

**FOURTH AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM FOR
EAST TOWN VILLAGE CONDOMINIUM
An Expandable Utah Condominium Project**

This Fourth Amendment to the Amended and Restated Declaration of Condominium for East Town Village Condominium (hereinafter "Fourth Amendment"), hereby amends that certain Amended and Restated Declaration of Condominium for East Town Village Condominium, recorded on June 9, 2011 in the Salt Lake County Recorder's Office, as Entry No. 11195609 and is hereby adopted by the Successor Declarant East Town Village, L.C., a Utah limited liability company ("Successor Declarant") and is made and executed as of the last date set forth in the notarized signature below.

RECITALS:

(A) This Fourth Amendment affects and concerns the real property located in Salt Lake County, Utah, and more particularly described in the attached **Exhibit "A"** ("Property").

(B) On or about June 9, 2011, the Amended and Restated Declaration of Condominium for East Town Village Condominium was recorded in the Salt Lake County Recorder's Office as Entry No. 11195609, as amended ("Declaration"). The Bylaws were recorded as an exhibit to the Declaration.

(C) On or about March 24, 2014, an Amendment to the Amended and Restated Declaration of Condominium for East Town Village Condominium was recorded in the Salt Lake County Recorder's Office as Entry No. 11822647 ("First Amendment").

(D) On or about November 17, 2014, an Amendment to the Declaration of Condominium for East Town Village Condominium was recorded in the Salt Lake County Recorder's Office as Entry No. 11946505 ("Second Amendment").

(E) On or about October 29, 2015, an Amendment to the Declaration of Condominium for East Town Village Condominium was recorded in the Salt Lake County Recorder's Office as Entry No. 12161178 ("Third Amendment").

CERTIFICATION

The Successor Declarant certifies that the period of Successor Declarant's Control has not expired. Consequently, under Declaration Article III, Section 32(c) and (d) and Article I, Section [40] of the Second Amendment, Successor Declarant has the unilateral right to amend the Declaration.

The Successor Declarant certified that there are currently no Eligible Mortgagees, as that term is defined in the Declaration.

NOW, THEREFORE, pursuant to the foregoing, the Board hereby makes and executes this Fourth Amendment, which shall be effective as of its recording date.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. **Recitals.** The above Recitals are incorporated herein by reference and made a part hereof.

2. **No Other Changes.** Except as otherwise expressly provided in this Fourth Amendment, the Declaration remains in full force and effect without modification.

3. **Conflicts.** In the case of any conflict between the provisions of this Fourth Amendment and the provisions of the Declaration, the provisions of this Fourth Amendment shall in all respects govern and control. In the case of any existing provision with the Declaration that could be interpreted as prohibiting the modifications set forth in this Fourth Amendment, such provision is hereby modified to accomplish the purpose and intent of this Fourth Amendment.

4. **Purpose.** It is the purpose and intent of this Fourth Amendment to modify any existing provision(s) within the Declaration and its subsequent amendments that may not comply with current regulations or requirements for certification, approval or eligible financing from the Federal Housing Administration of the United States Department of Housing and Urban Development (FHA), the Federal Housing Home Loan Mortgage Corporation or the Mortgage Corporation (FHLMC), Federal National Mortgage Association (FNMA), Governing National Mortgage Association (GNMA) or the Department of Veteran Affairs (VA), Federal Housing Finance Agency (FHFA), Fannie Mae, or Freddie Mac (collectively "Federal Lending Agencies"), including the modified paragraph set forth below.

AMENDMENTS

5. Article III, Paragraph 31(f) **Approval of Proposed Action or Transaction** of the Declaration is hereby amended as follows:

f) **Approval of Proposed Action or Transaction.** Any Mortgagee who receives, by certified or registered mail, a written request, with a return receipt requested, to approve any act, transaction or amendment to the Declaration, and who does not return a negative response within sixty (60) days shall be deemed to have approved such requested; provided however, and anything to the contrary notwithstanding, so long as successor Declaration is in control of the owner's association, such action or transaction must be approved in writing by the Department of Veterans Affairs (VA) pursuant to CFR, Title 38, Section 36.4357(b)(4) and, if any financing or the guaranty of any financing of a Unit is provided by the Federal Housing Administration of the United States Department of Housing and Urban Development (FHA), the Federal Home Loan Mortgage Corporation or the Mortgage Corporation (FHLMC), Federal National Mortgage Association (FNMA), Government National Mortgage Association (GNMA), by

such agencies.

