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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BROADWAY TOWER HOA
230 E BROADWAY
SLC UT 84111
BY: ZJM, DEPUTY - WI 6 P.

**THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM
BROADWAY TOWER CONDOMINIUMS**

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM BROADWAY TOWER CONDOMINIUMS (as amended from time to time, this "Declaration") is made as of this 30 day of September, 2010, by **BROADWAY TOWER CONDOMINIUM, LLC**, a Utah limited liability company (together with its successors and assigns, "Declarant") and **BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC.** (the "Association").

RECITALS

A. On or about the 4th day of April, 2008, Declarant made and executed that certain "Declaration of Condominium Broadway Tower Condominium" (the "Declaration"), with respect to the certain real property located in Salt Lake City, Salt Lake County, State of Utah (the "Residential Condominium Project"), which Declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, April 4, 2008, as Entry No. 10391775, in Book 9590, beginning at Page 7696.

B. Broadway Tower Condominiums, LLC, a Utah limited liability company, became the successor Declarant of the Broadway Tower Condominium Project by virtue of that certain Warranty Deed dated April 7, 2008, and recorded in the Office of the Salt Lake County Recorder as Entry No. 10393781 in Book 9591 beginning at Page 7056.

C. The Declaration was amended by the First Amendment to Declaration of Condominium Broadway Tower Condominiums ("First Amendment"), dated September 24, 2008, recorded September 25, 2008 as Entry No. 10527913 in Book 9645 at Page 6161.

D. The Declaration was further amended by the Second Amendment to Declaration of Condominium Broadway Tower Condominiums (Second Amendment") dated January 27, 2009, recorded January 28, 2009 as Entry No. 10607709 in Book 9678 at Page 6840.

E. In order to provide financing to potential buyers of Units within the Project, FHA lenders and the U.S. Department of Housing and Urban Development require that the Declaration be amended to remove ownership and rental restrictions, which amendments will promote owner-occupied housing and protect said lenders as well as Unit and overall Project value.

F. Declarant and Unit Owners holding not less than sixty-seven percent (67%) of the Interests in Common Elements have agreed to the requested amendments as more particularly set forth herein below.

NOW, THEREFORE, in consideration of the recitals set forth herein above, the Declarant hereby declares and certifies as follows:

1. Amendment to Section 10.16(a). Declarant and the Association hereby delete Section 10.16(a) in its entirety and substitute the following in place thereof:

(a) The number of Units located within the Residential Condominium Project which may be rented to others not a Family Member of the Owners(s) of such Units is unlimited. Subject to the restrictions set forth below in Section 10.16(b), this Declaration neither prohibits nor restricts the rental and/or lease of Units to others not a Family Member of the Owner(s).

2. Transfer Fee. Declarant and Association hereby require a Transfer Fee of \$250 to be paid by the Transferor at the time of resale of any condominium unit.

3. Common Area Interest. Declarant and Association incorporate herein by reference the Broadway Tower Condominium attachment of each condominium units Interest in the Common Area.

4. Representations of Declarant and Association. Declarant and Association represent as follows:

a. Owners holding not less than sixty-seven percent (67%) of the Interests in Common Elements have provided their consent to the amendments to the Declaration as contained herein.

5. Effective Date. This Amendment shall take effect upon filing in the offices of the County Recorder of Salt Lake County, Utah.

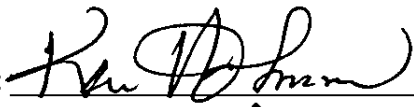
Declarant and Association have caused their names to be signed each by the signature of a duly authorized officer as of the day and year first written above.

BROADWAY TOWER CONDOMINIUMS, LLC, a Utah limited liability company,

By: **OVERLAND DEVELOPMENT CORPORATION**, a Utah corporation, its Manager

By: 
KENNETH T. HOLMAN, President

BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC., a Utah nonprofit corporation

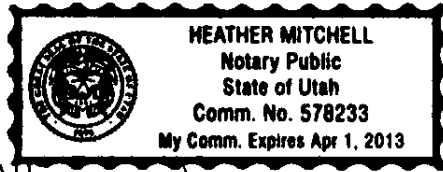
By: 
Its: President

STATE OF UTAH)

:SS.

COUNTY OF SALT LAKE)

On this 30 day of September, 2010, before me personally appeared KENNETH T. HOLMAN, who acknowledged himself to be the President of Overland Development Corporation, Manager of **BROADWAY TOWER CONDOMINIUMS, LLC**, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer of the Manager.



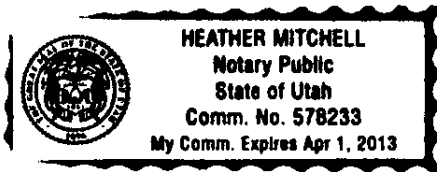
Heather Mitchell
Notary Public

STATE OF UTAH)

:SS.

COUNTY OF SALT LAKE)

On this 30 day of September, 2010, before me personally appeared before me, KENNETH T. HOLMAN who being by me duly sworn, did say that he is the **PRESIDENT** of **BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, and that the foregoing Amendment was signed on behalf of said corporation by authority of its Articles and Bylaws or a resolution of the Board of Trustees, and the said acknowledged to me that said corporation executed the same.



Heather Mitchell
Notary Public

AGREEMENT AND CONSENT OF BROADWAY TOWER APARTMENT ASSOCIATES

BROADWAY TOWER APARTMENT ASSOCIATES, a Utah limited partnership, as the holder of one or more liens affected the above referenced Land and/or Units, hereby agrees and consents to the recording of this Third Amendment to Declaration of Condominium of Broadway Tower Condominiums.

