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2565 Fairway Village Dr.
Park city, UT 84060

ENTRY NO. 01108132

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SUMMIT COUNTY, UTAH RECORDER

FEE 90.00 BY ALLYSON DICKEY



**SECOND AMENDMENT
TO
THE FIRST AMENDMENT AND RESTATEMENT OF THE AMENDED AND
RESTATED DECLARATIONS OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR FAIRWAY SUBDIVISION NO. 1
AND FAIRWAY VILLAGE NO. 2 SUBDIVISION**

This SECOND AMENDMENT TO THE FIRST AMENDMENT AND RESTATEMENT OF THE AMENDED AND RESTATED DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FAIRWAY SUBDIVISION NO. 1 AND FAIRWAY VILLAGE NO. 2 SUBDIVISION (this "Second Amendment")¹ is adopted by the Fairway Village Homeowners Association, Inc. (the "Association").

RECITALS

1. The First Amendment and Restatement of the Amended And Restated Declarations Of Covenants, Conditions, And Restrictions For Fairway Subdivision No.1 And Fairway Village No. 2 Subdivision Declaration of Condominium" (the "Declaration") was recorded with the Summit County Recorder's office on December 17, 2009, as Entry No. 00888582.
2. The Association desires to amend the Declaration as set forth in this Second Amendment to revise and redefine occupancy standards.
3. This Second Amendment affects the real property located in Summit County, State of Utah, described with particularity on Exhibit A, attached hereto and incorporated herein by reference.
4. Unless otherwise set forth herein, the capitalized terms have their same meanings and definitions as stated in the Declaration.
5. The Association, through its undersigned officers, hereby states that this Second Amendment was approved by the required voting interests of the Association, either by a vote of the Association's members at a meeting or by written consent, in accordance with the Declaration.

NOW, THEREFORE, in consideration of the foregoing Recitals, the Association, through the authorization of its President and Secretary, hereby executes this Second Amendment, which is effective as of its recording date with the Summit County Recorder's office.

¹ This Second Amendment is being proposed for adoption at the same time and in the same vote as a first proposed amendment. It is possible that the first proposed amendment may not be adopted. If that happens, this may be the first amendment to the prior restated declaration even though it is styled as the "Second Amendment."

AMENDMENT

1 Section 6.03 of the Declaration is deleted in its entirety and replaced by the following new Section 6.03.

6.03 OCCUPANCY OF TOWNHOUSES

Subject to applicable laws and ordinances, there shall be no limitation on the number of people residing in a Townhouse on those days when a Townhouse Owner or relative of a Townhouse Owner is residing in the Townhouse. On those days when a Townhouse Owner or relative of a Townhouse Owner is not residing in a Townhouse, the number of people residing in a Townhouse shall not exceed the following limitations (both of which apply to limit any occupancy):

(A) two (2) persons per bedroom in addition to two (2) persons, and

(B) four (4) unrelated persons (unrelated to each other) if any one of the unrelated persons is occupying the Townhouse for more than 30 days.

As used in this section 6.03, the following definitions shall apply: (A) "residency," "reside," and similar derivations of those words shall refer to staying overnight in a Townhouse for one or more nights, either permanently or temporarily, (B) "relative," "related," "unrelated," and similar derivations of those words shall mean and be in reference to only the following relations: child, brother, sister, grandchild, grandparent, parent, niece, nephew, or legally married spousal relationship, and (C) Townhouse Owner shall include the person or persons primarily responsible for the contribution of assets to the entity or trust, if the ownership of a Townhouse is held in the name of a trustee of a trust or an entity. For purposes of this section, parent includes stepparent; brother and sister include half brothers and sisters and stepbrothers and stepsisters; child includes stepchildren; niece and nephew are limited to blood relationships; and grandchild includes a step grandchild.

The determination of how many bedrooms a Townhouse has for purposes of this section shall be based on the original construction of the Townhouse and not any subsequent changes to the layout of the Townhouse, permanent or temporary. A loft originally constructed in a Townhouse qualifies as a bedroom for purposes of this section.

Notices, postings, and advertisements stating an occupancy of a Townhouse (whether on paper, electronically, or otherwise) shall not state an allowed occupancy higher than as permitted in this Declaration. The Association may adopt Regulations identifying additional limits on such notices and advertisements to help ensure that notices, postings, and advertisements state an occupancy in compliance with occupancy limits.

The following are examples of occupancy allowed and not allowed under this section when the Owner or a relative of the Owner is not residing in the Townhouse:

ALLOWED

Two-day occupancy in three-bedroom Townhouse by Husband, wife, and their six children.

Twenty-day occupancy in four-bedroom Townhouse by 9 unrelated friends.

Six month occupancy in three-bedroom Townhouse by 4 unrelated friends and the married spouse and child of one of the unrelated friends.

Ninety-day occupancy in a four-bedroom Townhouse by 4 unrelated friends.

NOT ALLOWED

Two-day occupancy in three-bedroom Townhouse by Husband, wife, and their seven children.

Thirty-five-day occupancy in four-bedroom Townhouse by 5 unrelated friends.

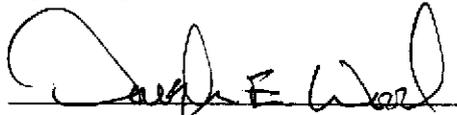
Six-month occupancy in three-bedroom Townhouse by 4 unrelated friends and the spouse and four children of one of the friends.

One-year occupancy in three-bedroom Townhouse by 5 unrelated friends.

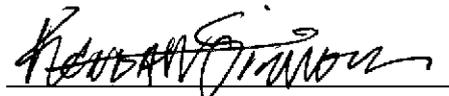
IN WITNESS WHEREOF, the Association executes this SECOND AMENDMENT through the undersigned, who certify that the necessary voting interests of the Association were obtained to approve this First Amendment, either by a vote of the Association's members at a meeting or by written consent, and that such is documented in the permanent records of the Association.

Dated this 25 day of MARCH, 2019.

Fairway Village Homeowners Association, Inc

By: 

Name: Douglas E. Wood
President of the Association

By: 

Name: KENDALL SIMMONS
Secretary of the Association

Fairway Village Subdivision 1 and Fairway Village Subdivision 2

FVL-16 THROUGH FVL-43

UNIT 16 THROUGH UNIT 43 IN FAIRWAY VILLAGE NO 1 PLANNED UNIT DEVELOPMENT
IN SEC 4, T2SR4E, SLBM CONT 1284.93 SQ FT M173-248 502-329 587-420 884-492
2192-1704 2452-1121 2488-984

FVL-2-1 THROUGH FVL 2-15

LOT 1 THROUGH LOT 15 IN FAIRWAY VILLAGE NO 2 SUBDIVISION (FIRST AMENDED) A
PLANNED UNIT DEVELOPMENT, SEC 4 T2SR4E SLBM TOGETHER WITH INT IN COMMON
AREA AS PER DECL CONT 18,225.3 SQ FT 0.42 AC 476-440 501-233 2031-1320-1336
2062-326-344 2096-355-375 2131-388-408 2185-1845-1863

FVL-2-44 THROUGH FVL-2-73

UNIT 44 THROUGH UNIT 73 FAIRWAY VILLAGE NO 2 SUBDIVISION A PLANNED UNIT
DEVELOPMENT SEC 4 T2SR4E SLBM CONT 3,483 SQ FT TOGETHER WITH INT IN
COMMON AREAS 429-349 476-668 605-573 1318-133 2218-1776-1779