

After Recording Return To:
2225 Murray Holladay Rd., Suite 111
Salt Lake City, UT 84117

11946504
11/17/2014 11:56:00 AM \$46.00
Book - 10275 Pg - 311-316
Gary W. Ott
Recorder, Salt Lake County, UT
SEB LEGAL LLC
BY: eCASH, DEPUTY - EF 6 P.

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS AND RESERVATIONS FOR
EAST TOWN VILLAGE TOWN HOMES**

This Amendment to the Declaration is executed on the date set forth below by East Town Village, L.C. (“Successor Declarant”).

RECITALS

A. Real property in Salt Lake County, Utah, known as East Town Village Town Homes, an Expandable Utah Planned Unit Development Project was subjected to covenants, conditions, and restrictions pursuant to a Declaration recorded June 9, 2011, in the Salt Lake County Recorder’s Office as Entry No. 11195616;

B. This amendment shall be binding against the property described in EXHIBIT A and the Declaration and any annexation or supplement thereto;

C. All capitalized terms in this amendment shall have the same meaning as given to them in the Declaration;

D. The Successor Declarant certifies that the Period of Successor Declarant’s Control has not expired. Consequently, under Declaration Article III, Section 32(d), Successor Declarant has the unilateral right to amend the Declaration;

E. The Successor Declarant certifies that there are currently no Eligible Mortgagees, as that term is defined in the Declaration.

NOW, THEREFORE, the Successor Declarant hereby amends the Declaration as follows:

Declaration Article I, Section 1 is amended in its entirety to read as follows:

I. Additional Land shall mean to additional real property annexed to the Project. Additional Land is identified in Exhibit “B.”

Declaration Article I, Section 11 is amended in its entirety to read as follows:

11. Class B Control Period or Period of Successor Declarant Control shall mean the period of

time during which the Class B Member is entitled to appoint all of the members of the Board of Directors.

Declaration Article III, Section 5(3)(b) is amended in its entirety to read as follows:

(b) The Class B membership and the Class B Control Period shall terminate, and Class B membership shall convert to Class A membership upon the earliest of the following events (referred to as the “Event” or “Events”):

- (1) Three months after every Lot, including those to be added through expansion of the Project, have been sold or conveyed; or
- (2) Upon Successor Declarant executing and recording with the county recorder a written “Notice of Termination of Class B Control Period.”

Declaration Article III, Section 46(a) and (b) are amended in their entirety to read as follows:

(a) Reservation of Option to Expand. Successor Declarant hereby reserves the option to annex additional land and expand the Project to include additional Lots in the Project (“Additional Land”). This option to expand may be exercised from time to time, at different times and in any order, without limitation, provided however, the option shall expire seven (7) years from the date the Declaration or most recent Supplement to the Declaration is recorded, whichever comes later. Such right may be exercised without first obtaining the consent or vote of the Owners and shall be limited only as provided herein. Such Lots shall be constructed on any or all portion of the Additional Property.

(b) Supplemental Declarations and Supplemental Maps. Such expansion may be accomplished by the filing for record by Successor Declarant in the Salt Lake County Recorder’s Office a Supplement or Supplements to this Declaration containing a legal description of the site or sites for new Lots, together with supplemental Map or Maps identifying the new Lots. The expansion may be accomplished in phases by successive supplements or in one supplemental expansion.

Declaration Article III, Section 46(e)’s substance is deleted and the paragraph is amended in its entirety to read as follows:

(e) RESERVED.

Declaration Article III, Section 46(f)(6) is deleted in its entirety.

Declaration Exhibit “B” is amended in its entirety to read the same as Exhibit “B” to this amendment.

Declaration Exhibit "C-1" is deleted in its entirety.

IN WITNESS WHEREOF, the Successor Declarant has executed this Amendment to the Declaration as of the 10th day of November, 2014.

SUCCESSOR DECLARANT:
EAST TOWN VILLAGE, L.C.

David Schiess
By: [Signature] Manager
Its: Authorized Agent

California
STATE OF ~~UTAH~~)
) :ss
County of Orange)

On the 10th day of November, 2014, personally appeared David Schiess who, being first duly sworn, did that say that they are the Authorized Agent of Successor Declarant and that said instrument was signed and sealed on behalf of said Successor Declarant by authority of the Successor Declarant; and acknowledged said instrument to be their voluntary act and deed.

and proved to me on the basis of satisfactory evidence to be the person who appeared before me.
[Signature]
Notary Public for ~~Utah~~ California



EXHIBIT "A"
LEGAL DESCRIPTION

ALL LOTS EAST TOWN VILLAGE TOWN HOMES PHASE 32 PUD AS SHOWN ON THE OFFICIAL PLAT THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE UTAH.

Lot / Quarter	Parcel Number	Obsolete?
AREA	22-31-302-075-0000	N
18/1	22-31-302-069-0000	N
18/2	22-31-302-070-0000	N
18/3	22-31-302-071-0000	N
18/4	22-31-302-072-0000	N
18/5	22-31-302-073-0000	N
18/6	22-31-302-074-0000	N

ALL LOTS EAST TOWN VILLAGE TOWN HOMES PHASE 33 PUD AS SHOWN ON THE OFFICIAL PLAT THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE UTAH.

Lot / Quarter	Parcel Number	Obsolete?
19/1	22-31-302-076-0000	N
19/2	22-31-302-077-0000	N
19/3	22-31-302-078-0000	N
19/4	22-31-302-079-0000	N
19/5	22-31-302-080-0000	N
19/6	22-31-302-081-0000	N
AREA	22-31-302-075-0000	N

ALL LOTS EAST TOWN VILLAGE TOWN HOMES PHASE 34 PUD AS SHOWN ON THE OFFICIAL PLAT THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE UTAH.

