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**SECOND ADDENDUM TO SUPPLEMENTAL DECLARATION
OF PROTECTIVE COVENANTS
FOR MAHOGANY HILLS**

THIS SECOND ADDENDUM TO THE SUPPLEMENTAL DECLARATION is made this ____ day of October, 2002, by the SunPeak Association, a Utah non-profit corporation.

RECITALS

- I. The SunPeak Association is the Master Association created pursuant to the Master Declaration of Covenants, Conditions and Restrictions for Sun Peak, Summit County, Utah (the "Original Master Declaration") recorded in the official records of the Office of the Summit County Recorder at Book 668, beginning at Page 485.
- II. On August 5, 2002, at a regular meeting of the duly elected and acting Board of Trustees of the SunPeak Association, called pursuant to the authority of the Original Master Declaration, a quorum of the trustees was called to order and by vote of more than 75% of the trustees of the association the trustees adopted the following:

**SECOND ADDENDUM TO SUPPLEMENTAL DECLARATION OF PROTECTIVE
COVENANTS FOR MAHOGANY HILLS**

A. **PURPOSE OF COVENANTS.**

It is the intention of the SunPeak Association, expressed by its execution of this instrument, that the property within Mahogany Hills consisting of 98 residential Lots and more specifically described in Official Plat for "Mahogany Hills" on file with the Office of the Summit County Recorder shall be developed and maintained as a highly desirable residential area. To that end, Mahogany Hills is subject to all of the terms and conditions of that certain Master Declaration of Covenants, Conditions and Restrictions for Sun Peak, Summit County, Utah executed by Summit Ranch, J.V. the 17th day of June, 1992, and recorded as Instrument No. 360955 in Book 668, beginning at page 485 of the Official Records of Summit County, State of Utah, ("Original Master Declaration") and is additionally subject to the Supplemental Declaration of Protective Covenants for Mahogany Hills ("Supplemental Declaration") executed by Summit Ranch, J.V. the 19th day of June, 1992, and recorded as Instrument No. 360956 in Book 668, beginning at page 592 of the Official Records of Summit County, State of Utah, and is additionally subject to the Addendum to Supplemental Declaration of Protective

Covenants for Mahogany Hills, recorded as Instrument No. 361952 in Book 671, beginning at page 654, (“First Addendum to Supplemental Declaration”), and is additionally subject to First Addendum to Master Declaration of Covenants, Conditions and Restrictions for Sun Peak, Summit County, Utah, which has been executed and recorded on even date herewith (“First Addendum to Master Declaration”), and shall be additionally subject to the terms and conditions of this Second Addendum to Supplemental Declaration of Protective Covenants for Mahogany Hills (“Second Addendum”). The Board of Trustees, pursuant to its authority under the Original Master Declaration, Paragraph 7.01, hereby declares that the property described herein every part thereof is held and shall be held, conveyed, devised, leased, rented, encumbered, used, occupied, improved and otherwise affected in any manner subject to this Second Addendum in addition to the Original Master Declaration, the First Addendum to Master Declaration, the Supplemental Declaration, and the First Addendum to Supplemental Declaration, each and all of which provisions are declared to be in furtherance of the general plan and scheme of ownership referred to herein and are further declared to be for the benefit of Mahogany Hills and every part thereof and for the benefit of each Owner thereof. All provisions hereof shall be covenants running with the land and/or equitable servitudes and shall constitute benefits and burdens to the Owners, their successors and assigns, and to all parties hereafter owning any interest in Mahogany Hills.

B. DEFINITIONS.

All of the defined terms set forth in the Original Master Declaration and the Supplemental Declaration shall have the same meaning when used in this Second Addendum, unless otherwise specified.

C. SECOND ADDENDUM TO SUPPLEMENTAL DECLARATION.

1. Article 1, Section 1.07, of the Supplemental Declaration, entitled “Roof Restrictions,” is hereby amended and restated in its entirety as follows:

Roof slopes for any buildings constructed in Mahogany Hills shall be from 4/12 to 12/12 pitch and shall be in as simple a form as practicable. The following roof shapes will not be permitted: mansard, fake mansard, gambrel, joined shed roof, or domed. All roofs shall have a minimum overhang of two feet (2') zero inches (0"). Special attention shall be taken with regard to overhangs on the south and west elevations to provide adequate sun control for the buildings. Only the following roofing materials will be allowed: (a) copper or metal roof in earth colors; (b) fire resistant concrete or slate tiles; and (c) asphalt shingles that are architectural grade, 3/8" thick, lifetime warranted, 3-ply, equal or superior to the product Certainteed Presidential TL. If fire resistant concrete or slate tiles are used, color and shape shall be approved as part of the Committee's normal design review process. All roof metal, flashings, gutters, vents and chimney caps will be made of anodized aluminum or painted galvanized, in either case with a painted surface of earth tone; except if architectural grade asphalt shingles are used, copper flashing and drip edge must be used.

