

12427191
12/05/2016 02:47 PM \$59.00
Book - 10507 Pg - 4951-4956
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
MORRIS SPERRY
7070 S UNION PARK CENTER #220
MIDVALE UT 84047
BY: CBP, DEPUTY - MI 6 P.

When Recorded Return To:

MORRIS SPERRY
7070 South Union Park Center
Suite 220
Midvale, Utah 84047

**SECOND AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
FOR
35 WEST BROADWAY CONDOMINIUMS**

This SECOND AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR 35 WEST BROADWAY CONDOMINIUMS (the "Second Amendment") is entered by the 35 West Broadway Condominium Association, Inc., a Utah nonprofit corporation (the "Association").

RECITALS

A. The Association is subject to that certain DECLARATION OF CONDOMINIUM FOR 35 WEST BROADWAY CONDOMINIUMS (the "Enabling Declaration"), which was recorded with the Salt Lake County Recorder's office on September 4, 2008, as Entry No. 10513391, in Book 9640, beginning at Page 2253.

B. The Enabling Declaration was amended by the AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR 35 WEST BROADWAY CONDOMINIUMS (the "Restated Declaration") recorded with the Salt Lake County Recorder's office on September 23, 2008, as Entry No. 10526034, in Book 9644, beginning at Page 8749.

C. The Restated Declaration was amended by the FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR 35 WEST BROADWAY CONDOMINIUMS (the "First Amendment") recorded May 20, 2011, as Entry No. 1185594, in Book 9925, beginning at Page 6638. The First Amendment was re-recorded to correct the legal description on June 15, 2011, as Entry No. 11198536, in Book 9930, beginning at Page 8404.

D. The plat for 35 WEST BROADWAY, A UTAH CONDOMINIUM PROJECT (the "Plat") was recorded September 4, 2008, as Entry No. 10513390 in Book 9640 at Page 2252.

E. An amendment to the plat for 35 WEST BROADWAY, A UTAH CONDOMINIUM PROJECT was recorded on _____, 2016 as Entry No. _____, in Book _____, at Page _____ (the "Amended Plat"), which eliminated Unit 200, added Unit 102A, and modified the square footage in Units 102, 403, and 404.

F. The Enabling Declaration as amended by the Restated Declaration and First Amendment and any other documents otherwise amending the Enabling Declaration and on file

with the Salt Lake County Recorder's office, and as such may be further amended in the future, are collectively referred to herein as the "Declaration."

G. This Second Amendment affects the real property located in Salt Lake County, State of Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated herein by reference.

H. As set forth in this Second Amendment, the Association desires to amend the Declaration in conjunction with the Amended Plat. This Second Amendment includes provisions to match the Declaration with the Amended Plat and to allocate each Unit's interest in the Common Area based on the square footages described in the Amended Plat.

I. Unless otherwise set forth herein, the capitalized terms shall have their same meanings and definitions as stated in the Declaration.

J. Pursuant to Section 17 of the Restated Declaration, the undersigned hereby certifies that this Second Amendment was approved by at least sixty-seven percent (67%) of the votes allocated to the Units.

K. Pursuant to Section 15.2 of the Restated Declaration, the Management Committee has obtained the consent of at least 51% of the Eligible First Mortgagees to amend the Declaration.

AMENDMENTS

NOW, THEREFORE, in consideration of the foregoing Recitals, the Association hereby executes this Second Amendment, which shall be effective as of the date of its recording in the office of the Salt Lake County Recorder.

1) **Amendment No. 1.** Exhibit C to the Restated Declaration is hereby deleted in its entirety and is replaced by the following Exhibit C:

EXHIBIT C

Units, Square Footage, Interests in Common Areas

Unit No.	Plat Square Footage	Interest in Common Area	Square Footage Including Walls	Square Footage With 18% Common Area Factor
Retail Units				
101	518	1.35%	577	681
102	2,003	5.24%	2,166.7	2,557
Office Units				

102A	386	1.01%	433.3	511
103	1,020	2.67%	1,160	1,369
104	1,150	3.01%	1,250	1,475
105	927	2.42%	1,030	1,215
201	504	1.32%	609	719
201A	267	0.70%	323	381
202	825	2.16%	981	1,158
203	965	2.52%	1,033	1,219
204	1,211	3.17%	1,320	1,558
205	1,434	3.75%	1,692	1,997
301	2,265	5.93%	2,521	2,975
302	2,008	5.25%	2,102	2,480
303	1,520	3.98%	1,629	1,922
304	1,419	3.71%	1,683	1,986
Residential Units				
401	2,198	5.75%	2,485	2,932
402	1,512	3.96%	1,603	1,892
403	2,211	5.78%	2,339.3	2,760
404	1,965	5.14%	2,127	2,510
501	2,136	5.59%	2,424	2,860
502	1,540	4.03%	1,664	1,964
503	2,064	5.40%	2,161	2,550
504	1,877	4.91%	2,158	2,546
Storage Units				
S-1	259	0.68%	N/A	N/A
S-2	226	0.59%	N/A	N/A
S-3	322	0.84%	N/A	N/A
S-4	322	0.84%	N/A	N/A
S-5	322	0.84%	N/A	N/A
S-6	350	0.92%	N/A	N/A

S-7	177	0.46%	N/A	N/A
S-8	328	0.86%	N/A	N/A
S-9	358	0.94%	N/A	N/A
S-10	259	0.68%	N/A	N/A
S-11	274	0.72%	N/A	N/A
S-12	274	0.72%	N/A	N/A
S-13	274	0.72%	N/A	N/A
S-14	274	0.72%	N/A	N/A
S-15	274	0.72%	N/A	N/A
Total	38,218	100.00%		

2) **Amendment No. 2.** Section 6.2(a) of the Declaration is deleted in its entirety and replaced by the following new Section 6.2(a):

(a) The Project consists of 39 Units, including 8 Residential Units, 2 Retail Units, 14 Office Units, and 15 Storage Units. The Plat shows the Unit Number of each Unit, the location of each Unit, the dimensions from which each Unit's Area may be calculated, and the Limited Common Areas appurtenant to each Unit. Each Unit is capable of separate ownership, encumbrance, and conveyance. Each Owner is entitled to the exclusive ownership and possession of its Unit, subject to the Association Documents.

