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 04/16/2010 11:51 AM \$46.00
 Book - 9818 Pg - 4709-4712
 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 GARDINER PROPERTIES
 1075 E 2100 S
 SLC UT 84106
 BY: ZJM, DEPUTY - WI 4 P.

WHEN RECORDED, RETURN TO:

Gardiner Properties 1100 East, LLC
 1075 East 2100 South
 Salt Lake City, Utah 84106
 Attention: Mr. John A. Gardiner

**FIRST AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 OF THE
 URBANA ON 11TH CONDOMINIUMS**

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE URBANA ON 11TH CONDOMINIUMS (this "First Amendment") is made and entered into as of the 15th day of April, 2010, by GARDINER PROPERTIES 1100 EAST, LLC, a Utah limited liability company ("Declarant").

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions of the Urban on 11th Condominiums, dated as of December 21, 2009, recorded in the Salt Lake County Recorder's Office on December 22, 2009, as Entry No. 10864425, Book 9790, Pages 7787-7854 (the "Declaration"), pertaining to a condominium project known as the "Urbana on 11th Condominiums" (the "Project") to be constructed on certain real property owned by Declarant and situated in Salt Lake City, Salt Lake County, Utah, as more particularly described in attached Exhibit A, all in accordance with the terms and conditions of the Declaration;

WHEREAS, capitalized terms used, but not otherwise defined, in this First Amendment, shall have the meanings set forth for such terms in the Declaration;

WHEREAS, as of the date of this First Amendment, Declarant is the owner of all of the "Units" in the Project and 100% of the "Total Votes of the Association" (as such terms are defined in the Declaration);

WHEREAS, Declarant now desires to amend the Declaration to provide for certain restrictions on smoking in certain designated areas of the Project, as more particularly set forth below; and

WHEREAS, Subsection 16(f) of the Declaration provides that any amendment to the Declaration must be evidenced by a written instrument containing the consent of "Owners" (as defined in the Declaration) holding at least 67% of the Total Votes of the Association.

NOW, THEREFORE, to these ends and in consideration of the covenants contained herein and in the Declaration, Declarant hereby declares as follows:

1. The following new Subsection 6(w) shall be added to the Declaration in Article 6, Restrictions on Use, following existing Subsection 6(v):

(w) Smoking. Smoking shall be absolutely prohibited in any lobby, elevator, parking garage, storage area, stairwell, corridor, and the fourth (4th) floor roof garden located within the Project.

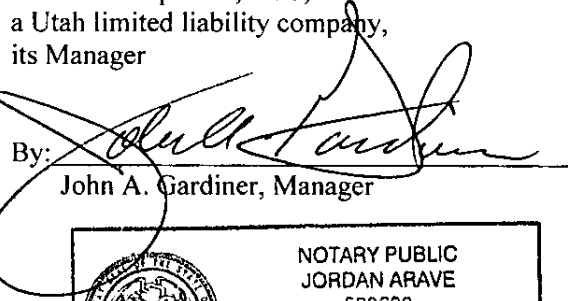
2. This First Amendment shall be governed by, and construed in accordance with, the laws of the State of Utah. The recitals stated above shall be and hereby are incorporated in and made an integral part of this First Amendment by this reference. Except as specifically modified by this First Amendment, all of the remaining terms and conditions set forth in the Declaration shall remain unchanged and in full force and effect.

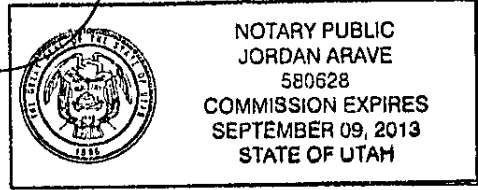
IN WITNESS WHEREOF, the undersigned Declarant has executed this First Amendment to be effective as of the day and year first above written.

DECLARANT:

GARDINER PROPERTIES 1100 EAST, LLC,
a Utah limited liability company

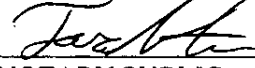
By: Gardiner Properties, LLC,
a Utah limited liability company,
its Manager

By: 
John A. Gardiner, Manager



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

The foregoing instrument was acknowledged before me this 15 day of April, 2010, by John A. Gardiner, the Manager of GARDINER PROPERTIES, LLC, a Utah limited liability company.


NOTARY PUBLIC

My Commission Expires:
September 09 2013

Residing at:
1095 E 2100 S SALT LAKE CITY
UT 84106

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

That certain real property located in Salt Lake County, Utah, described as follows:

PARCEL 1:

A parcel of land, part of Lot 20, Block 1, Five Acre Plat "A," Big Field Survey located in the Southeast Quarter of Section 17, Township 1 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, more particularly described as follows:

BEGINNING at a point, which is 27.06 feet South 00°04'07" West from the Northeast corner of said Lot 20 and running thence South 00°04'07" West 63.50 feet; thence North 89°55'47" West 143.07 feet; thence North 05°04'09" East 82.38 feet; thence North 89°25'18" East 44.99 feet; thence South 00°00'20" East 19.19 feet; thence East 90.88 feet to the POINT OF BEGINNING.

Containing 9,765 square feet or 0.22 acres.

PARCEL 2:

A parcel of land located in the Southeast Quarter of Section 17, Township 1 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, more particularly described as follows:

BEGINNING at a point, which is South 05°03'51" West 12.05 feet from the Southeast corner of Lot 4, Block 4, Evergreen Park Subdivision and running thence South 89°55'47" East 30.01 feet; thence South 05°04'09" West 60.50 feet; thence North 89°55'47" West 42.16 feet; thence North 05°03'30" East 17.92 feet to the Southeast corner of Lot 5, Block 4, Evergreen Park subdivision as recorded in the Office of the Salt Lake County Recorder; thence North 00°26'29" East 5.31 feet; thence South 89°33'31" East 2.74 feet; thence North 00°26'29" East 21.33 feet; thence North 89°33'31" West 0.59 feet; thence North 05°03'30" East 21.93 feet; thence South 89°55'18" East 12.17 feet; thence South 05°03'51" West 6.08 feet to the POINT OF BEGINNING.

Contains 2,585 square feet or 0.06 acres.

[Tax Parcel Numbers on following page]

Unit	Tax Parcel No.
101	16-17-458-001-0000
201	16-17-458-002-0000
202	16-17-458-003-0000
203	16-17-458-004-0000
204	16-17-458-005-0000
205	16-17-458-006-0000
206	16-17-458-007-0000
207	16-17-458-008-0000
208	16-17-458-009-0000
209	16-17-458-010-0000
301	16-17-458-011-0000
302	16-17-458-012-0000
303	16-17-458-013-0000
304	16-17-458-014-0000
305	16-17-458-015-0000
307	16-17-458-016-0000
308	16-17-458-017-0000
309	16-17-458-018-0000
401	16-17-458-019-0000
402	16-17-458-020-0000
403	16-17-458-021-0000
404	16-17-458-022-0000
405	16-17-458-023-0000
406	16-17-458-024-0000
501	16-17-458-025-0000
502	16-17-458-026-0000
503	16-17-458-027-0000
504	16-17-458-028-0000
505	16-17-458-029-0000
506	16-17-458-030-0000
Area	16-17-458-031-0000