

12405606
11/04/2016 10:33 AM \$122.00
Book - 10496 Pg - 3589-3597
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
TYLER BUSWELL
BY: SSA, DEPUTY - WI 9 P.

WHEN RECORDED, PLEASE RETURN TO:

Robert C. Hyde
Kirton McConkie
50 E. South Temple
Salt Lake City, Utah 84111

THIRD AMENDMENT TO
AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM
OF THE
RICHARDS COURT CONDOMINIUMS
[a leasehold condominium project]

Effective as of November 3, 2016

4831-7264-5169

Ent 12405606 BK 10496 PG 3589

**THIRD AMENDMENT TO
AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM
OF
RICHARDS COURT CONDOMINIUMS**

THIS THIRD AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF RICHARDS COURT CONDOMINIUMS (this “**Amendment**”) is entered into this 3rd day of November, 2016, by City Creek Living, LLC, a Utah limited liability company (“**CCL**”).

RECITALS

A. Declarant previously subjected that certain real property described in Exhibit A attached hereto (the “**Real Property**”) to that certain Declaration of Condominium of the Richards Court Condominiums recorded in the Recorder’s Office of Salt Lake County, State of Utah, as Entry No. 10878446, in Book 9796, beginning at Page 8457, on January 13, 2010, as amended by that certain Amended and Restated Declaration of Condominium of the Richards Court Condominiums, recorded in the Recorder’s Office of Salt Lake County, State of Utah, as Entry No. 11622283, in Book 10129, beginning at Page 3828, on April 19, 2013, that certain First Amendment to Amended and Restated Declaration of Condominium of the Richards Court Condominiums, recorded in the Recorder’s Office of Salt Lake County, State of Utah, as Entry No. 12036382, in Book 10317, beginning at Page 4311, on April 23, 2015, and that certain Second Amendment to Amended and Restated Declaration of Condominium of the Richards Court Condominiums, recorded in the Recorder’s Office of Salt Lake County, State of Utah, as Entry No. 12196799, in Book 10391, beginning at Page 7169, on December 29, 2015 (collectively, the “**Declaration**”).

B. Declarant deems it necessary and desirable to consolidate three (3) existing units, Units #1001 E, #1002 E and #1003 E, into one (1) unit to be known as Unit #1000 E, and otherwise amend the Declaration as set forth in this Amendment.

DECLARATION

NOW, THEREFORE, the Declaration is hereby amended as set forth below:

1. **General Description of Project.** Notwithstanding any language to the contrary in the Declaration, the East Tower shall contain fifty-one (51) residential Units and the Project shall hereafter contain eighty-five (85) residential Units.

2. **Ownership Interest.** Exhibit B of the Declaration is hereby deleted in its entirety and replaced with Exhibit B-1, attached hereto and incorporated herein by this reference.

3. **Defined Terms.** Except as otherwise expressly provided herein, capitalized terms used in this Amendment shall have the meanings given them in the Declaration.

4. **Conflicting Provisions; Ratification.** Declarant reserves any and all rights and interests existing pursuant to the Declaration which are not affected by this Amendment and except as expressly modified herein, the Declaration remains in full force and effect in accordance with its terms. This Amendment amends the Declaration. In the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Declaration, the terms of this Amendment shall control.

[SIGNATURES TO FOLLOW]

SIGNATURE PAGE

This Amendment is signed and executed as of the date first set forth above.

RICHARDS COURT CONDOMINIUMS
OWNERS ASSOCIATION, INC.,
a Utah non-profit corporation

By: *Ralph J. Marsh*

Name: *Ralph J. Marsh*

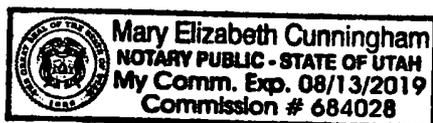
Title: *President*

By: *Steven D. Fisher*

Name: *SDF*

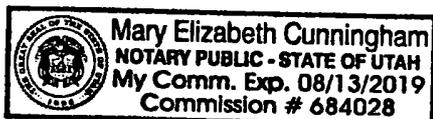
Title: *Treasurer*

On this 20th day of October, 2016, personally appeared before me *Ralph J. Marsh* known or satisfactorily proved to me to be the *President* of Richards Court Condominiums Owners Association, Inc., a Utah non-profit corporation, who acknowledged to me that he signed the foregoing instrument in his capacity as *President* for said Corporation.



Mary Elizabeth Cunningham
NOTARY PUBLIC

On this 20th day of October, 2016, personally appeared before me *Steven D. Fisher* known or satisfactorily proved to me to be the *Treasurer* of Richards Court Condominiums Owners Association, Inc., a Utah non-profit corporation, who acknowledged to me that he signed the foregoing instrument in his capacity as *Treasurer* for said Corporation.



