

**Second Amendment to the Amended and Restated Declaration of Covenants,
Conditions, and Restrictions**

RELEASED	<input type="checkbox"/>
INDEXED	<input type="checkbox"/>
ABSTRACTED	<input type="checkbox"/>
SCANNED	<input checked="" type="checkbox"/>

for
3 Creek Ranch

Grantor: RANCHES AT JACKSON HOLE LLC*
Grantee: THE PUBLIC
Doc 0639456 bk 574 pg 1-36 Filed at 4:44 on 12/10/04
Sherry L Daigle, Teton County Clerk fees: 274.00
By ANN SCHROEDER Deputy

This SECOND AMENDMENT to the AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Second Amendment") has been made this 11th day of November, 2004 by THE RANCHES AT JACKSON HOLE, LLC, a Delaware limited liability company, (hereinafter referred to as the "Founder") and certain Members of the Association.

WHEREAS, the Second Amendment was sent by the Founder to the Members for written approval; and

WHEREAS, at least 75% of the Members approved the Second Amendment (the "Approving Members") as provided for in Section 13.2 of the Declaration; and

WHEREAS, the Founder and the Approving Members have the requisite authority to record this Second Amendment against the title to the real property described on Exhibit A hereto, and by the recording of this instrument intend by the Second Amendment to amend the Amended and Restated Declaration of Covenants, Conditions and Restrictions for 3 Creek Ranch recorded in the Office of the Teton County Clerk on the 16th day of April, 2004 in Book 547 of Photo at Pages 926 to 1000 (the "Declaration"), as such Declaration was amended by that First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for 3 Creek Ranch recorded in the Office of the Teton County Clerk on the 18th day of May, 2004 in Book 551 of Photo at Pages 399 to 404; and

NOW THEREFORE, for and in consideration of the foregoing recitals, the sum of \$10.00 and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Founder and the Approving Members hereby amend the Declaration as follows:

1. **Section 11.5(b)**. The following sentence shall be added at the end of the paragraph: "The Fishing Rules and Regulations, as they pertain to Ranch Tracts 1 through 6, cannot be changed or terminated without the written and recorded consent of the record owner or owners of Ranch Tracts 1 through 6."

2. **Section 2.21**. The following sentence shall be added at the end of the paragraph: "The Governing Documents, as they apply to Ranch Tracts 1 through 6, may not be amended or supplemented to create any third party use rights in Ranch Tracts 1 through 6 without the written consent of the owners of Ranch Tracts 1 through 6."

3. Add new **Section 4.15. “Development Restriction on Ranch Tracts”** Without the prior written consent of the record owners of Ranch Tract 2, no development shall be permitted on Ranch Tract 3 and Ranch Tract 4 west of the Development Areas as depicted on Map T-466-A and no Governing Document shall be amended to permit such development without the prior written consent of the record owners of Ranch Tract 2, except that wildlife habitat improvement pursuant to Section 4.13 hereof shall be permitted.”

4. **Section 7.4(e).** This provision shall not apply to Ranch Tracts 1 through 6.

5. **Section 11.11.** Add the following sentence at the end of the paragraph “Notwithstanding the foregoing or anything to the contrary provided for herein, no water features will be constructed on Ranch Tracts 1 through 6 without the prior written consent of the record owners of Ranch Tracts 1 through 6.”

6. **Section 13.1.** The following sentence shall be added at the end of the paragraph. “The Declaration shall not be amended to create any third party use rights in Ranch Tracts 1 through 6 that do not exist as of the date any subject Ranch Tract is conveyed from the Founder to a person or entity not affiliated with the Founder.”

7. Add new **Section 13.2(d).** “No amendment may create any third party use right in the property of Ranch Tracts 1 through 6 without the prior written consent of the record owners of the subject Ranch Tract.”

8. Add new **Section 2.47.** “Articles” shall mean the Articles of Incorporation for the 3 Creek Ranch Homeowners Association, a Wyoming nonprofit corporation.

9. Add new **Section 2.48.** “Bylaws” shall mean the Bylaws of the 3 Creek Ranch Homeowners Association, a Wyoming nonprofit corporation.