Lot / Quarter	Parcel Number	Obsolete?
AREA	22-31-302-075-0000	N
43/1	22-31-302-082-0000	N
43/2	22-31-302-083-0000	N
43/3	22-31-302-084-0000	N
43/4	22-31-302-085-0000	N
43/5	22-31-302-086-0000	N
43/6	22-31-302-087-0000	N

ALL LOTS EAST TOWN VILLAGE TOWN HOMES PHASE 35 PUD AS SHOWN ON THE OFFICIAL PLAT THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE UTAH.

Lot / Quarter	Parcel Number	Obsolete?
AREA	22-31-302-075-0000	N
20/1	22-31-302-088-0000	N
20/2	22-31-302-089-0000	N
20/3	22-31-302-090-0000	N
20/4	22-31-302-091-0000	N

EXHIBIT "B"
ADDITIONAL LAND

Beginning at the Northeast Corner of East Town Village – Phase 31, said point also being on the South line of East Town Village Phase *17*, described as South $0^{\circ}06'55''$ East 516.04 feet along the section line and East 155.48 feet and South $89^{\circ}54'59''$ East 154.34 feet to the Northwest Corner of East Town Village – Phase 31 and South $89^{\circ}54'59''$ East 130.53 feet along the north line to an angle point in the north line of East Town Village – Phase 31 and South $89^{\circ}54'00''$ East 154.15 feet along the north line of East Town Village – Phase 31 from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South $89^{\circ}54'00''$ East 759.10 feet along the south line of East Town Village Phase *17* to and along the south line of East Town Village Phase *16*, Phase *15*, Phase *14*, Phase *30*, and Phase *29* to the Southeast Corner of East Town Village Phase 29*, being the westerly line of the Utah Transit Authority right of way;

thence South $04^{\circ}48'50''$ East 1277.15 feet along the westerly line of the Utah Transit Authority right of way;

thence North $20^{\circ}00'00''$ West 506.38 feet;

thence North $68^{\circ}50'19''$ West 155.57 feet to the west line of 115 East Street;

thence North $0^{\circ}21'25''$ East 5.56 feet along the west line of 115 East Street;

thence North $89^{\circ}38'35''$ West 228.03 feet;

thence North $1^{\circ}35'36''$ East 105.48 feet;

thence North $68^{\circ}50'19''$ West 755.85 feet to the east line of State Street, (a 49.50 foot half-width);

thence North $0^{\circ}21'25''$ East 525.63 feet along the said east line of State Street to the south line of Opequon Road, also being the Southwest Corner of East Town Village – Phase 31;

thence East 157.47 feet along the south line of Opequon Road and the south line of East Town Village – Phase 31 to the Northwest Corner of East Town Village - Phase 33;

thence South 132.40 feet along the west line of East Town Village – Phase 33 to and along the west line of East Town Village – Phase 31 to and along the west line to the Southwest Corner East Town Village – Phase 34;

thence East 127.61 feet along the south line to the Southeast Corner of East Town Village – Phase 34, also being on the west line of Bellingham Drive as platted on East Town Village – Phase 31;

thence southerly 32.07 feet along the arc of a 329.00 foot radius curve to the left, (center bears South $84^{\circ}24'51''$ East and long chord bears South $2^{\circ}47'34''$ West 32.06 feet, with a central angle of $5^{\circ}35'09''$) along the west line of Bellingham Drive and the west line of East Town Village – Phase 31;

thence South 18.31 feet along the west line of Bellingham Drive and the west line of East Town Village – Phase 31 to the Southwest Corner of East Town Village – Phase 31;

thence East 58.00 feet along the south line to a Southeast Corner of East Town Village – Phase 31, also being on the east line of Bellingham Drive at the Southwest Corner of East Town Village – Phase 35;

thence South $81^{\circ}29'21''$ East 42.37 feet along the south line to an angle point in the south line of East Town Village – Phase 35;

thence South $87^{\circ}06'43''$ East 28.13 feet along the south line to the Southeast Corner of East Town Village – Phase 35;

thence North 12.20 feet along the east line to an angle point in the east line of East Town Village – Phase 35;

thence North $2^{\circ}54'21''$ East 93.74 feet along the east line to the Northeast Corner of East Town Village – Phase 35, also being on the southerly line of East Town Village – Phase 31;

thence South $87^{\circ}06'40''$ East 68.33 feet along the southerly line to a Southeast Corner of East Town Village – Phase 31;

thence North 15.84 feet along the easterly line to an angle point in the easterly line of East Town Village – Phase 31;

thence North $41^{\circ}21'22''$ West 67.52 feet easterly line to an angle point in the easterly line of East Town Village – Phase 31;

thence North 11.82 feet along the easterly line to an interior corner of East Town Village – Phase 31;

thence East 69.50 feet along the southerly line to a Southeast Corner of East Town Village – Phase 31;

thence North 116.00 feet along the easterly line to a Northeast Corner of East Town Village – Phase 31;

thence West 69.50 feet along the northerly line to an interior corner of East Town Village – Phase 31;

thence North 34.34 feet, (34.61 feet, plat distance) along the easterly line to a Northeast Corner of East Town Village – Phase 31, also being on the south line of East Town Village Phase *17* to the point of beginning.

Contains 805,327 square feet, 18.488 acres, 8 lots.