Mary Elizabeth Cunningham
NOTARY PUBLIC

ACKNOWLEDGEMENT OF AIRSPACE LESSOR

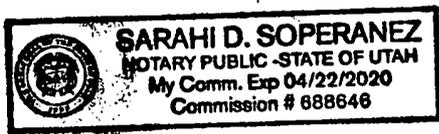
On this ____ day of _____, 2016, the undersigned, as the current fee simple owner of the Real Property subject to the Declaration and this Amendment, hereby acknowledges and consents, solely for the purposes of submitting a leasehold interest in the Real Property to the Condominium Act, to the encumbrance of this Amendment on the Property. Without limiting the generality of the foregoing, the undersigned is not signing this Amendment for any other purpose except as set forth above, and the undersigned specifically disclaims any responsibilities, duties, obligations, warranties, representations, or certifications of "Declarant" or any other party set forth herein.

CITY CREEK RESERVE, INC.,
a Utah nonprofit corporation

By: 
Name: Mark B. Gibbons
President
Its: _____

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this 27th day of October, 2016, personally appeared before me Mark B. Gibbons who, being by me duly sworn, did say that he is the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his authorized capacity as President of City Creek Reserve, Inc. a Utah nonprofit corporation, for and on behalf of said corporation.



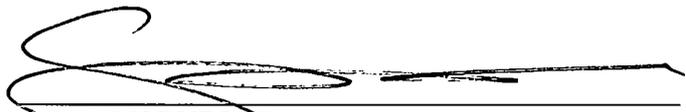

NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

LEGAL DESCRIPTION EAST TOWER

An airspace lease parcel lying and situate in the Northeast Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, being a part of Lot 7, and Richards Street, a vacated street, Block 76, Plat "A", Salt Lake City Survey. Basis of bearing for subject parcel being North 00°00'58" West 791.94 feet coincident with the monument line of West Temple Street from the brass cap well monument monumentalizing the center of intersection of 100 South Street and said West Temple Street and a four inch brass cap monument set flush with concrete at the intersection of West Temple and South Temple Streets, stamped "Salt Lake City, REDCON LS#8498, 12-1998". Project Benchmark being the Salt Lake Initial Point Sand Stone Monument, located at the northwest corner of South Temple and Main Streets, at the southeast corner of the Temple Square Wall, elevation 4330.83, North American Vertical Datum 1929, on the top of said sand stone monument (twelve inches square at the base, ten inches square at the top tapering the last six inches to a pyramidal point, with "Great Salt Lake Base and Meridian" chiseled on the side), elevation at the base of the monument being 4327.62 feet. Subject parcel being more particularly described as follows:

Commencing at said point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 384.18 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4337.66 to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4337.66 and 4393.30; Thence North 89 °59'41" East 107.93 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 144.30 feet; Thence WEST 129.34 feet; Thence NORTH 118.39 feet; Thence EAST 8.95 feet; Thence NORTH 3.08 feet; Thence North 28°38'10" East 26.00 feet to the point of beginning. Thence vertical up to elevation 4393.30 to the TRUE POINT OF BEGINNING of an parcel comprising the air space contained between elevations 4393.30 and up; Thence North 89°59'41" East 52.26 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 7.51 feet; Thence EAST 11.67 feet; Thence SOUTH 12.03 feet; Thence WEST 9.67 feet; Thence SOUTH 124.75 feet; Thence WEST 75.67 feet; Thence NORTH 118.39 feet; Thence EAST 8.95 feet; Thence NORTH 3.08 feet; Thence North 28°38'10" East 26.00 feet to the point of beginning.

Less and Excepting therefrom the following described Air Space:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 384.18 feet

coincident with the north boundary of said Block 76; Thence South $28^{\circ}38'10''$ West 26.00 feet; Thence SOUTH 3.08 feet; Thence WEST 8.95 feet; Thence SOUTH 73.68 feet; Thence EAST 49.99 feet; Thence vertical up to elevation 4337.66 to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4337.66 and 4354.00 (Parcel 7); Thence EAST 10.59 feet; Thence SOUTH 9.30 feet; Thence WEST 10.59 feet; Thence NORTH 9.30 feet to the point of beginning of said Parcel 7; Thence SOUTH 9.30 feet; Thence EAST 10.59 feet; Thence North $78^{\circ}40'50''$ East 7.52 feet to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4337.66 and 4354.00 (Parcel 8); Thence EAST 5.36 feet; Thence SOUTH 6.32 feet; Thence EAST 11.62 feet; Thence NORTH 6.04 feet; Thence EAST 19.46 feet; Thence NORTH 57.33 feet; Thence EAST 16.44 feet; Thence SOUTH 21.74 feet; Thence EAST 8.50 feet; Thence SOUTH 72.17 feet; Thence WEST 61.38 feet; Thence NORTH 36.88 feet to the point of beginning of said Parcel 8.

