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 09/23/2009 04:35 PM \$117.00  
 Book - 9765 Pg - 2392-2400  
**GARY W. OTT**  
 RECORDER, SALT LAKE COUNTY, UTAH  
 PARSONS, BEHLE & LATIMER  
 201 S MAIN ST STE.1800  
 SLC UT 84145-0898  
 BY: LDT, DEPUTY - WI 9 P.

**WHEN RECORDED RETURN TO:**

PARSONS BEHLE & LATIMER  
 One Utah Center  
 201 South Main Street, Suite 1800  
 Salt Lake City, Utah 84111  
Attention: Brian P. Rosander

Space above for County Recorder's Use

**FIRST AMENDMENT TO DECLARATION OF  
 COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
 MIDVALLEY STATION TOWN HOMES**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MIDVALLEY STATION TOWN HOMES ("First Amendment") is made and executed this 23 day of September, 2009, by the MIDVALLEY STATION TOWNHOMES PUD HOME OWNERS ASSOCIATION, INC., a Utah nonprofit corporation (the "Association") and FIRST UTAH BANK, a Utah corporation, doing business as Skyline Real Estate ("FUB"), with respect to the following:

**RECITALS**

A. FUB is the fee simple owner of seventy-eight (78) lots within the Midvalley Station Townhomes Planned Unit Development (the "Project") located in the City of Midvale, County of Salt Lake, State of Utah, as evidenced by that certain General Warranty Deed, recorded on August 10, 2009, as Entry No. 10773489, in Book 9753, at Page 6407, in the Official Records of the County Recorder of Salt Lake County, State of Utah.

B. Pursuant to the aforementioned conveyance and other separate assignments and/or agreements between FUB, DBC Enterprises, LLC, a Utah limited liability company ("DBC"), and Douglas E. Cannon, an individual ("Cannon"), FUB is the legal and equitable successor-in-interest and assign to DBC and Cannon, and FUB is entitled to act as "Declarant" under that certain Declaration of Covenants, Conditions, and Restrictions Establishing a Plan of Townhome Ownership for MidValley Station Town Homes, dated January 9, 2008, and recorded on January 9, 2008, as Entry No. 10319902, in Book 9557, at Page 6520, in the Official Records of the County Recorder of Salt Lake County, State of Utah (the "Declaration"), with respect to the Property and the Project. Accordingly, any and all right, title, or interest reserved or contained in the Declaration for the benefit of DBC and/or Cannon, as the original Declarant, has been voluntarily transferred and assigned to FUB.

C. Similarly, any and all right, title, and interest of DBC and Cannon as incorporator, director, board member, officer, or otherwise under those certain Articles of Incorporation, as may have been amended (the "Articles"), of the MidValley Station Townhomes PUD Home

Owners Association, Inc., a Utah nonprofit corporation (the "Association"), the By-Laws of the Association, as may have been amended (the "By-Laws"), and any other corporate governance documents of the Association, together with the Articles and By-Laws (collectively, the "Association Documents"), have been voluntarily conveyed, transferred, and assigned to FUB.

D. The Association Documents specifically grant exclusive authority to Declarant, or its successors and assignees, to appoint the Board of Directors and Officers for the Association until certain events under the Declaration have occurred. Accordingly, FUB has appointed certain individuals to serve as the Board of Directors and Officers for the Association.

E. The Association and FUB hereby desires to modify and amend the Declaration in order to make certain technical corrections, clarify ambiguities, reflect certain changes to the Project, and incorporate that certain Midvalley Station Town Homes P.U.D. Amended Plat, as identified in the Record of the Survey Map recorded in the Official Records of Salt Lake County, Utah, on September 2, 2009, as Entry No. 10790404, in Book 2009P of Plats, at Page 127 (the "Amended Plat"), which, among other things, reduces the total number of lots within the Project and reassigns certain lot number as identified on the Amended Plat.