Capitalized terms used in this Second Amendment shall have the same meaning as in the Declaration.

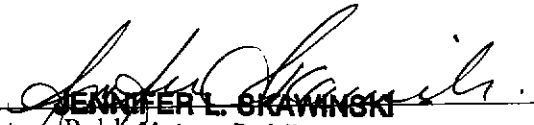
Executed by Members/Lot Owners as follows:

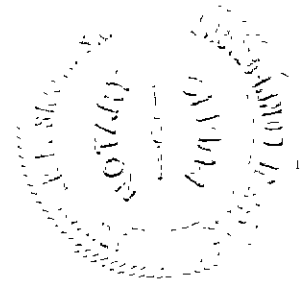
Ranch Tracts 1, 2, 3, 4, 5 and 6
Estate Lots 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45
Cabin Lots 46, 47, 48, 49, 53, 55, 60, 67, 68, 72, 74, 75, 77, 80, 81, 84, 85, 86, 87, 88, 91, 93, 95, 103, 105, 109, 110, 111, 116, 119, 141, 142, 143, 144, 145, 146, 147 and 148

STATE OF Connecticut)
COUNTY OF Fairfield) ^{SS} South Norwalk

On this 12th day of November, 2004, before me personally appeared Barry P. Marcus, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed within this instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on this instrument, the entities upon behalf of which the person acted executed this instrument.

WITNESS my hand and official seal.


JENNIFER L. GRAWINSKI
Notary Public
My commission expires Fairfield City, CT
My Commission Expires 5-31-08



Lot 22

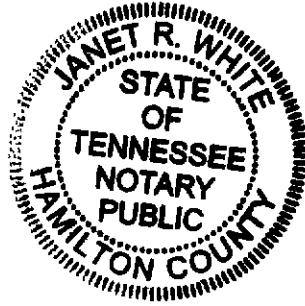
Revocable Trust Agreement of Lyle Finley
Dated October 12, 1982

By Arnold Tackett
Name: Arnold Tackett
Its Trustee

STATE OF Tennessee)
COUNTY OF Hamilton) ss.

Arnold Tackett acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 15th day of November, 2004.

WITNESS my hand and official seal.



Janet R. White

Notary Public

My Commission Expires: 09/08/2008

Lot 58

Richard A. Heise, Sr. Living Trust
Dated September 29, 1999, as restated January 18, 2003

By *RA Heise*
Name: Richard A. Heise, Sr.
Its Sole Trustee

STATE OF Illinois)
COUNTY OF Cook) ss.

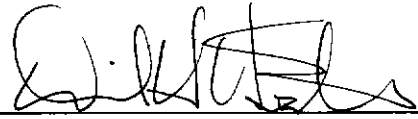
Richard A Heise, Sr. acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 11th day of November, 2004.

WITNESS my hand and official seal.

Donna M. Alvarado
Notary Public
My Commission Expires:



Lot 79

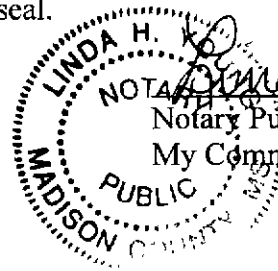


David H. Hoster II or Margaret D. Hoster

STATE OF Mississippi
COUNTY OF Madison) ss.

David H. Hoster II acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 12th day of November, 2004.

WITNESS my hand and official seal.



Linda H. Young
Notary Public
My Commission Expires:

**Notary Public State of Mississippi At Large
My Commission Expires: June 3, 2005
Bonded Thru Helden, Brooks & Garland, Inc**

Lot 98

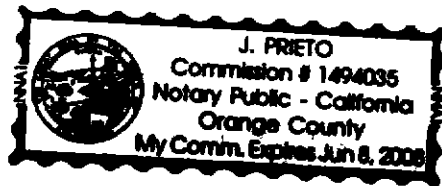
Christ Family Trust, FKA the Paul D. Christ Trust
Dated September 1, 1977, and as amended on October 10, 1984,
And on June 17, 1983 and on August 3, 1990,
And on January 19, 1999

By Paul D. Christ
Name: Paul D. Christ Paul D. Christ
Its Trustee

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

Paul D. Christ, Trustee acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 16th day of NOVEMBER, 2004.