Together with the following described Main Floor (Level 1) Air Space Easements:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North $00^{\circ}00'58''$ West 723.90 feet coincident with the monument line of said West Temple Street; Thence North $89^{\circ}59'41''$ East 68.76 feet to the Northwest corner of said Block 76; Thence North $89^{\circ}59'41''$ East 402.25 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4319.66 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4319.66 and 4337.66 (Parcel 4); Thence North $89^{\circ}59'41''$ East 31.71 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 27.78; Thence WEST 0.50 feet; Thence SOUTH 9.67 feet; Thence EAST 1.42 feet; Thence SOUTH 13.19 feet; Thence WEST 1.42 feet; Thence SOUTH 30.65 feet; Thence WEST 10.77 feet; Thence NORTH 2.04 feet; Thence WEST 11.25 feet; Thence SOUTH 10.06 feet; Thence EAST 11.25 feet; Thence SOUTH 10.30 feet; Thence WEST 9.93 feet; Thence NORTH 0.62 feet; Thence WEST 11.74 feet; Thence NORTH 39.75 feet; Thence EAST 4.19 feet; Thence NORTH 30.24 feet; Thence WEST 2.96 feet; Thence North 28.97 feet to the point of beginning of said Parcel 4; Thence North $89^{\circ}59'41''$ East 79.61 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4321.89 to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4321.89 and 4337.66 (Parcel 5); Thence North $89^{\circ}59'41''$ East 10.25 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 30.83 feet; Thence WEST 8.06 feet; Thence NORTH 16.09 feet; Thence WEST 2.19 feet; Thence NORTH 14.74 feet to the point of beginning of said Parcel 5; Thence North $89^{\circ}59'41''$ East 10.25 feet coincident with the north boundary of said Block 76; Thence SOUTH 144.30 feet; Thence WEST 129.34 feet; Thence vertical down to elevation 4319.66 and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4319.66 and 4337.66 (Parcel 6); Thence NORTH 8.20 feet; Thence EAST 17.69 feet; Thence SOUTH 1.08 feet; Thence EAST 17.83 feet; Thence NORTH 4.07 feet; Thence EAST 25.15 feet; Thence SOUTH 4.13 feet; Thence WEST 18.59 feet; Thence SOUTH 7.05 feet; Thence WEST 42.07 feet to the point of beginning of said Parcel 6;

LEGAL DESCRIPTION WEST TOWER

An airspace lease parcel lying and situate in the Northeast Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, being a part of Lot 6, Block 76, Plat "A", Salt Lake City Survey. Basis of bearing for subject parcel being North 00°00'58" West 791.94 feet coincident with the monument line of West Temple Street from the brass cap well monument monumentalizing the center of intersection of 100 South Street and said West Temple Street and a four inch brass cap monument set flush with concrete at the intersection of West Temple and South Temple Streets, stamped "Salt Lake City, REDCON LS#8498, 12-1998". Project Benchmark being the Salt Lake Initial Point Sand Stone Monument, located at the northwest corner of South Temple and Main Streets, at the southeast corner of the Temple Square Wall, elevation 4330.83, North American Vertical Datum 1929, on the top of said sand stone monument (twelve inches square at the base, ten inches square at the top tapering the last six inches to a pyramidal point, with "Great Salt Lake Base and Meridian" chiseled on the side), elevation at the base of the monument being 4327.62 feet. Subject parcel being more particularly described as follows:

Commencing at said point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4336.75 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4336.75 and 4361.08; Thence North 89°59'41" East 39.73 feet coincident with the north line of said Block 76 at said elevations; Thence South 28°38'10" East 25.99 feet; Thence SOUTH 3.08 feet; Thence EAST 8.95 feet; Thence SOUTH 118.39 feet; Thence WEST 125.72 feet; Thence NORTH 30.05 feet; Thence EAST 56.84 feet; Thence NORTH 9.74 feet; Thence EAST 2.66 feet; Thence NORTH 5.59 feet; Thence EAST 5.08 feet; Thence NORTH 98.89 feet to the point of beginning. Thence vertical up to elevation 4361.08 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space between said elevation 4361.08 and up; Thence North 89°59'41" East 39.73 feet coincident with the north line of said Block 76 at said elevations; Thence South 28°38'10" East 25.99 feet; Thence SOUTH 3.08 feet; Thence EAST 8.95 feet; Thence SOUTH 118.39 feet; Thence WEST 61.14 feet; Thence NORTH 144.28 feet to the point of beginning.