6. Any other existing provision in the Declaration and subsequent amendments is hereby modified to comply with existing requirements for Federal Lending Agencies. Any existing provision that does not comply with Federal Lending Agencies is hereby void and eliminated.

EAST TOWN VILLAGE, L.C.

R. Scott McQuarrie
By: _____
Its: Authorized Agent

STATE OF Utah)
) : ss
COUNTY OF Utah)

On this 29 day of June, 2020, personally appeared before me Melissa Berg, who being by me duly sworn, did say that he/~~she~~ is the Authorized Agent of East Town Village, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said company by authority of its Articles of Organization or a resolution of its Members, and said R. Scott McQuarrie duly acknowledged to me that said Company executed the same.

Melissa Berg

Notary Public

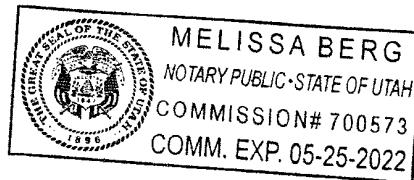


Exhibit A
Legal Description

ALL UNITS IN EAST TOWN VILLAGE CONDOMINIUMS AS SHOWN ON THE OFFICIAL MAPS
THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, UTAH.

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22313032240000 UNIT 5, BLDG M, EAST TOWN VILLAGE PH 30.
22313032250000 UNIT 9, BLDG M, EAST TOWN VILLAGE PH 30.
22313032260000 UNIT 2, BLDG M, EAST TOWN VILLAGE PH 30.
22313032270000 UNIT 6, BLDG M, EAST TOWN VILLAGE PH 30.
22313032280000 UNIT 10, BLDG M, EAST TOWN VILLAGE PH 30.
22313032290000 UNIT 4, BLDG M, EAST TOWN VILLAGE PH 30.
22313032300000 UNIT 8, BLDG M, EAST TOWN VILLAGE PH 30.
22313032310000 UNIT 12, BLDG M, EAST TOWN VILLAGE PH 30.
22313032320000 UNIT 3, BLDG M, EAST TOWN VILLAGE PH 30.
22313032330000 UNIT 7, BLDG M, EAST TOWN VILLAGE PH 30.
22313032340000 UNIT 11, BLDG M, EAST TOWN VILLAGE PH 30.

EXHIBIT "B"
ADDITIONAL LAND

Proposed Lots 1, 2, 3, 7, 8, 9 of East Town Villages, Sandy, Utah, according to the official plats thereof to be recorded in the office of the Salt Lake County Recorder, Utah, more particularly described as follows:

LOT 1

Beginning at a point on the south line of East Town Village - Phase 30, said point being South 0°06'55" East 616.04 feet along the section line and East 165.48 feet to the Southwest Corner of East Town Village Phase 1 and South 89°54'59" East 154.34 feet along the south line of East Town Village Phase 1 to and along the south line of East Town Village Phase 20 to the Northwest Corner of East Town Village - Phase 31 and South 89°54'59" East 130.53 feet along the north line to an angle point in the north line of East Town Village - Phase 31, said line also being the south line of East Town Village Phase 20 and Phase 21, and South 89°54'00" East 592.97 feet along the north line and beyond of East Town Village - Phase 31, said line also being on the south line of East Town Village Phase 21, Phase 17, Phase 16, Phase 15, and Phase 14 from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 89°54'00" East 320.28 feet along the south line of East Town Village Phase "14" to and along the south line of East Town Village Phase 30 to and along and to the Southeast Corner of East Town Village Phase "29," being the westerly line of the Utah Transit Authority right of way;

thence South 4°48'50" East 504.92 feet along the westerly line of the Utah Transit Authority right of way;