WITNESS my hand and official seal.



J. Prieto
Notary Public
My Commission Expires:

Lot 107

Steele-McGee Living Trust u/a

Dated 3/31/99

By Sharon Steele-McGee

Name: Sharon Steele-McGee or Stephen D. McGee

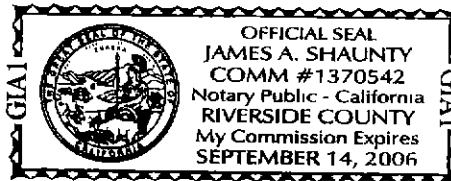
Its Trustees

STATE OF California)
COUNTY OF Riverside) ss.

Sharon Steele McGee acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 16 day of November, 2004.

WITNESS my hand and official seal.

James A. Shaunty
Notary Public
My Commission Expires: Sept 14, 2006



Lot 113

George Van Valkenburg Jr. or

Desert Advisors, Inc. Defined Benefit Plan
Dated February 28, 2003

By William Bishop
Name: William Bishop
Its Trustee

STATE OF Wyoming)
COUNTY OF Teton) ss.

William Bishop acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this _____
17 day of November 2004.

WITNESS my hand and official seal.

Judy M. Ingold
Notary Public
My Commission Expires: 5/28/07



Lot 114

Michel P. Etchemendy
Michel P. Etchemendy or Bonny Etchemendy or
Timothy D. McKinney or Jennifer A. McKinney

STATE OF Wyoming)
COUNTY OF Teton) ss.

Michel P. Etchemendy acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this _____
17 day of November, 2004.

WITNESS my hand and official seal.



Judy M. Ingold
Notary Public
My Commission Expires: 5/28/07

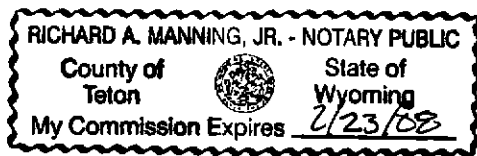
Lot 100

Teresa Manning
Richard Manning or Teresa Manning

STATE OF WYOMING)
COUNTY OF Teton) ss.

Teresa Manning acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 30 day of November, 2004.

WITNESS my hand and official seal.



Richard A. Manning, Jr.
Notary Public
My Commission Expires: FEB 23, 2008

Lot 115

Christian Collins Nugent or
Stephen Ewing Maiden
Stephen Ewing Maiden or Bonnie Virginia Brooks

STATE OF NC)
COUNTY OF Mecklenburg) ss.

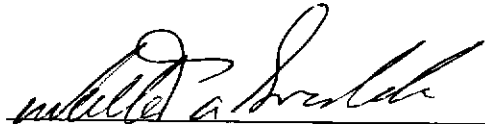
Stephen Ewing Maiden acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 19 day of November, 2004.

WITNESS my hand and official seal.

Lisa E. Vaughn
Notary Public
My Commission Expires:
Aug 10, 2008




Lot 110 and Lot 117

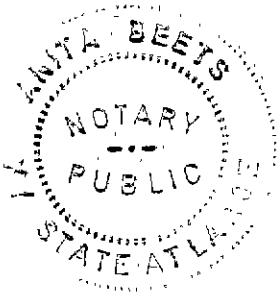

Walter Gradek or Patricia Gradek

STATE OF Kentucky)
COUNTY OF Bourbon) ss.

Walter GRADEK acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 19th day of November 2004.

WITNESS my hand and official seal.


Notary Public
My Commission Expires: 11/9/2007



Lot 118

Donald B. Zwiebel

Donald B. Zwiebel or Marylynne F. Zwiebel or

Andrew H. Zwiebel

STATE OF Washington
COUNTY OF King) ss.

Donald B. Zwiebel acknowledged the foregoing **Second Amendment and Restated Declaration of Covenants, Conditions and Restrictions** before me this 23rd day of November, 2004.

