

**When Recorded, Return To:**

Village Development Group, Inc.  
6028 South Ridgeline Drive, Suite 203  
Ogden, Utah 84405  
Attn: Matthew Lowe

Affects Tax ID #: SCVC-2-1

147051.CAP

**FIFTH AMENDMENT TO**

**MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,**

**AND EASEMENTS FOR SILVER CREEK VILLAGE**

**AKA THE VILLAGE PARK CITY**

This FIFTH AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR SILVER CREEK VILLAGE AKA THE VILLAGE PARK CITY (“**Amendment**”) is made by Village Development Group, Inc., a Utah corporation (“**Declarant**”).

**RECITALS**

A. On or about April 20, 2017, Declarant caused that certain *Master Declaration of Covenants, Conditions, Restrictions, and Easements for Silver Creek Village* (“**Declaration**”) to be recorded in the real property records of Summit County, Utah. The Declaration was recorded as Entry No. 01067652.

B. The Declaration encumbers certain real property located in Summit County (“**County**”), State of Utah, as more particularly described in the Declaration (“**Property**”).

C. Declarant, acting pursuant to Section 14.2.1 of the Declaration, has caused certain Amendments to the Declaration to be executed and recorded against the Property. On or about September 18, 2018, that certain *First Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements for Silver Creek Village aka The Village Park City* (“**First Amendment**”) was recorded as Entry No. 01098454. On or about November 7, 2018, that certain *Second Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements for Silver Creek Village aka The Village Park City* (“**Second Amendment**”) was recorded as Entry No. 1101270. On or about December 27, 2019, that certain *Third Amendment to Master Declaration of Covenants, Conditions, Restrictions, and Easements for Silver Creek Village aka The Village at Park City* (“**Third Amendment**”) was recorded as Entry No. 1124428. On or about February 20, 2020, that certain *Fourth Amendment to Master Declaration of Covenants,*

*Conditions, Restrictions, and Easements for Silver Creek Village aka The Village at Park City* (“**Fourth Amendment**”) was recorded as Entry No. 1127523.

D. Section 14.2.1 of the Declaration provides that until the termination of the Declarant Control Period, Declarant has the right to amend the Declaration unilaterally, for any purpose whatsoever, without the consent of any other owner of the Property or any other person.

E. The Declarant Control Period, as defined in Section 1.35 of the Declaration, has not expired and Declarant now desires to amend the Declaration as set forth herein.

**AMENDMENT**

1. Recitals Incorporated. The foregoing Recitals are incorporated and made part of this Amendment.

2. Defined Terms. Unless otherwise defined herein, capitalized terms will have the meaning, if any, provided in the Declaration, as amended.

3. Leasing of Dwelling Units. The definition of AMH Lots, as identified in the Third Amendment, is hereby expanded to include the real property identified below. For the avoidance of doubt, the term AMH Lots shall mean and refer to both the real property defined in the Third Amendment and the real property identified below. The Leasing Guidelines, as set forth in the Third Amendment, shall apply to the following real property, the AMH Lots, as expanded herein. On and after the date of this Amendment, the AMH Lots shall also include:

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

4. Scope of Amendment. To the extent that the terms or provisions of this Amendment conflict or are inconsistent with the terms and provisions of the Declaration, as previously modified, the terms and provisions of this Amendment shall control. Except as herein modified, the Declaration, as previously modified, shall remain in full force and effect in accordance with its terms.

*[End of Amendment. Signature Page Follows.]*



**EXHIBIT A**

**Legal Description**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 35, 36, 37, 39, 40, 42, 45, 48, 52, 53, 54, 55, 56, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124, ELK SPRINGS AT SILVER CREEK VILLAGE SUBDIVISION, according to the official plat thereof, as recorded in the office of the Summit County Recorder, State of Utah, on September 7, 2021 as Entry No. 1172565 in the office of the Summit County Recorder, State of Utah.

Lots 12, 16, 20, 26, 29, 34, 38, 41, 43, 44, 46, 47, 49, 50, 51, 57, 58, 60, 70, 71, 79, 85, 90, 91, and 108, ELK SPRINGS AT SILVER CREEK VILLAGE SUBDIVISION, according to the official plat thereof as recorded in the office of the Summit County Recorder, State of Utah on September 7, 2021 as Entry No. 1172565.