Together with the following described Main Floor (Level 1) Air Space Easements:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4315.72 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4315.72 and 4336.75 (Parcel 1); Thence North 89°59'41" East 27.78 feet coincident with the north line of said Block 76 at said elevations; Thence SOUTH 30.10 feet; Thence EAST 1.52 feet; Thence SOUTH 24.21 feet; Thence WEST 5.73 feet; Thence SOUTH

21.16 feet; Thence WEST 16.48 feet to a vertical step up to elevation 4318.58 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4318.58 and 4336.75 (Parcel 2); Thence SOUTH 7.10 feet; Thence WEST 4.70 feet; Thence SOUTH 6.71 feet; Thence EAST 21.09 feet; Thence SOUTH 9.69 feet; Thence WEST 21.89 feet; Thence SOUTH 14.70 feet; Thence WEST 3.01; Thence SOUTH 30.61 feet; Thence WEST 17.80 feet; Thence NORTH 12.14 feet; Thence EAST 7.90 feet; Thence NORTH 15.86 feet; Thence EAST 4.45 feet; Thence NORTH 11.80 feet; Thence EAST 2.30 feet; Thence NORTH 15.58 feet; Thence EAST 4.57 feet; Thence NORTH 13.44 feet to a vertical step down to elevation 4315.72 feet to a point on said parcel 1; Thence NORTH 75.46 feet to the point of beginning of said Parcel 1;

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence North 89°59'41" East 27.78 feet coincident with the north line of said Block 76; Thence SOUTH 30.10 feet; Thence EAST 1.52 feet; Thence SOUTH 24.21 feet; Thence WEST 5.73 feet; Thence SOUTH 21.16 feet; Thence WEST 16.48 feet; Thence SOUTH 7.10 feet; Thence WEST 0.70 feet; Thence vertical up to elevation 4332.75 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4332.75 and 4336.75 (Parcel 3); Thence SOUTH 6.71 feet; Thence WEST 4.00 feet; NORTH 6.71 feet; Thence EAST 4.00 feet to the point of beginning.

FOR INFORMATIONAL PURPOSES ONLY THE FOLLOWING TAX PARCELS ARE INCLUDED WITHIN THE ABOVE LEGAL DESCRIPTIONS:

15-01-231-001, 15-01-231-002, 15-01-231-003, 15-01-231-004, 15-01-231-005, 15-01-231-006, 15-01-231-007, 15-01-231-008, 15-01-231-009, 15-01-231-010, 15-01-231-011, 15-01-231-012, 15-01-231-013, 15-01-231-014, 15-01-231-015, 15-01-231-016, 15-01-231-017, 15-01-231-018, 15-01-231-019, 15-01-231-020, 15-01-231-021, 15-01-231-022, 15-01-231-023, 15-01-231-024, 15-01-231-025, 15-01-231-026, 15-01-231-027, 15-01-231-028, 15-01-231-029, 15-01-231-030, 15-01-231-031, 15-01-231-032, 15-01-231-033, 15-01-231-034, 15-01-231-035, 15-01-231-036, 15-01-231-037, 15-01-231-038, 15-01-231-039, 15-01-231-040, 15-01-231-041, 15-01-231-042, 15-01-231-043, 15-01-231-044, 15-01-231-045, 15-01-231-046, 15-01-231-047, 15-01-231-048, 15-01-231-049, 15-01-231-050, 15-01-231-051, 15-01-231-052, 15-01-231-053, 15-01-231-054, 15-01-231-055, 15-01-231-056, 15-01-231-057, 15-01-231-058, 15-01-231-059, 15-01-231-060, 15-01-231-061, 15-01-231-062, 15-01-231-063, 15-01-231-064, 15-01-231-065, 15-01-231-066, 15-01-231-067, 15-01-231-068, 15-01-231-069, 15-01-231-070, 15-01-231-071, 15-01-231-072, 15-01-231-073, 15-01-231-074, 15-01-231-075, 15-01-231-076, 15-01-231-077, 15-01-231-078, 15-01-231-079, 15-01-231-080, 15-01-231-081, 15-01-231-082, 15-01-231-083, 15-01-231-084, 15-01-231-085, 15-01-231-086, 15-01-231-087, 15-01-231-088, 15-01-231-089, 15-01-231-090, 15-01-231-091, 15-01-231-092, 15-01-231-093, 15-01-231-094, 15-01-231-095