#### AMENDMENT

NOW THEREFORE, FUB, as Declarant, hereby modifies and amends the Declaration as follows:

1. Recitals. The recitals set forth above and the exhibits attached to this First Amendment are each incorporated into the body of this First Amendment as if set forth in full herein.
2. Amendment to the Declaration. This First Amendment constitutes an amendment to the Declaration. In the event of any conflict or inconsistency between the terms of this First Amendment and the terms of the Declaration, the terms of this First Amendment shall control.
3. Definitions. Unless otherwise indicated herein, all capitalized terms used in this First Amendment shall have the definition assigned to such terms in the Declaration.
4. Legal Description. The legal description attached as Exhibit "A" of the Declaration is replaced in its entirety with Exhibit "A" attached to this First Amendment.
5. Percentage of Ownership Interest. The unit numbers, percentage of ownership interests in the Association, and other items as shown on Exhibit "B" of the Declaration is hereby replaced in its entirety with Exhibit "B" attached to this First Amendment.
6. Ratification of the Amended Plat. A separate instrument titled "Owner's Dedication for Planned Unit Development Amended Plat" ("Owner's Dedication") will be concurrently recorded with this First Amendment and incorporated herein to confirm and establish that the Association and FUB have approved of, consented to, and ratified the Amended Plat in accordance with the provisions of the Owner's Dedication and the Amended Plat.

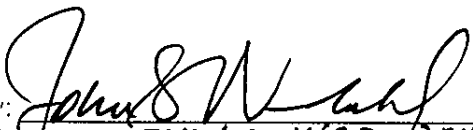
7. Ratification. Except as set forth herein, all of the terms and conditions contained in the Declaration shall remain the same and in full force and effect, and the Declaration is hereby ratified and reaffirmed.

8. Counterparts. This First Amendment may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

This First Amendment has been executed as of the day and year first written above.


**OWNER:**

**FIRST UTAH BANK**, a Utah corporation,  
doing business as Skyline Real Estate

By:   
Print Name: JOHN S. WORMDAHL  
Title: EXECUTIVE VICE PRES

**ASSOCIATION:**

**MIDVALLEY STATION TOWNHOMES  
PUD HOME OWNERS ASSOCIATION,  
INC.**, a Utah nonprofit corporation

By:   
Print Name: JOHN S. WORMDAHL  
Title: PRES.

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

On the 23 day of September, 2009, John S. Wormdahl, as the Executive Vice President of First Utah Bank, a Utah corporation, doing business as Skyline Real Estate, personally appeared before me as the signer of the foregoing instrument and duly acknowledged to me that he executed the same, and that he was duly authorized to do the same.

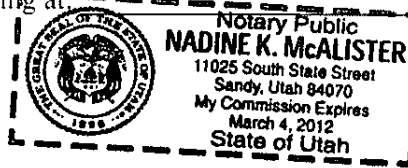
*Nadine K. McAlister*

NOTARY PUBLIC

Residing at: \_\_\_\_\_

My commission expires:

\_\_\_\_\_



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

On the 23 day of September, 2009, John S. Wormdahl, as the President of the Midvalley Station Townhomes PUD Home Owners Association, Inc., a Utah nonprofit corporation, personally appeared before me as the signer of the foregoing instrument and duly acknowledged to me that he executed the same, and that he was duly authorized to do the same.

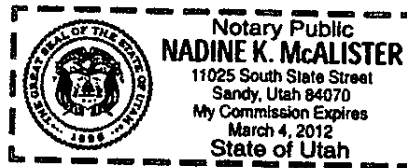
*Nadine K. McAlister*

NOTARY PUBLIC

Residing at: \_\_\_\_\_

My commission expires:

\_\_\_\_\_



**EXHIBIT "A"**  
**TO**  
**FIRST AMENDMENT TO DECLARATION OF**  
**COVENANTS, CONDITIONS, AND RESTRICTIONS FOR**  
**MIDVALLEY STATION TOWN HOMES**

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LEGAL DESCRIPTION OF PROJECT

The real property referenced in the foregoing First Amendment to Declaration of Covenants, Conditions, and Restrictions for Midvalley Station Town Homes is located in the City of Midvale, County of Salt Lake, State of Utah and is more particularly described as follows:

UNITS 1 THROUGH 12, 77 THROUGH 82, AND 100 THROUGH 175, AS CONTAINED WITHIN THE MIDVALLEY STATION TOWN HOMES P.U.D. AMENDED, AS IDENTIFIED IN THE RECORD OF THE SURVEY MAP RECORDED IN SALT LAKE COUNTY, UTAH, ON SEPTEMBER 2, 2009, AS ENTRY NO. 10790404, IN BOOK 2009P OF PLATS, AT PAGE 127 (AS SAID MAP MAY HEREAFTER BE AMENDED, SUPPLEMENTED, AND/OR RATIFIED).

