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**01101572 B: 2486 P: 1326**  
Page 1 of 5  
Rhonda Francis Summit County Recorder  
11/14/2018 10:09:51 AM Fee \$115.00  
By Wrona DuBois, P.L.L.C.  
Electronically Recorded

**SIXTH AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF  
NEWPARK RESORT RESIDENCES  
(Also known as NEWPARK TOWNHOMES)**

This Sixth Amendment to the Declaration of Condominium of Newpark Resort Residences is made and executed by Newpark Resort Residences Owners Association, Inc., a Utah non-profit corporation (the "**Association**").

**RECITALS**

- A. **WHEREAS**, the Declaration of Condominium of Newpark Resort Residences was recorded in the Office of Recorder for Summit County, Utah on April 23, 2004 as Entry No. 00696020 in Book 1614, beginning at Page 1666 (the "**Declaration**").
- B. **WHEREAS**, the Declaration was first amended by the First Amendment to the Declaration of Condominium of Newpark Resort Residences recorded in the Office of Recorder for Summit County, Utah on July 28, 2004 as Entry No. 00705900 in Book 1636, beginning at Page 1309 (the "**First Amendment**").
- C. **WHEREAS**, the Declaration was next amended by the Second Amendment to the Declaration of Condominium of Newpark Resort Residences Exercising Option to Expand recorded in the Office of Recorder for Summit County, Utah on November 24, 2004 as Entry No. 00718118, in Book 166, beginning at Page 1505 (the "**Second Amendment**").
- D. **WHEREAS**, the Declaration was next amended by the Third Amendment to the Declaration of Condominium of Newpark Resort Residences recorded in the Office of Recorder for Summit County, Utah on November 21, 2011 as Entry No. 00934371, in Book 2104, beginning at Page 1293 (the "**Third Amendment**").
- E. **WHEREAS**, the Declaration was next amended by the Fourth Amendment to the Declaration of Condominium of Newpark Resort Residences recorded in the Office of Recorder for Summit County, Utah as Entry No. 01038593, in Book 2337, beginning at Page 0958 (the "**Fourth Amendment**").

- F. **WHEREAS**, the Declaration was next amended by the Fifth Amendment to the Declaration of Condominium of Newpark Resort Residences recorded in the Office of Recorder for Summit County, Utah as Entry No. 01098119, in Book 2478, beginning at Page 0685 (the “**Fifth Amendment**”).
- G. **WHEREAS**, the Association now desires to further amend the Declaration for the benefit of the Newpark Resort Residences condominium project (the “**Project**”), the Association, and its members.
- H. **WHEREAS**, pursuant to Article 21 of the Declaration, as amended, further non-material amendments to the Declaration may be made with the approval of a majority of the total votes in the Association and further Material Amendments (defined in the Declaration) may be made with the approval of sixty-seven percent (67%) of the total votes in the Association and the approval of fifty-one percent (51%) of the First Mortgagees (defined in the Declaration).
- I. **WHEREAS**, as evidenced by this instrument, the Association has obtained the necessary approvals for the amendments to the Declaration herein.

**NOW, THEREFORE**, pursuant to the foregoing, the Association, acting by and through its duly elected Management Committee, hereby makes and executes this Sixth Amendment to Declaration of Condominium for Newpark Resort Residences (this “**Sixth Amendment**”) and amends the Declaration as follows:

**AMENDMENTS**


- 22.7 Reinvestment Fee. The Management Committee hereby establishes a “Reinvestment Fee” assessment in accordance with this Section and Utah Code §57-1-46 to be effective June, 30, 2019. The following terms and conditions shall govern Reinvestment Fees.
  - 27.7.1 Upon the occurrence of any sale, transfer, or conveyance of any 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 (as applicable, a “Transfer”), the party receiving title to the Unit (the “Transferee”) shall pay to the Association a Reinvestment Fee in the amount of 0.5% of the value of the Unit.
  - 27.7.2 Notwithstanding anything to the contrary contained in this Section, the Association shall not levy or collect a Reinvestment Fee for any of the Transfers described below:
    - (a) Any Transfer to the United States or any agency or instrumentality thereof, or the State of Utah or any county, city, municipality, district, or other political subdivision of the State of Utah.
    - (b) Any Transfer to the Association.
    - (c) Any Transfer, whether outright or in trust, that is for the benefit of the transferor or the transferor’s relatives, but only if the consideration for the Transfer is no greater than 10 percent of the value of the Unit transferred.

