee shall constitute an Assessment against the Unit in accordance with the Declaration and may be collected as such. Reinvestment Fees may only be used to pay Association costs directly related to the transfer of the Unit, or other costs as permitted by Utah Code § 57-1-46(1)(i)(ii). Reinvestment Fees may not be collected on exempted transfers under Utah Code § 57-1-46(8). The Association shall have the authority to record any notice required by law to effectuate a Reinvestment Fee and shall also have the authority to enact Rules that will facilitate the enforcement of the provisions of this Section. The Association shall have the authority to charge a Reinvestment Fee up to the maximum amount allowed by law.

**(2) Conflicts.** All remaining provisions of the Declaration and any prior amendments not specifically amended in this Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall in all respects govern and control.

**(3) Incorporation & Supplementation of Declaration.** This document is supplemental to the Declaration, which by reference is made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

\* \* \* \*

IN WITNESS WHEREOF, Association has executed this Amendment this 15 day of January 2021.

**HIDDEN CREEK AT THE CANYONS OWNERS ASSOCIATION**

a Utah nonprofit corporation

By: Carri L. Moentmann

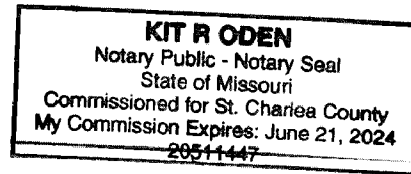
Name: Carri L. Moentmann

Its: President

STATE OF ~~UTAH~~ Missouri  
COUNTY OF St. Louis ss.

On the 15 day of January, 2021, personally appeared before me Carri L. Moentmann who by me being duly sworn, did say that she/he is an authorized representative of Hidden Creek at the Canyons Owners Association, and that the foregoing instrument is signed on behalf of said corporation and executed with all necessary authority.

Notary Public: KIT R. ODEN



**EXHIBIT A**  
Legal Description

All of **PARK WEST CONDOMINIUMS**, according to the official plat on file in the office of the Summit County Recorder as Entry No. 136576 (as amended).

Including Park West Condominiums (Cluster) and Park West Condominiums (Georgetown)

**Parcel Numbers:**

PT-1-A	PT-1-B	PT-1-C	PT-1-D	PT-2-A	PT-2-B
PT-3-A	PT-3-B	PT-3-C	PT-3-D	PT-4-A	PT-4-B
PT-4-C	PT-4-D	PT-5-A	PT-6-A	PT-6-B	PT-6-C
PT-6-D	PT-7-A	PT-7-B	PT-8-A-1	PT-8-A-2	PT-8-B
PT-9-A-1	PT-9-A-2	PT-9-B-1	PT-9-B-2	PT-10-A	PT-10-B-1
PT-10-B-2	PT-11-A	PT-11-B	PT-11-C	PT-11-D	PT-12-A-1
PT-12-A-2	PT-12-B-1	PT-12-B-2	PT-13-A-1	PT-13-A-2	PT-13-B-1
PT-13-B-2	PT-14-A-1	PT-14-A-2	PT-14-B-1	PT-14-B-2	PT-14-C-1
PT-14-C-2	PT-14-D-1	PT-14-D-2	PT-15-A-1	PT-15-A-2	PT-15-B-1
PT-15-B-2	PT-16-A-1	PT-16-A-2	PT-16-B-1	PT-16-B-2	PT-17-A-1
PT-17-A-2	PT-17-B-1	PT-17-B-2	PT-17-C-1	PT-17-C-2	PT-17-D-1
PT-17-D-2	PT-18-A	PT-18-B	PT-19-A	PT-20-A	PT-20-B
PT-21-A	PT-21-B	PT-21-C	PT-21-D	PT-22-A	PT-22-B
PT-23-A	PT-23-B	PT-24-A	PT-24-B	PT-24-C	PT-25-A
PT-25-B	PT-25-C	PT-25-D	PT-26-A	PT-26-B	PT-26-C
PT-27-A	PT-27-B	PT-27-C	PT-28-A	PT-28-B	PT-28-C
PT-28-D	PT-29-A	PT-29-B	PT-29-C	PT-29-D	PT-30-A
PT-30-B	PT-31-A	PT-31-B	PT-31-C	PT-32-A	PT-32-B
PT-32-C	PT-33-A	PT-33-A	PT-33-B	PT-33-C	PT-33-D
PT-34-A	PT-34-B	PT-34-C	PT-35-A	PT-35-B	PT-35-C
PT-36-A	PT-36-B	PT-36-C	PT-37-A	PT-37-B	PT-37-C
PT-37-D	PT-38-A	PT-38-B	PT-38-C	PT-38-D	