

10444654
06/04/2008 11:04 AM \$62.00
Book - 9613 Pg - 8218-8220
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BELMONT DOWNTOWN CONDOMINIUMS
10421 S JORDAN GATEWAY #600
S JORDAN UT 84095
BY: ZJM, DEPUTY - WI 3 P.

WHEN RECORDED, RETURN TO:

Belmont Downtown Condominiums, LLC
10421 South Jordan Gateway, Suite 600
South Jordan, Utah 84095

FIRST AMENDMENT TO
AMENDED & RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
THE BELMONT DOWNTOWN CONDOMINIUMS

3-48

THIS FIRST AMENDMENT TO AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE BELMONT DOWNTOWN CONDOMINIUMS (the "Amendment") is made and entered into as of the 3rd day of June, 2008, by Belmont Downtown Condominiums, LLC, a Utah limited liability company (the "Declarant").

Recitals

A. The Belmont Downtown Condominiums (the "Project") comprises the real property (including both individual units and common areas) located in Salt Lake County, Utah, described with particularity in Exhibit A attached hereto and incorporated herein.

B. The Amended & Restated Declaration of Covenants, Conditions and Restrictions of The Belmont Downtown Condominiums dated April 1, 2008 (the "Declaration") was recorded April 1, 2008, as Entry No. 10388849, at Book 9589, Pages 6239-6301, in the office of the Salt Lake County Recorder. This Declaration amended and restated that certain declaration recorded December 27, 2007, as Entry No. 10310047, at Book 9552, Pages 8330-8370.

C. This Amendment, requested by the Federal Housing Administration, is made by Declarant pursuant to Section 13.3 of the Declaration, and removes certain conditions on the leasing of Units within the Property.

Amendment

NOW THEREFORE, the Declaration is hereby amended by Declarant, pursuant to Declarant's authority found in Section 13.3 of the Declaration, as follows:

1. Amendment to Section 10.5 of the Declaration. Section 10.5 of the Declaration is hereby amended as follows:

a. Subsection 10.5(A) is hereby deleted in its entirety.

b. The second sentence of Subsection 10.5(B) is hereby deleted in its entirety, and the following sentence is inserted in lieu thereof:

The Board of Directors shall not approve of a lease that would result in a violation of the provisions of any provision of this Declaration.

c. The first sentence of Subsection 10.5(C) is hereby deleted in its entirety, and the following sentence is inserted in lieu thereof:

The Board of Directors or Manager may regulate rentals of the Units, to the extent provided in this Declaration and the Bylaws of the Association.

d. Subsection 10.5(G) is hereby deleted in its entirety.

2. Remaining Terms. Except as specifically amended herein, the terms of the Declaration shall remain and continue in full force and effect as set forth in such Declaration.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and year first above written.

DECLARANT:

BELMONT DOWNTOWN CONDOMINIUMS, LLC, a Utah limited liability company

By: [Signature]
Name: Ryan Bailey
Its: Project Manager

STATE OF UTAH)
 : ss.)
County of Salt Lake)

On the 4 day of June, 2008, personally appeared before me Ryan Bailey, the Project Manager of Belmont Downtown Condominiums, LLC, a Utah limited liability company, who duly acknowledged to and before me that he executed the foregoing instrument for and on behalf of said limited liability company, having authority to so act.

[Signature]
Notary Public

[Seal]

985557

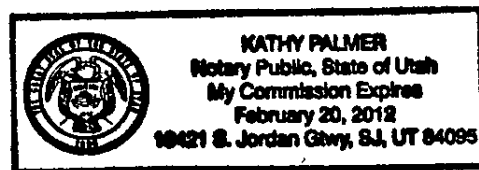


EXHIBIT A

Legal Description

The following property is located in Salt Lake County, Utah:

Beginning at the intersection of the south line of Belmont Avenue and the west line of 200 East Street, said point being West 33.00 feet by Deed from the Northeast Corner of Lot 9, Block 21, Five Acre Plat "A", Big Field Survey, said point of beginning also being South 89°58'21" West 34.55 feet along the Belmont Avenue monument line and North 0°03'28" East 5.82 feet from a street monument found at the intersection of Belmont Avenue and 200 East Street, and running:

thence South 0°03'28" West 181.93 feet along the west line of 200 East Street;

thence South 89°58'57" West 393.27 feet;

thence North 0°03'28" East 181.86 feet to the south line of Belmont Avenue;

thence North 89°58'21" East 393.27 feet along the south line of said Belmont Avenue to the point of beginning.

Containing approximately 71,534 sq. ft. or 1.64 acres.

Tax Parcel # 16-07-155-003