

When Recorded Return to:
HTC Towns, LLC
126 W. Sege Lilly Dr. Ste 250
Sandy, UT 84070

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10/9/2018 2:32:00 PM \$93.00
Book - 10720 Pg - 527-529
ADAM GARDINER
Recorder, Salt Lake County, UT
MILLER HARRISON LLC
BY: eCASH, DEPUTY - EF 3 P.

FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED TRACT DECLARATION FOR SKYLINE AT TOWNE CENTER PHASE II

This First Amendment to the Second Amended and Restated Tract Declaration for Skyline at Towne Center Phase II (the "**First Amendment**") is executed and adopted by HTC Towns, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

A. The Second Amended and Restated Tract Declaration for Skyline at Towne Center Phase II was recorded in the office of the Salt Lake County Recorder on August 16, 2018 as Entry No. 12830459, Book 10703, and Pages 4879-4940 (hereinafter the "**Declaration**").

B. This First Amendment affects the real property located in Salt Lake County, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated herein by reference.

C. The Declarant desires to amend the Declaration as set forth in this First Amendment to further define and clarify Owner's rights in the Project.

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

E. Pursuant to Article 14, Section 14.2 of the Declaration, the undersigned hereby certifies that this First Amendment was approved, executed, and acknowledged by Declarant during the Declarant Control Period pursuant to Declarant's unilateral amendment right.

AMENDMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, the Declarant hereby executes this First Amendment, which shall be effective as of its recording date with the Utah County Recorder.

(1) Amendment No. 1. Section 4.13 shall be deleted in its entirety and replaced by the following:

4.13. Reinvestment Fee. The Board shall have the right to establish (but shall not be required to establish) a Reinvestment Fee in accordance with this Section and Utah Code § 57-1-46. If established, the following terms and conditions shall govern Reinvestment Fees:

Other than Declarant (or its affiliates or successors) or Holmes Homes, Inc. (or its

affiliates or successors), upon the occurrence of any sale, transfer, or conveyance of any Lot as reflected in the office of the County recorder, regardless of whether it is pursuant to the a sale of the Lot or not (as applicable, a "Transfer"), the party receiving title to the Lot (the "Transferee") shall pay to the Association a Reinvestment Fee in an amount to be established by the Board in the Rules, provided that in no event shall the Reinvestment Fee exceed the maximum rate permitted by law. The Association shall not levy or collect a Reinvestment Fee for any Transfer exempted by Utah Code § 57-1-46. 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.

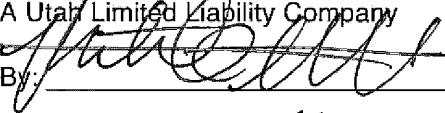
All transfers of Lots to (a) Declarant (or its affiliates or successors), or (b) Holmes Homes, Inc. (or its affiliates or successors), shall be exempt from a Reinvestment Fee. The Declarant shall have the sole discretion to determine whether such Transferee is a related entity and if a Reinvestment Fee applies.

(2) Conflicts. All provisions of the Declaration not specifically amended in this First 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 and 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, the Declarant has executed this First Amendment on this 5 day of Oct, 2018.

DECLARANT
HTC Towns, LLC
A Utah Limited Liability Company

By: 

Name: Patrick Holmes

Title: Manager

STATE OF UTAH)
) ss.
COUNTY OF Salt Lake)

On the 5 day of Oct, 2018, personally appeared before me Patrick Holmes who by me being duly sworn, did say that she/he is an authorized representative of HTC Towns, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



Notary Public



EXHIBIT A
Legal Description

All of **Skyline at Herriman Towne Center Phase 2A Amending Lot 5A of Herriman Towne Center Plat A – Phase 1 Lot 5 Amended**, according to the official plat on file in the office of the Salt Lake County Recorder as Entry No. 12119350.

26362030610000	26362050010000	26362080010000	26362030670000	26362050070000
26362030700000	26362070040000	26362090040000	26362030740000	26362070050000
26362030720000	26362070080000	26362090070000	26362090100000	26362060010000
26362080040000	26362070090000	26362090080000	26362030690000	26362060030000
26362060060000	26362080020000	26362090120000	26362070070000	26362060050000
26362070010000	26362080080000	26362090170000	26362090140000	26362090030000
26362090010000	26362030590000	26362030650000	26362050060000	26362090160000
26362050030000	26362030730000	26362030680000	26362070020000	26362030600000
26362050050000	26362080070000	26362050020000	26362080030000	26362030710000
26362060040000	26362090020000	26362090110000	26362090050000	26362060020000
26362090130000	26362090190000	26362090180000	26362030620000	26362080060000
26362090150000	26362050040000	26362070060000	26362030630000	26362090090000
26362030660000	26362070030000	26362090060000	26362030640000	26362080050000

All of **Skyline at Herriman Towne Center Phase 2B Amending Lot 5A of Herriman Towne Center Plat A – Phase 1 Lot 5 Amended**, according to the official plat on file in the office of the Salt Lake County Recorder as Entry No. 12119351.

26362030760000	26362030750000	26362030890000	26362030800000	26362030880000
26362030810000	26362030830000	26362030780000	26362030770000	26362030840000
26362030860000	26362030850000	26362030790000	26362030900000	26362030870000
26362030820000				