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1/11/2018 3:42:00 PM \$30.00  
Book - 10637 Pg - 8209-8215  
ADAM GARDINER  
Recorder, Salt Lake County, UT  
FIRST AMERICAN NCS  
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED RETURN TO:

CRP Investors, LLC  
c/o Diane H. Banks  
Fabian Vancott  
215 South State Street, Suite 1200  
Salt Lake City, Utah 84111-2323  
*NCS-877958-ai*

**FOURTH AMENDMENT TO  
AMENDED AND RESTATED  
DECLARATION OF CONDOMINIUM  
FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM ("Amendment") is made and executed by CREEK ROAD DEVELOPMENT, INC., a Utah corporation, successor in interest to CREEK ROAD ASSOCIATES, LC, a Utah limited liability company ("Declarant") this 10<sup>th</sup> day of January, 2018.

**RECITALS:**

WHEREAS, that certain Declaration of Condominium for Creek Road Office Condominiums was recorded as Entry No. 7826335 in Book 8426 at Page 4781, Salt Lake County Records, as subsequently amended (the "Original Declaration") regarding the real property legally described on Exhibit A attached hereto; and

WHEREAS, the Original Declaration was amended by the Amended and Restated Declaration of Condominium for Creek Road Office Condominiums, recorded as Entry No. 8867900 in Book 8901 at Page 6775, Salt Lake County Records (the "Declaration") and

subsequently amended by the First Amendment to Amended and Restated Declaration of Condominium for Creek Road Office Condominiums recorded as Entry No. 9040596 in Book 8976 at Page 3225 and the Second Amendment to Amended and Restated Declaration of Condominium for Creek Road Office Condominiums recorded as Entry No. 9184137 in Book 9042 at Page 3080 and the Third Amendment to Amended and Restated Declaration of Condominium for Creek Road Office Condominiums recorded as Entry No. 11021156 in Book 9853 at Page 9410 regarding the real property legally described on Exhibit A attached hereto (the "Third Amendment"); and

WHEREAS, the Third Amendment purported to add certain Additional Land to the Project (as defined in the Declaration as previously amended and hereafter referred to together as the "Amended Declaration"); which additional Land is described on Exhibit B attached hereto and which is now known as The Creek Road Office Condominiums Phase III (the "CRP Property"); and

WHEREAS, there is a dispute as to whether the Amended Declaration validly added the CRP Property to the Project, and the parties desire to amend the Declaration to make it clear that the CRP Property is not a part of the Project and is not subject to the Declaration; and

WHEREAS that certain Reciprocal Declaration of Cross Easements for Common Ingress, Egress, Pedestrian and Parking Use and Utilities dated August 1, 2011 was recorded December 7, 2011 as Entry No. 11292920 in Book 9972 at Page 6797 of the Official Records of the Salt Lake County Recorder (the "Reciprocal Easement") to grant certain reciprocal easements and to make it clear that there were no assessments payable by the owners of the CRP Property to the Creek Road Office Condominiums Owners Association, Inc. (the "Association").

#### **AMENDMENT:**

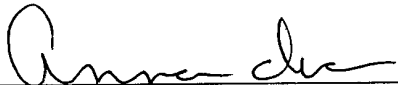
**NOW, THEREFORE,** Declarant hereby amends the Declaration as follows:

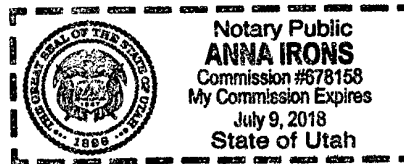
1. **RECITALS.** The Recitals above are incorporated herein by this reference.
2. **NO ENCUMBRANCE.** The parties to the Reciprocal Easement agreed that the CRP Property was no longer encumbered by the Declaration, and intended that the Reciprocal Easement would confirm the removal of the CRP Property from the encumbrance of the Declaration.
3. **RATIFICATION.** The undersigned hereby acknowledge that the provisions hereof shall modify and amend the Declaration, and that to the extent not modified hereunder, the Declaration shall remain in full force and effect. This instrument shall run with and bind and benefit the property subject thereto.



STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of January, 2018 by G. Andrew Barfuss, Manager of Creek Road Place, L.L.C., who acknowledged to me that such company executed the same.

  
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NOTARY PUBLIC



**EXHIBIT A**  
**TO**  
**DECLARATION OF CONDOMINIUM FOR**  
**CREEK ROAD OFFICE CONDOMINIUMS**

**LEGAL DESCRIPTION OF THE PROPERTY**

A part of the East half of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the North Line of Curtis Subdivision No. 4 being 7.00 feet South  $89^{\circ}45'42''$  West from the Northeast corner of Lot 16 of said Curtis Subdivision; said point of beginning is 698.00 feet West; 184.15 feet South; and 208.33 feet South  $89^{\circ}45'42''$  West along the North Line of said subdivision from the East Quarter Corner of said Section 29; said point of beginning is also on the Westerly Line of Creek Road (as widened to 40.00 foot half-width; and running thence South  $89^{\circ}45'42''$  West 400.01 feet along said North Line of Curtis Subdivision; thence North  $46^{\circ}41'30''$  West 171.35 feet to a point of curvature; thence Northwesterly along the arc of a 15.00 foot radius curve to the right a distance of 11.60 feet (Central Angle equals  $44^{\circ}18'32''$  and Long Chord bears North  $24^{\circ}32'14''$  West 11.31 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 50.00 foot radius curve to the left a distance of 21.58 feet (Central Angle equals  $24^{\circ}43'44''$  and Long Chord bears North  $14^{\circ}44'50''$  West 21.41 feet); thence North  $43^{\circ}18'30''$  East 85.35 feet; thence North  $18^{\circ}46'30''$  East 110.09 feet; thence South  $71^{\circ}13'30''$  East 195.96 feet; thence North  $19^{\circ}38'32''$  East 183.74 feet to a point on the Westerly Line of said Creek Road (as widened to 40.00 foot half-width); thence Southeasterly along the arc of a 534.75 foot radius curve to the right a distance of 464.72 feet (Central Angle equals  $49^{\circ}47'31''$  and Long Chord bears South  $25^{\circ}27'54''$  East 450.23 feet) and South 16.67 feet along said Westerly Line of Creek Road to the Point of Beginning. (Contains 142,239 sq. ft., or 3.265 acres.)