INCLUDING ANY AND ALL COMMON AREAS AND OPEN SPACE IDENTIFIED IN THE MIDVALLEY STATION TOWN HOMES P.U.D. AMENDED, AS IS IDENTIFIED IN THE RECORD OF THE SURVEY MAP RECORDED IN SALT LAKE COUNTY, UTAH, ON SEPTEMBER 2, 2009, AS ENTRY NO. 10790404, IN BOOK 2009P OF PLATS, AT PAGE 127 (AS SAID MAP MAY HEREAFTER BE AMENDED, SUPPLEMENTED, AND/OR RATIFIED), AND IN THE DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF MIDVALLEY STATION TOWN HOMES P.U.D., A PLANNED UNIT DEVELOPMENT, RECORDED IN SALT LAKE COUNTY ON JANUARY 10, 2008 AS ENTRY NO. 10319902, IN BOOK 9557, AT PAGE 6520 (AS SAID DECLARATION MAY HEREAFTER BE AMENDED AND/OR SUPPLEMENTED).

**EXHIBIT "B"**  
**TO**  
**FIRST AMENDMENT TO DECLARATION OF**  
**COVENANTS, CONDITIONS, AND RESTRICTIONS FOR**  
**MIDVALLEY STATION TOWN HOMES**

SCHEDULE OF UNITS, VOTES AND UNDIVIDED INTERESTS IN COMMON AREAS AND FACILITIES

UNIT/LOT NUMBER	NUMBER OF VOTES PER UNIT/LOT	UNDIVIDED INTEREST PER UNIT IN THE COMMON AREAS AND FACILITIES
Unit 1	1	.010638
Unit 2	1	.010638
Unit 3	1	.010638
Unit 4	1	.010638
Unit 5	1	.010638
Unit 6	1	.010638
Unit 7	1	.010638
Unit 8	1	.010638
Unit 9	1	.010638
Unit 10	1	.010638
Unit 11	1	.010638
Unit 12	1	.010638
Unit 77	1	.010638
Unit 78	1	.010638
Unit 79	1	.010638
Unit 80	1	.010638
Unit 81	1	.010638
Unit 82	1	.010638
Unit 100	1	.010638
Unit 101	1	.010638
Unit 102	1	.010638
Unit 103	1	.010638

Unit 104	1	.010638
Unit 105	1	.010638
Unit 106	1	.010638
Unit 107	1	.010638
Unit 108	1	.010638
Unit 109	1	.010638
Unit 110	1	.010638
Unit 111	1	.010638
Unit 112	1	.010638
Unit 113	1	.010638
Unit 114	1	.010638
Unit 115	1	.010638
Unit 116	1	.010638
Unit 117	1	.010638
Unit 118	1	.010638
Unit 119	1	.010638
Unit 120	1	.010638
Unit 121	1	.010638
Unit 122	1	.010638
Unit 123	1	.010638
Unit 124	1	.010638
Unit 125	1	.010638
Unit 126	1	.010638
Unit 127	1	.010638
Unit 128	1	.010638
Unit 129	1	.010638
Unit 130	1	.010638
Unit 131	1	.010638
Unit 132	1	.010638
Unit 133	1	.010638
Unit 134	1	.010638

Unit 135	1	.010638
Unit 136	1	.010638
Unit 137	1	.010638
Unit 138	1	.010638
Unit 139	1	.010638
Unit 140	1	.010638
Unit 141	1	.010638
Unit 142	1	.010638
Unit 143	1	.010638
Unit 144	1	.010638
Unit 145	1	.010638
Unit 146	1	.010638
Unit 147	1	.010638
Unit 148	1	.010638
Unit 149	1	.010638
Unit 150	1	.010638
Unit 151	1	.010638
Unit 152	1	.010638
Unit 153	1	.010638
Unit 154	1	.010638
Unit 155	1	.010638
Unit 156	1	.010638
Unit 157	1	.010638
Unit 158	1	.010638
Unit 159	1	.010638
Unit 160	1	.010638
Unit 161	1	.010638
Unit 162	1	.010638
Unit 163	1	.010638
Unit 164	1	.010638
Unit 165	1	.010638



Unit 166	1	.010638
Unit 167	1	.010638
Unit 168	1	.010638
Unit 169	1	.010638
Unit 170	1	.010638
Unit 171	1	.010638
Unit 172	1	.010638
Unit 173	1	.010638
Unit 174	1	.010638
Unit 175	1	.010638
	<b>Total Votes Held by Owners = 96</b>  (Note: Does not include Votes Held by Declarant)	<b>Total Percentage Interests = 100%</b>