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Book - 9870 Pg - 5649-5654
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BIRKHILL CONDO ASSOC
ATTN: MICHAEL BRODSKY
308 E 4500 S STE 200
MURRAY UT 84107

WHEN RECORDED RETURN TO:
Birkhill Condominium Association
ATTN: Michael Brodsky
308 East 4500 South, Suite 200
Murray, UT 84107

SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR BIRKHILL (a Utah Expandable Condominium Project) *BY MICHAEL BRODSKY 6 P. Condominium for Birkhill*

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THIS SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM for BIRKHILL ("Sixth Amendment") is made this 21 day of September, 2010, by Birkhill at Fireclay, LLC, a Utah limited liability company (the "Declarant").

RECITALS:

WHEREAS, Declarant, made, executed and caused to be recorded, as Declarant, the following instruments:

(a) Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Declaration") recorded among the Salt Lake County Recorder's Office, Entry 10523182, Book 9643, Pages 7965 - 8058 on September 18, 2008 (the "Declaration"), pursuant to which the Declarant formed an association known as "Birkhill Condominium Association, Inc." ("Association"),

(b) First Amendment to the Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "First Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10603095, Book 9676, Pages 4603-4615 on January 22, 2009,

(c) Second Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Second Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10730956, Book 9736, Pages 1499-1504 on June 16, 2009,

(d) Third Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Third Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10803650, Book 9765, Pages 3891-3898 on September 24, 2009, and

(e) Fourth Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Fourth Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10831335, Book 9776, Pages 9691-9697 on November 4, 2009.

(f) Fifth Amendment to the Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Fifth Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10899683, Book 9804, Pages 7616-7627 on February 18, 2010.

WHEREAS, pursuant to Article 17.2.1 of the Declaration, the Declaration and Plat may be amended by the affirmative vote of at least sixty-seven percent (67%) of the votes cast of the Owners.

WHEREAS, due to changes in plans affecting the Birkhill development, Declarant desires to amend the Declaration as set forth below.

WHEREAS, this Sixth Amendment has been approved by at least sixty-seven (67%) of the requisite number of votes.

NOW, THEREFORE, the Declarant hereby declares that the Declaration and subsequent Amendments be amended as follows:

1. The Recitals shall form a substantive part of this Sixth Amendment.
2. The undivided interest in the Common Areas and Facilities appurtenant to each Unit and the proportionate share of the Common Areas and Facilities appurtenant to each Unit, as expanded, shall be as set forth on Exhibit "A" attached hereto. Exhibit "B" of the Fourth Amendment is hereby replaced with Exhibit "A" attached hereto and made a part hereof.
3. In all other respects, the Declaration, First Amendment, Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment remain unchanged.

WITNESS the hand and seal of Birkhill at Fireclay, LLC, on the day herein above first written:

WITNESS/ATTEST:

BIRKHILL AT FIRECLAY, LLC
By: Hamlet Homes Corporation, Member

 _____

By:  _____ (SEAL)
John Aldous, President

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 20 day of September 2010, before me, the subscriber, a Notary Public of the state of Utah, personally appeared John Aldous, known to me or suitably proven, who acknowledged himself to be President of Hamlet Homes Corporation, Member of Birkhill at Fireclay, LLC, the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of such entity.

AS WITNESS my hand and seal.


Notary Public

My Commission Expires: 06/03/13



EXHIBIT "A"

Percentage Ownership of Common Areas and Facilities

Unit #	Square footage	% Ownership
#101	2383	3.55%
#102	1810	2.85%
#103	1835	2.89%
#104	1561	2.46%
#105	1164	1.83%
#106	1327	2.08%
#107	1581	2.49%
#108	2125	3.34%
#201	1061	1.91%
#202	1127	1.91%
#203	978	1.91%
#204	978	1.91%
#205	978	1.91%
#206	978	1.91%
#207	978	1.91%
#208	1005	1.91%
#209	760	1.91%
#210	978	1.91%
#211	978	1.91%
#212	978	1.91%
#213	978	1.91%
#301	1061	1.91%
#302	1127	1.91%
#303	978	1.91%
#304	978	1.91%
#305	978	1.91%
#306	978	1.91%
#307	978	1.91%
#308	1005	1.91%
#309	760	1.91%
#310	978	1.91%
#311	978	1.91%
#312	978	1.91%
#313	978	1.91%
#314	978	1.91%
#401	1061	1.91%
#402	1127	1.91%
#403	978	1.91%
#404	978	1.91%
#405	978	1.91%
#406	978	1.91%
#407	978	1.91%
#408	1005	1.91%
#409	760	1.91%
#410	978	1.91%
#411	978	1.91%
#412	978	1.91%
#413	978	1.91%
#414	978	1.91%