thence South 85°11'00" West 67.00 feet;

thence North 4°48'50" West 14.67 feet;

thence South 85°10'06" West 53.01 feet;

thence westerly 13.24 feet along the arc of a 50.00 foot radius curve to the left, (center bears South 4°49'54" East and long chord bears South 77°35'03" West 13.20 feet, with a central angle of 15°10'06");

thence South 70°00'00" West 66.96 feet;

thence South 89°46'49" West 7.49 feet;

thence northwesterly 180.73 feet along the arc of a 529.00 foot radius curve to the left, (center bears South 89°34'29" West and long chord bears North 10°12'46" West 179.85 feet, with a central angle of 19°34'29");

thence North 20°00'00" West 370.27 feet to the point of beginning.

Contains 127,623 square feet, 2.930 acres.

thence easterly 13.24 feet along the arc of a 50.00 foot radius curve to the right,
(center bears South 20°00'00" East and long chord bears North 77°35'03" East 13.20 feet,
with a central angle of 15°10'06");

thence North 85°10'06" East 53.01 feet;

thence South 4°48'50" East 14.67 feet;

thence North 85°11'00" East 67.00 feet to the point of beginning.

Contains 30,482 square feet, 0.700 acres.

LOT 2

Beginning at a point on the westerly line of the Utah Transit Authority right of way, said point being South 0°06'55" East 616.04 feet along the section line and East 165.48 feet to the Southwest Corner of East Town Village Phase 1 and South 89°54'59" East 154.34 feet along the south line of East Town Village Phase 1 to and along the south line of East Town Village Phase 20 to the Northwest Corner of East Town Village – Phase 31 and South 89°54'59" East 130.53 feet along the north line to an angle point in the north line of East Town Village – Phase 31, said line also being the south line of East Town Village Phase 20 and Phase 21, and South 89°54'00" East 759.10 feet along the north line and beyond of East Town Village – Phase 31, said line also being on the south line of East Town Village Phase 21, Phase 17, Phase 16, Phase 15, Phase 14 and Phase 30 to the Southeast Corner of Phase 30, also being on the westerly line of the Utah Transit Authority right of way and South 4°48'50" East 504.92 feet along the westerly line of the Utah Transit Authority right of way from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 4°48'50" East 92.63 feet along the westerly line of the Utah Transit Authority right of way;

thence South 85°12'15" West 22.15 feet;

thence South 4°48'50" East 54.00 feet;

thence South 85°11'10" West 80.87 feet;

thence westerly 11.68 feet along the arc of a 112.00 foot radius curve to the right, (center bears North 4°48'50" West and long chord bears South 88°10'26" West 11.67 feet, with a central angle of 5°58'31");

thence North 88°50'19" West 104.72 feet;

thence northerly 12.01 feet along the arc of a 529.00 foot radius curve to the left, (center bears North 87°32'16" West and long chord bears North 1°48'42" East 12.01 feet, with a central angle of 1°18'02");

thence North 1°09'41" East 105.13 feet;

thence northwesterly 14.65 feet along the arc of a 529.00 foot radius curve to the left, (center bears North 88°50'19" West and long chord bears North 0°22'05" East 14.65 feet, with a central angle of 1°35'12");

thence North 89°46'49" East 7.49 feet;

thence North 70°00'00" East 66.96 feet;

LOT 3

Beginning at a point on the westerly line of the Utah Transit Authority right of way, said point being South 0°06'55" East 616.04 feet along the section line and East 165.48 feet to the Southwest Corner of East Town Village Phase 1 and South 89°54'59" East 154.34 feet along the south line of East Town Village Phase 1 to and along the south line of East Town Village Phase 20 to the Northwest Corner of East Town Village – Phase 31 and South 89°54'59" East 130.53 feet along the north line to an angle point in the north line of East Town Village – Phase 31, said line also being the south line of East Town Village Phase 20 and Phase 21, and South 89°54'00" East 913.25 feet along the north line and beyond of East Town Village – Phase 31, said line also being on the south line of East Town Village Phase 21, Phase 17, Phase 16, Phase 15, Phase 14, Phase 30 and Phase 29 to the Southeast Corner of Phase 29, also being on the westerly line of the Utah Transit Authority right of way and South 4°48'50" East 597.55 feet along the westerly line of the Utah Transit Authority right of way from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 4°48'50" East 679.60 feet along the westerly line of the Utah Transit Authority right of way;