- (d) Any Transfer or change of interest by reason of death, whether provided for in a will, trust, or decree of distribution, except for a sale of the Unit by the estate of an Owner.
- (e) Any Transfer made solely for the purpose of confirming, correcting, modifying, or supplementing a Transfer previously recorded, removing clouds on titles.
- (f) Any lease of any Unit or portion thereof for a period of less than thirty (30) years.
- (g) Any Transfer to secure a debt or other obligation or to release property which is security for a debt or other obligation.
- (h) Any Transfer in connection with the foreclosure of a deed of trust or Mortgage, or a deed given in lieu of foreclosure.
- (i) An involuntary transfer.
- (j) A bona fide Transfer to a family member of the transferor within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity.
- (k) A Transfer that results from a court order.

22.7.3 The Reinvestment Fee shall be due and payable by the Transferee to the Association at the time of the Transfer giving rise to the payment of such Reinvestment Fee and shall be treated as an individual Assessment for collection purposes, and thus subject to the payment of interest and late fees as further provided in Section 22 above.

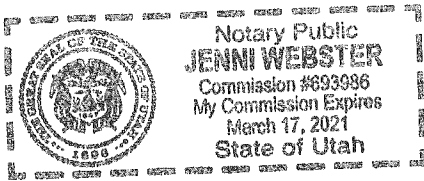
**IN WITNESS WHEREOF**, the undersigned officer of the Association hereby certifies that the Management Committee has obtained the written consent necessary to approve the foregoing Fifth Amendment to the Declaration of Condominium of Newpark Resort Residences.

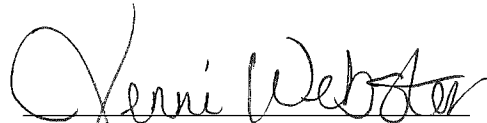
**NEWPARK RESORT RESIDENCES OWNERS ASSOCIATION, INC.**

ITS:  11/08/2018  
President

STATE OF UTAH                    )  
  ):ss  
COUNTY OF Summit            )

Before me, on the 8<sup>th</sup> day of November, 2018, personally appeared Susan Daniero, in her capacity as the President of Newpark Resort Residences Owners Association, Inc., who acknowledged before me that she executed the foregoing instrument in such capacity on behalf of said corporation.



  
Notary Public

**EXHIBIT A**  
Legal Description

The real property and Units referred to in the foregoing Sixth Amendment to the Declaration of Condominium of Newpark Resort Residences are located in Summit county, Utah and are more particularly described as follows:

All of the Units within the Newpark Townhomes Phase 1 Condominium

NPKTH-1-1	NPKTH-1-8	NPKTH-1-15	NPKTH-1-22
NPKTH-1-2	NPKTH-1-9	NPKTH-1-16	NPKTH-1-23
NPKTH-1-3	NPKTH-1-10	NPKTH-1-17	NPKTH-1-24
NPKTH-1-4	NPKTH-1-11	NPKTH-1-18	NPRK-W
NPKTH-1-5	NPKTH-1-12	NPKTH-1-19	NPRK-RP
NPKTH-1-6	NPKTH-1-13	NPKTH-1-20	
NPKTH-1-7	NPKTH-1-14	NPKTH-1-21	

All of the Units within the Newpark Townhomes Phase 2 Condominium

NPKTH-2-25	NPKTH-2-31	NPKTH-2-37	NPKTH-2-43
NPKTH-2-26	NPKTH-2-32	NPKTH-2-38	NPKTH-2-44
NPKTH-2-27	NPKTH-2-33	NPKTH-2-39	NPKTH-2-45
NPKTH-2-28	NPKTH-2-34	NPKTH-2-40	NPKTH-2-46
NPKTH-2-29	NPKTH-2-35	NPKTH-2-41	NPRK-RP-1
NPKTH-2-30	NPKTH-2-36	NPKTH-2-42	

All of the Units within the Newpark Townhomes Phase 3 Condominium as Amended

NPKTH-3-47	NPKTH-3-60	NPKTH-3-73	NPKTH-3-86
NPKTH-3-48	NPKTH-3-61	NPKTH-3-74	NPKTH-3-87
NPKTH-3-49	NPKTH-3-62	NPKTH-3-75	NPKTH-3-88
NPKTH-3-50	NPKTH-3-63	NPKTH-3-76	NPKTH-3-89
NPKTH-3-51	NPKTH-3-64	NPKTH-3-77	NPKTH-3-90
NPKTH-3-52	NPKTH-3-65	NPKTH-3-78	NPKTH-3-91
NPKTH-3-53	NPKTH-3-66	NPKTH-3-79	NPKTH-3-92
NPKTH-3-54	NPKTH-3-67	NPKTH-3-80	NPKTH-3-93
NPKTH-3-55	NPKTH-3-68-AM	NPKTH-3-81	NPKTH-3-94
NPKTH-3-56	NPKTH-3-69-AM	NPKTH-3-82	NPKTH-3-95
NPKTH-3-57	NPKTH-3-70-AM	NPKTH-3-83	
NPKTH-3-58	NPKTH-3-71-AM	NPKTH-3-84	
NPKTH-3-59	NPKTH-3-72	NPKTH-3-85	