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FIFTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
FOR CRESCENT HEIGHTS CONDOMINIUMS

This Fifth Amendment to Declaration of Condominium for Crescent Heights Condominiums (“**Amendment**”) is entered into this 25th day of June, 2014, by **Crescent Heights, L.L.C.**, a Utah limited liability company (“**Declarant**”) and **Crescent Heights Condominium Association, Inc.**, a Utah nonprofit corporation (“**Association**”). Capitalized terms used herein shall have the meaning given such terms in the Declaration, as that term is defined below, unless otherwise stated herein.

RECITALS

A. Whereas Declarant executed that certain Declaration of Condominium for Crescent Heights Condominiums, dated August 12, 1999, and recorded on September 1, 1999, as Entry No. 7457332 in Book 8306 at Pages 6253-6327 in the official records of Salt Lake County, Utah (as amended and supplemented, the “**Declaration**”).

B. Whereas Declarant, LW Properties, Ltd., and Bonnie Jean H. Shoemaker executed that certain First Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999, and recorded on October 4, 1999, as Entry No. 7481525 in Book 8313 at Pages 8429-8434 in the official records of Salt Lake County, Utah.

C. Whereas Declarant and the Association executed that certain Second Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999, and recorded on August 16, 2001, as Entry No. 7976811 in Book 8490 at Pages 225-237 in the official records of Salt Lake County, Utah.

D. Whereas Declarant executed that certain Supplement Concerning Convertible Land to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #5), dated December 2004, and recorded on January 21, 2005, as Entry No. 9280051 in Book 9086 at Pages 2258-2275 in the official records of Salt Lake County, Utah.

E. Whereas Declarant and the Association executed that certain Third Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated June 14, 2006, and

recorded on August 17, 2006, as Entry No. 9815865 in Book 9337 at Pages 6295-6303 in the official records of Salt Lake County, Utah.

F. Whereas Declarant executed that certain Supplement Concerning Convertible Land to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #1), dated June 14, 2006, and recorded on October 13, 2006, as Entry No. 9875412 in Book 9365 at Pages 741-753 in the official records of Salt Lake County, Utah.

G. Whereas Declarant executed that certain Supplement to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #2), dated February 19, 2008, and recorded on February 19, 2008, as Entry No. 10350416 in Book 9571 at Pages 2563-2569 in the official records of Salt Lake County, Utah.

H. Whereas Declarant and the Association executed that certain Fourth Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated June 25, 2014 and recorded on June 26, 2014, as Entry No. 11872215, in Book 10241, at Pages 1905-1909, in the official records of Salt Lake County, Utah.

I. Whereas the Declaration currently subjects the real property legally described on Exhibit A to this Amendment to the provisions of the Act.

J. Whereas Section 18.03 of the Declaration provides that the Declaration may be amended by the Owners at any time by a vote of at least sixty-seven percent (67%) of the votes allocated to all Units; and

K. Whereas, the Declarant and the Association, acting on behalf of Unit Owners representing, in total, more than sixty-seven (67%) of the votes allocated to all Units, desire to amend the Declaration as stated herein in order to remove a certain portion of the Common Areas from the Crescent Heights Condominium Project ("**Crescent Heights**") and the Declaration and to terminate Declarant's rights with respect to the conversion of any additional Convertible Land in Crescent Heights as set forth in the Declaration.

NOW, THEREFORE, in consideration of the mutual obligations set forth herein and for other good and valuable consideration, the legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The legal description of the Land as set forth on Exhibit A to the Declaration is hereby deleted in its entirety and replaced with the following:

A part of the northeast quarter of Section 19, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Sandy City, Salt Lake County, Utah:

Beginning at a point on the west line of 700 East Street, being 59.79 feet south 0°04'20" west and 70.11 feet north 89°46'10" west from the northeast corner of said Section 19; said west line is 53.0 feet perpendicularly distant westerly from the centerline of said street; thence south 0°13'50" west 625.20 feet along said west line to a point on an existing boundary line fence; thence north 89°41'06" west 390.16 feet along said fence; thence north 0°04'20" east 645.82 feet to the southerly line of 11000 South Street; said

southerly line is 40.0 feet perpendicularly distant southerly from the centerline of said 11000 South Street; thence south 89°35'40" east 371.94 feet along said southerly line; thence south 44°41'10" east 28.33 feet to the point of beginning.

LESS AND EXCEPTING THE FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF CRESCENT HEIGHTS CONDOMINIUMS SUPPLEMENT NO. 1 ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER, AND RUNNING THENCE SOUTH 89°35'40" EAST 176.75 FEET TO THE CENTER LINE OF AN EXISTING DRIVEWAY; THENCE SOUTH 5°53'59" EAST 16.63 FEET; THENCE SOUTH 18°34'05" EAST 82.12 FEET; THENCE SOUTH 0°26'07" EAST 122.04 FEET; THENCE SOUTH 0°50'56" EAST 194.72 FEET; THENCE SOUTH 1°23'26" WEST 110.43 FEET; THENCE WEST 197.40 FEET TO A POINT ON THE WEST LINE OF SAID CRESCENT HEIGHTS CONDOMINIUMS SUPPLEMENT NO. 1; THENCE NORTH 0°04'20" EAST ALONG SAID WESTERLY LINE 522.72 FEET TO THE POINT OF BEGINNING.

2. **Article XIX is amended such that the time period pursuant to which the Declarant may convert the Convertible Land into additional Units and/or Limited Common Elements is hereby terminated and Declarant hereby surrenders and shall have no further right to convert the Convertible Land into additional Units and/or Limited Common Elements.**

3. To the extent the terms of this Amendment modify or conflict with any provisions of the Declaration, the terms of this Amendment shall control. All other terms of the Declaration not modified by this Amendment shall remain the same and are hereby ratified and affirmed.

ENTERED INTO AND AGREED TO on the date first mentioned above.

"DECLARANT"

CRESCENT HEIGHTS, L.L.C., a Utah limited liability company

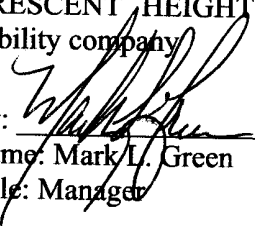
By: 
Name: Mark L. Green
Title: Manager

Exhibit A

Previous Legal Description of the Land

A part of the northeast quarter of Section 19, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Sandy City, Salt Lake County, Utah:

Beginning at a point on the west line of 700 East Street, being 59.79 feet south $0^{\circ}04'20''$ west and 70.11 feet north $89^{\circ}46'10''$ west from the northeast corner of said Section 19; said west line is 53.0 feet perpendicularly distant westerly from the centerline of said street; thence south $0^{\circ}13'50''$ west 625.20 feet along said west line to a point on an existing boundary line fence; thence north $89^{\circ}41'06''$ west 390.16 feet along said fence; thence north $0^{\circ}04'20''$ east 645.82 feet to the southerly line of 11000 South Street; said southerly line is 40.0 feet perpendicularly distant southerly from the centerline of said 11000 South Street; thence south $89^{\circ}35'40''$ east 371.94 feet along said southerly line; thence south $44^{\circ}41'10''$ east 28.33 feet to the point of beginning.

Contains 252,224 sq. ft. or 5.790 acres.