thence North 20°00'00" West 506.38 feet;

thence North 88°50'19" West 106.47 feet;

thence North 0°20'19" East 34.61 feet;

thence northeasterly 58.34 feet along the arc of a 471.00 foot radius curve to the right, (center bears South 89°39'41" East and long chord bears North 3°53'13" East 58.30 feet, with a central angle of 7°05'47");

thence northeasterly 45.91 feet along the arc of a 529.00 foot radius curve to the left, (center bears North 82°33'54" West and long chord bears North 4°56'55" East 45.90 feet, with a central angle of 4°58'23");

thence South 88°50'19" East 104.72 feet;

thence easterly 11.68 feet along the arc of a 112.00 foot radius curve to the left, (center bears North 1°09'41" East and long chord bears North 88°10'26" East 11.67 feet, with a central angle of 5°58'31");

thence North 85°11'10" East 80.87 feet;

thence North 4°48'50" West 54.00 feet;

thence North 85°12'15" East 22.15 feet to the point of beginning.

Contains 65,359 square feet, 1.500 acres.

LOT 7

Beginning at a point being South $0^{\circ}06'55''$ East 1148.06 feet along the section line and East 166.60 feet from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South $89^{\circ}56'27''$ East 99.34 feet;

thence South 221.06 feet;

thence North $89^{\circ}38'35''$ West 79.47 feet;

thence northwesterly 31.12 feet along the arc of a 20.00 foot radius curve to the right, (center bears North $0^{\circ}21'25''$ East and long chord bears North $45^{\circ}03'50''$ West 28.08 feet, with a central angle of $89^{\circ}09'30''$);

thence North $0^{\circ}21'25''$ East 200.58 feet to the point of beginning.

Contains 21,727 square feet, 0.499 acres.

LOT 8

Beginning at a point on a south line of East Town Village – Phase 31, (also being the south line of Opequon Road,) said point being South 0°06'55" East 757.33 feet along the section line and East 189.70 feet from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence East 132.09 feet along the south line of East Town Village – Phase 31, (also being the south line of Opequon Road,) to the Northwest Corner of East Town Village – Phase 33;

thence South 132.40 feet along the west line of East Town Village – Phase 33 to and along the west line to the Southwest Corner of East Town Village – Phase 34;

thence North 89°55'20" West 55.07 feet;

thence South 57.60 feet;

thence North 89°55'20" West 98.09 feet;

thence North 0°21'25" East 169.99 feet;

thence northeasterly 31.29 feet along the arc of a 20.00 foot radius curve to the right, (center bears South 89°38'35" East and long chord bears North 45°10'42" East 28.20 feet, with a central angle of 89°38'35") to the point of beginning.

Contains 25,724 square feet, 0.591 acres.

LOT 9

Beginning at a point on the south line of East Town Village Phase 1, said point being South 0°06'55" East 616.04 feet along the section line and East 170.98 feet from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 89°54'59" East 148.84 feet along the south line of East Town Village Phase 1 to a Northwest Corner of East Town Village – Phase 31;

thence South 83.07 feet along the west line of East Town Village – Phase 31 to and along the west line to the Southwest Corner of East Town Village – Phase 32 and being on a north line of East Town Village – Phase 31, (also being the north line of Opequon Road);

thence West 129.23 feet along the north line of East Town Village – Phase 31, (also being the Opequon Road);

thence northwesterly 31.54 feet along the arc of a 20.00 foot radius curve to the right, (center bears North and long chord bears North 44°49'18" West 28.37 feet, with a central angle of 90°21'25");

thence North 0°21'25" East 63.16 feet to the point of beginning.

Contains 12,315 square feet, 0.283 acres.