WITNESS my hand and official seal.

Elizabeth A. Freeman
Notary Public
My Commission Expires: 01/26/08

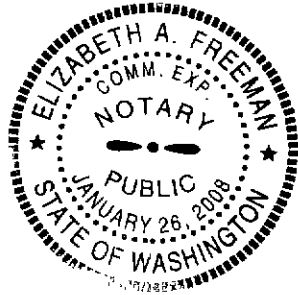


EXHIBIT A
DESCRIPTION
OF
3 CREEK RANCH SUBDIVISION LOTS
AND
3 CREEK RANCH TRACTS
FOR
SECOND AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS

TO WIT:

Lots 1-45 ("Estate Lots"), Lots 46-49 and 53-123 ("Cabin Lots"), Lot 132 ("Naturalist Lot") and Lots 139-140 ("Road Lots") of 3 Creek Ranch Subdivision, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat No. 1108;

said 3 Creek Ranch Subdivision is located within the N $\frac{1}{2}$, SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12 and the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T40N, R117W, Sixth Principal Meridian, Teton County, Wyoming;

Lots 141-149 ("Cabin Lots") of 3 Creek Ranch Subdivision 2nd Filing, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat No. 1136;

said 3 Creek Ranch Subdivision 2nd Filing is located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T40N, R117W, Sixth Principal Meridian, Teton County, Wyoming;

TOGETHER WITH Tracts 1-6, 3 Creek Ranch as shown on that Map of Survey, Tracts 1-6, 3 Creek Ranch filed in said Office as Map T-466A, and as described in documents of record in the Office of the Clerk of Teton County, Wyoming; Tracts 1, 2, 3, and 5 are described in Book 539 of Photo, pages 439-446; Tract 4 in Book 539 of Photo, pages 429-431; and Tract 6 in Book 539 of Photo, pages 417-420;

said Tracts are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 and parts of Section 12, T40N, R117W, Sixth Principal Meridian, Teton County, Wyoming, and constitute a division of that parcel of land commonly referred to as Parcel C, 3 Creek Ranch, which is described in that instrument of record in said Office in Book 533 of Photo, pages 1192-1195.

EXHIBIT A
DESCRIPTION OF
3 CREEK RANCH TRACTS & LOTS
for
SECOND AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

~~22-40-17-12-4-01-093 - Lot 131 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~
~~22-40-17-12-4-01-094 - Lot 134 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~
~~22-40-17-12-4-01-095 - Lot 138 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~
 22-40-17-13-1-01-028 - Lot 28 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-030 - Lot 30 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-031 - Lot 31 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-032 - Lot 32 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-033 - Lot 33 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-034 - Lot 34 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-035 - Lot 35 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-036 - Lot 36 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-037 - Lot 37 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-038 - Lot 38 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-041 - Lot 41 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-042 - Lot 42 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-043 - Lot 43 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-044 - Lot 44 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
 22-40-17-13-1-01-045 - Lot 45 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It
~~22-40-17-13-1-01-046 - Lot 135 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~
~~22-40-17-13-1-01-047 - Lot 136 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~
~~22-40-17-13-1-01-048 - Lot 137 Plat 001108 - 3 CREEK RANCH SUBDIVISION Map It~~

22-40-17-12-1-02-001 - Lot 141 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-1-02-002 - Lot 142 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-1-02-003 - Lot 143 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-1-02-004 - Lot 144 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-4-02-001 - Lot 145 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-4-02-002 - Lot 146 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-4-02-003 - Lot 147 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-4-02-004 - Lot 148 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It
 22-40-17-12-4-02-005 - Lot 149 Plat 001136 - 3 CREEK RANCH 2ND FILING Map It

Tract 1 22-40-17-12-3-00-008
 Tract 2 22-40-17-11-4-00-018
 Tract 3 22-40-17-11-1-00-009
 Tract 4 22-40-17-11-1-00-008
 Tract 5 22-40-17-12-2-00-002
 Tract 6 22-40-17-12-2-00-003