BROADWAY TOWER APARTMENT ASSOCIATES, a Utah limited partnership,

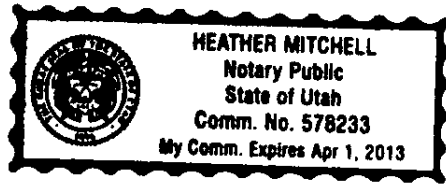
By: Kenneth T. Holman
Kenneth T. Holman,
Its General Partner

STATE OF UTAH)

:SS.

COUNTY OF SALT LAKE)

On the 30 day of September, 2010, personally appeared before me KENNETH T. HOLMAN, who being by me duly sworn, did say that he is a General Partner of BROADWAY TOWER APARTMENT ASSOCIATES, a Utah limited partnership, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer.



Heather Mitchell

Notary Public

BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC
INTEREST IN COMMON AREA

Total Units:			Total SF:	2000.000000	100%
96			79,148		
Floor #	Unit No.	Unit Style	Sq Ft	Par Value	Interest in Common Area
4	401	2	917	23.171779	1.1586%
4	402	4	614	15.515237	0.7758%
4	403	3	622	15.717390	0.7859%
4	404	6	931	23.525547	1.1763%
4	405	5	931	23.525547	1.1763%
4	406	8	700	17.688381	0.8844%
4	407	7	748	18.901299	0.9451%
4	408	11	962	24.308890	1.2154%
4	409	9	938	23.702431	1.1851%
4	410	10	722	18.244302	0.9122%
5	501	1	917	23.171779	1.1586%
5	502	2	917	23.171779	1.1586%
5	503	3	622	15.717390	0.7859%
5	504	4	624	15.767928	0.7884%
5	505	5	931	23.525547	1.1763%
5	506	6	931	23.525547	1.1763%
5	507	7	748	18.901299	0.9451%
5	508	8	700	17.688381	0.8844%
5	509	9	938	23.702431	1.1851%
5	510	10	722	18.244302	0.9122%
5	511	11	962	24.308890	1.2154%
6	601	1	917	23.171779	1.1586%
6	602	2	917	23.171779	1.1586%
6	603	3	622	15.717390	0.7859%
6	604	4	624	15.767928	0.7884%
6	605	5	931	23.525547	1.1763%
6	606	6	931	23.525547	1.1763%
6	607	7	748	18.901299	0.9451%
6	608	8	700	17.688381	0.8844%
6	609	9	938	23.702431	1.1851%
6	610	10	722	18.244302	0.9122%
6	611	11	962	24.308890	1.2154%
7	701	1	917	23.171779	1.1586%
7	702	2	917	23.171779	1.1586%
7	703	3	622	15.717390	0.7859%
7	704	4	624	15.767928	0.7884%
7	705	5	931	23.525547	1.1763%
7	706	6	931	23.525547	1.1763%
7	707	7	748	18.901299	0.9451%
7	708	8	700	17.688381	0.8844%
7	709	9	938	23.702431	1.1851%
7	710	10	722	18.244302	0.9122%
7	711	11	962	24.308890	1.2154%
8	801	1	917	23.171779	1.1586%
8	802	2	917	23.171779	1.1586%
8	803	3	622	15.717390	0.7859%
8	804	4	624	15.767928	0.7884%
8	805	5	931	23.525547	1.1763%
8	806	6	931	23.525547	1.1763%
8	807	7	748	18.901299	0.9451%
8	808	8	700	17.688381	0.8844%
8	809	9	938	23.702431	1.1851%
8	810	10	722	18.244302	0.9122%

BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC
INTEREST IN COMMON AREA

8	811	11	962	24.308890	1.2154%
9	901	1	917	23.171779	1.1586%
9	902	2	917	23.171779	1.1586%
9	903	3	622	15.717390	0.7859%
9	904	4	624	15.767928	0.7884%
9	905	5	931	23.525547	1.1763%
9	906	6	931	23.525547	1.1763%
9	907	7	748	18.901299	0.9451%
9	908	8	700	17.688381	0.8844%
9	909	9	938	23.702431	1.1851%
9	910	10	722	18.244302	0.9122%
9	911	11	962	24.308890	1.2154%
10	1001	1	917	23.171779	1.1586%
10	1002	2	917	23.171779	1.1586%
10	1003	3	622	15.717390	0.7859%
10	1004	4	624	15.767928	0.7884%
10	1005	5	931	23.525547	1.1763%
10	1006	6	931	23.525547	1.1763%
10	1007	7	748	18.901299	0.9451%
10	1008	8	700	17.688381	0.8844%
10	1009	9	938	23.702431	1.1851%
10	1010	10	722	18.244302	0.9122%
10	1011	11	962	24.308890	1.2154%
11	1101	1	917	23.171779	1.1586%
11	1102	2	917	23.171779	1.1586%
11	1103	3	622	15.717390	0.7859%
11	1104	4	624	15.767928	0.7884%
11	1105	5	931	23.525547	1.1763%
11	1106	6	931	23.525547	1.1763%
11	1107	7	748	18.901299	0.9451%
11	1108	8	700	17.688381	0.8844%
11	1109	9	938	23.702431	1.1851%
11	1110	10	852	21.529287	1.0765%
11	1111	11	751	18.977106	0.9489%
12	1201	1	917	23.171779	1.1586%
12	1202	2	917	23.171779	1.1586%
12	1203	3	622	15.717390	0.7859%
12	1204	4	624	15.767928	0.7884%
12	1205	5	931	23.525547	1.1763%
12	1206	6	931	23.525547	1.1763%
12	1207	7	748	18.901299	0.9451%
12	1208	8	700	17.688381	0.8844%
12	1209	9	1670	42.199424	2.1100%
Totals			79,148	2000.000000	100%