3) **Conflicts.** All remaining provisions of the Declaration not specifically amended in this Second Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration, the provisions of this document shall in all respects govern and control.

4) **Incorporation and Supplementation of Declaration.** This document is supplemental to the Declaration, which by reference is made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS THEREOF, the undersigned officer of the Association hereby certifies that the Management Committee has obtained the affirmative consent of at least sixty-seven percent (67%) of the votes allocated to Unit owners, consistent with the requirements of Section 17 of the Declaration. This SECONDAMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR 35 WEST BROADWAY CONDOMINIUMS is executed as of the day and year written below.

DATED as of the 5 day of December, 2016.

35 WEST BROADWAY CONDOMINIUM ASSOCIATION INC.

By: [Signature]

Name: BORIS LONDON

Its: _____

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On this 5, day of December, 2016, personally appeared before me (Name of Document Signer) Boris London, whose identity is personally known to me, (proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say (i) that he/she is the (Title or Office) member of the 35 West Broadway Condominium Association, Inc. (the "Association"), (ii) that said document was signed by him/her on behalf of said Association by authority of the Association's governing documents and/or resolution of its governing body and (iii) acknowledged to me that said Association executed the same.

[Signature]
Notary Public

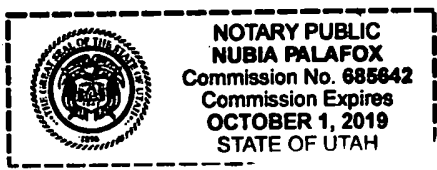


EXHIBIT A
(Legal Description of Property)

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 51, PLAT "A", SALT LAKE CITY SURVEY; AND RUNNING THENCE EAST 66 FEET; THENCE SOUTH 165 FEET; THENCE WEST 66 FEET; THENCE NORTH 165 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THAT CERTAIN EASEMENT FOR LIGHT, DATED JANUARY 17, 1902, EXECUTED BY AND BETWEEN MATHEW H. WALKER, ETUX, AND JOHN J. DALY, RECORDED JANUARY 23, 1902, AS ENTRY NO. 154640, IN BOOK 2P OF LIENS AND LEASES, AT PAGE 106 OF SALT LAKE COUNTY RECORDS.

ALSO, TOGETHER WITH A RIGHT OF WAY, SO FAR AS THE SAME IS APPURTENANT TO AND AFFECTS THE ABOVE DESCRIBED LAND, OVER, ACROSS AND ALONG THE FOLLOWING:

BEGINNING AT A POINT ON THE NORTH LINE OF POST OFFICE 33 FEET NORTH AND 165 FEET WEST OF THE SOUTHEAST CORNER OF LOT 7, BLOCK 51; AND RUNNING NORTH 132.00 FEET; THENCE WEST 165 FEET; THENCE SOUTH 16 FEET; THENCE EAST 147 FEET; THENCE SOUTH 45 DEGREES EAST 11.25 FEET; THENCE SOUTH 108 FEET TO THE NORTH LINE OF POST OFFICE PLACE; THENCE EAST 10 FEET TO THE POINT OF BEGINNING.

INCLUDING UNITS 101, 102, 102A, 103 THROUGH 105, 201, 201A, 202 THROUGH 205, 301 THROUGH 304, 401 THROUGH 404 AND 501 THROUGH 504, TOGETHER WITH STORAGE UNITS S-1 THROUGH S-15, CONTAINED WITHIN THE 35 WEST BROADWAY, A UTAH CONDOMINIUM PROJECT AS THE SAME IS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED ON _____, 2016 IN SALT LAKE COUNTY, AS ENTRY NO. _____, IN BOOK _____, AT PAGE _____

Tax Parcel Numbers

15-01-285-001-0000	15-01-285-002-0000	15-01-285-003-0000	15-01-285-004-0000
15-01-285-005-0000	15-01-285-006-0000	15-01-285-007-0000	15-01-285-008-0000
15-01-285-009-0000	15-01-285-010-0000	15-01-285-011-0000	15-01-285-012-0000
15-01-285-013-0000	15-01-285-014-0000	15-01-285-015-0000	15-01-285-016-0000
15-01-285-017-0000	15-01-285-018-0000	15-01-285-019-0000	15-01-285-020-0000
15-01-285-021-0000	15-01-285-022-0000	15-01-285-023-0000	15-01-285-024-0000
15-01-285-025-0000	15-01-285-026-0000	15-01-285-027-0000	15-01-285-028-0000
15-01-285-029-0000	15-01-285-030-0000	15-01-285-031-0000	15-01-285-032-0000
15-01-285-033-0000	15-01-285-034-0000	15-01-285-035-0000	15-01-285-036-0000
15-01-285-037-0000	15-01-285-038-0000	15-01-285-039-0000	15-01-285-040-0000