CONSENT AND AGREEMENT OF TRUSTEE AND BENEFICIARY

U.S. TITLE OF UTAH, Trustee, and WELLS FARGO BANK, N.A., Beneficiary, under that certain Deed of Trust dated May 23, 2007 and recorded June 8, 2007 in the office of the Recorder of Salt Lake County, Utah in Book 9475, Page 8410; and the Deed of Trust dated May 23, 2007 and recorded June 6, 2007 in the office of the Recorder of Salt Lake County, Utah in Book 9475, Page 8442; Participation and Development Agreement between the Redevelopment Agency of Murray City and Hamlet Development Corporation, recorded December 19, 2007 in Book 9549, Page 8425; Security Agreement by Hamlet Development Corporation recorded in the office of the Recorder of Salt Lake County, Utah in Book 9565, Page 7572; and the Deed of Trust dated January 29, 2008 and recorded February 1, 2008 in the office of the Recorder of Salt Lake County, Utah in Book 9565 Page 7677 as supplemented from time to time (the "Deed of Trust" and "Agreements") hereby join the foregoing Declaration for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust and Agreements in and to the real property described in the Declaration to the operation and effect thereto.

Nothing in the foregoing provision of this Consent and Agreement of Trustee and Beneficiary shall be deemed in any way to create between the person named in such Declaration as the "the Declarant" and any of the undersigned any relationship of partnership or joint venture, or to impose upon any of the undersigned any liability, duty or obligation whatsoever.

IN WITNESS HEREOF, the said Trustee and Beneficiary have executed and sealed this Consent and Agreement of Trustee and Beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 21 day of September 2010.

WITNESS/ATTEST:

[Signature]

TRUSTEE:

U.S. TITLE OF UTAH

By: *[Signature]*

WITNESS/ATTEST:

[Signature]

BENEFICIARY:

WELLS FARGO BANK, N.A.

By: *[Signature]*

STATE OF Utah : COUNTY OF Salt Lake : TO WIT:

I HEREBY CERTIFY, that on this 21 day of September, 2010, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Larry Burton
President of U.S. TITLE OF UTAH, Trustee, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustee and Beneficiary for the purposes contained therein by signing the on behalf of the Corporation, in my presence.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



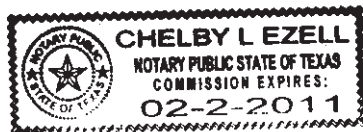
Linda Sparks-Phillips
Notary Public

My commission expires on 06/03/2013

STATE OF Texas : COUNTY OF Dallas : TO WIT:

I HEREBY CERTIFY, that on this 17 day of September, 2010, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Brian S Moe
Assistant Vice President of WELLS FARGO BANK, N.A., Beneficiary, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustee and Beneficiary for the purposes contained therein by signing the on behalf of the Corporation, in my presence.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



Chelby L Ezell
Notary Public

My commission expires on 2/2/2011

DESCRIPTION OF THE PROPERTY

All that land shown as Lot B on the plat entitled "Birkhill Phase 1 - 2nd Amended", recorded in the Salt Lake County Recorder's Office in Book 2010P on Page 28 and attached hereto.

Tax ID Numbers:

BOUNDARY DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah described as follows: Beginning at a point on the West Right-of-Way Line of Main Street and the North Right-of-Way Line of Fireclay Avenue, said point being North 00°30'11" East 45.82 feet along the Main Street Monument Line, and West 43.96 feet from the Street Monument at the intersection of Fireclay Avenue and Main Street; and running thence along the North Right-of-Way Line of said Fireclay Avenue, S89°57'37"W 246.50 feet; thence N00°02'23"W 64.50 feet; thence S89°57'37"W 41.50 feet; thence N00°02'23"W 183.17 feet to the South Right-of-Way Line of Gilbride Avenue; thence along said South Right-of-Way Line N89°57'37"E 223.50 feet; thence S00°02'23"E 157.17 feet; thence N89°57'37"E 64.50 feet to the said West Right-of-Way Line of Main Street; thence along said West Right-of-Way Line S00°02'23"E 90.50 feet to the Point of Beginning.