22-29-276-019-0000  
22-29-276-027-0000  
22-29-276-030-0000  
22-29-426-001-0000  
22-29-426-015-0000  
22-29-426-015-4001  
22-29-426-015-4002

**EXHIBIT B  
TO  
THIRD AMENDMENT TO  
AMENDED AND RESTATED DECLARATION  
OF CONDOMINIUM FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

**LEGAL DESCRIPTION OF THE ADDITIONAL PROPERTY**

A part of the East Half of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at the most Westerly Corner of Creek Road Office Condominiums, a condominium project in Sandy, Salt Lake County, Utah and a point on the Easterly Line of Union Park Avenue as it exists at 53.0 foot half-width being 1143.84 feet North 89°46'05" East along the Quarter Section Line; and 9.02 feet North 0°13'55" West from the Center of said Section 29; and running thence along the Southwesterly Line of said condominium project the following four courses: South 46°41'30" East 20.85 feet; Southeasterly along the arc of a 50.00 foot radius curve to the Right a distance of 83.11 feet (Central Angle equals 95°14'23" and Long Chord bears South 50°00'09" East 73.87 feet) to a point of reverse curvature; Southeasterly along the arc of a 15.00 foot radius curve to the Left a distance of 11.60 feet (Central Angle equals 44°18'32" and Long Chord bears South 24°32'14" East 11.31 feet) to a point of tangency; and South 46°41'30" East 172.91 feet to the Northeasterly Line of Lot 13, Curtis Subdivision No. 4 as it exists on the ground; thence South 61°16'43" East 81.72 feet along said Lot Line; thence South 14°52'29" West 25.64 feet to the Southwesterly Line of said Curtis Subdivision No. 4; thence along the Southwesterly Line of said Curtis Subdivision No. 4 as it exists on the ground the following three courses: Southeasterly along the arc of a 335.94 foot radius curve to the Right a distance of 96.46 feet (Central Angle equals 16°27'04" and Long Chord bears South 32°28'01" East 96.13 feet) to a point of tangency; South 24°14'29" East 68.20 feet to a point of curvature; Southeasterly along the arc of a 350.06 foot radius curve to the Left a distance of 199.53 feet (Central Angle equals 32°39'30" and Long Chord bears South 40°34'13" East 196.84 feet) to a point of tangency; and South 56°54'08" East 108.24 feet; thence North 80°17'22" East 44.59 feet to the Westerly Line of the new alignment of Cottonwood Creek Road; thence Southeasterly along the arc of a 450.74 foot radius curve to the Left a distance of 211.14 feet (Central Angle equals 26°50'21" and Long Chord bears South 15°01'01" East 209.22 feet) along said Westerly Line to the Northeasterly Line of Lot 4 of the Overlook at Union Point Subdivision; thence along the Northeasterly Line of said Subdivision as it is staked on the ground the following two courses: Northwesterly along the arc of a 408.68 foot radius curve to the Left a distance of 193.47 feet (Central Angle equals 27°07'28" and Long Chord bears North 43°10'16" West 191.67 feet) to a point of tangency; and North 56°44'00" West 30.09 feet to the Northerly Lot Corner common to Lots 3 and 4 of said overlook at Union Point Subdivision as it is staked on the ground; thence South 40°00'00" West 38.86 feet along the Lot Line common to said Lots 3 and 4; thence North 50°00'51" West 15.44 feet; thence South 39°59'09" West 13.86 feet to the back or Northeasterly Line of an existing concrete curb; thence generally along said back-of curb line the following six courses: North 50°00'51" West 182.74 feet to a point of curvature; Northwesterly along the arc of a 160.00 foot radius curve to the right a distance of 108.31 feet (Central Angle equals 38°47'14" and Long Chord bears North

30°37'14" West 106.26 feet) to a point of reverse curvature; Northwestery along the arc of a 140.00 foot radius curve to the left a distance of 102.64 feet (Central Angle equals 42°00'21" and Long Chord bears North 32°13'48" West 100.36 feet) to a point of tangency; North 53°13'59" West 20.93 feet; North 38°10'53" East 20.26 feet; and North 48°33'58" West 70.42 feet to the Southeasterly edge of an existing concrete sidewalk; thence along the edge of said sidewalk the following two courses: North 40°30'53" East 2.69 feet; and North 49°55'46" West 26.42 feet; thence North 43°06'42" East 10.15 feet; thence North 46°53'18" West 13.23 feet; thence North 43°06'42" East 10.84 feet; thence North 46°53'18" West 233.40 feet to the Easterly Line of Union Park Avenue as it exists at 53.00 foot half-width; thence Northeasterly along the arc of a 1001.69 foot radius curve to the Right a distance of 107.14 feet (Central Angle equals 6°07'41" and Long Chord bears North 14°38'28" East 107.09 feet) along said Easterly Line of Union Park Avenue to the point of beginning.

**Contains 93,387 sq. ft.  
or 2.144 acres**

22-29-433-007-0000