

**FIRST AMENDMENT  
TO THE  
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,  
AND RESERVATION OF EASEMENTS  
FOR  
DEER CREST,  
A PLANNED RECREATIONAL DEVELOPMENT**

THIS FIRST AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR DEER CREST, A PLANNED RECREATIONAL DEVELOPMENT (hereinafter called the "First Amendment"), is made and executed this 5<sup>TH</sup> day of ~~OCTOBER~~, 2005, by the Deer Crest Master Association, Inc., a Utah non-profit corporation (the "Master Association").

**RECITALS:**

A. The Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Deer Crest, a Planned Recreational Development ("Declaration"), was executed on the 31<sup>st</sup> day of October, 1997, and recorded on October 31, 1997 as (i) Entry No. 492181, Book 1093, Pages 139-210, Official Records of Summit County, Utah, and (ii) Entry No. 198235, Book 363, Pages 542-613, Official Records of Wasatch County, Utah. The Declaration affects the real property described in Exhibit A attached hereto.

B. The Association now desires to amend the Declaration to (i) incorporate Utah Code Ann. § 78-27-51 as a part thereof, (ii) reduce the number Design Review Committee members from seven (7) to five (5), (iii) terminate Wasatch County's right and obligation to approve the professional members of the Design Review Committee, and (iv) eliminate any special qualifications applying to architects serving as a members of the Design Review Committee.

C. This Amendment has been duly authorized by the Class C Member and a seventy-five percent (75%) vote of the Members of the Association, as required by the Declaration.

NOW THEREFORE, for the foregoing purposes, the Declaration is amended in the following respects:

1. A new Section 11.15, the text of which is set forth below, is hereby added to the Declaration:

11.15 Inherent Risks of Skiing. Certain risks are inherent in the sport of skiing, and, as such, Utah Code Ann. § 78-27-51 (and any successor statute or amendments thereto), and its liability limitations in particular, is hereby incorporated in this Declaration. As of the date hereof, the text of Utah Code Ann. § 78-27-51 is as follows:

"The Legislature finds that the sport of skiing is practiced by a large number of residents of Utah and attracts a large number of nonresidents, significantly contributing to the economy of this state. It further finds that few insurance carriers are willing to provide liability insurance protection to ski area operators and that the premiums charged by those carriers have risen sharply in recent years due to confusion as to whether a skier assumes the risks inherent in the sport of skiing. It is the purpose of this act, therefore, to clarify the law in relation to skiing injuries and

the risks inherent in that sport, to establish as a matter of law that certain risks are inherent in that sport, and to provide that, as a matter of public policy, no person engaged in that sport shall recover from a ski operator for injuries resulting from those inherent risks.”

2. Section 6.1 of the Declaration is hereby amended as follows:

6.1 Design Review Committee. The Design Review Committee shall consist of five (5) or less members. The term of office shall be two (2) years commencing July 1 of each year, with staggered terms. The Design Review Committee shall consist of a chair appointed by the Board of the Master Association and other members selected annually by the Board of the Master Association. There shall be at least two (2) licensed architects on the Design Review Committee. The Design Review Committee shall have and exercise all of the powers, duties and responsibilities set out in this Maser Declaration. The Design Review Committee shall meet on such schedules as may be established by the Chairman. A majority of its Members shall constitute a quorum and the majority vote of a quorum present at any meeting shall be sufficient to approve action. Meetings may occur telephonically and actions may be approved by unanimous written consent of all Committee Members. Members of the Design Review Committee need not be Members. Any dispute or disagreement among members of the Design Review Committee, whether pertaining to any proposed plans, development or otherwise, shall be resolved by the Board of the Master Association.

3. Section 7.16 of the Declaration is hereby amended to read as follows:

7.16 Trails and Ski Ways. No Owner shall have the right to alter or obstruct the maintenance, use or enjoyment of any Trail, ski way or ski run on or adjacent to any Lot of Unit.

There are certain restrictions that apply to the Trails, ski runs and ski ways, including:

- (a) All Trails, ski runs and ski ways are private and open and available for use only to Owners and their guests;
- (b) Trails are only open from 9:00 a.m. to 4:00 p.m., daily conditions permitting;
- (c) Users must stay on the designated Trail, ski way or ski run. Off Trail skiing is strictly prohibited;
- (d) Access Trails are slow skiing family areas only. Fast or reckless skiing is not permitted; and
- (e) Access Trails are for skiing only. Unauthorized snowmobiles, snowboards, sleds, tubs or other devices are not permitted.

Skiing includes inherent serious risks. Every skier assumes all of the risks and accepts the responsibility for injuries associated with skiing, including but not limited to:

- (a) There is NOT AN EASY WAY DOWN as the access Trails are either blue □/intermediate or double blue □□/advanced;
- (b) Changing weather and snow conditions;
- (c) Variations or steepness of terrain;

- (d) Surface or subsurface conditions such as bare spots, forest growth, rocks, stumps and ice;
- (e) Impact with lift towers, fencing or other structures or their components;
- (f) Collisions with other skiers;
- (g) Failure to ski within one's own ability;
- (h) Equipment failure;
- (i) Failure to ski in control; and
- (j) Snowmaking equipment, snow cats, snowmobiles, falling rocks and unmarked obstacles which may be on the slopes and Trails at any time.

4. The introductory portion of Section 11.8 of the Declaration is hereby amended to read as follows:

11.8 Amendment. Subject to the other provisions of this Master Declaration, including without limitation, the right of first Mortgagees pursuant to Article 10, this Master Declaration may be revoked or amended as follows:

5. In all other respects, the Declaration shall remain in full force and effect.

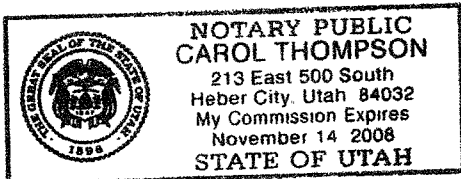
Executed the day and year hereinabove set forth.

DEER CREST MASTER ASSOCIATION, INC.,  
a Utah non-profit corporation

By BT Sammons  
Its SECRETARY

STATE OF Utah )  
COUNTY OF Wasatch : ss.

On this 5 day of Oct, 2005, personally appeared before me Bob Sammons who, being by me duly sworn did say that he is the \_\_\_\_\_ of the Board of Trustees of Deer Crest Master Association, a Utah non-profit corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Trustees, and said officer acknowledged to me that said corporation executed the same.



[Signature]  
NOTARY PUBLIC  
Residing at: 213 E 500 S, Heber City  
Commission Expires: 11/14/08