

WHEN RECORDED, RETURN TO:
CW The Penny, LLC
Attn: Legal Department
1222 W. Legacy Crossing Blvd., STE 6
Centerville, UT 84014

13536622
1/19/2021 11:45:00 AM \$40.00
Book - 11101 Pg - 533-536
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 4 P.

Affecting Parcel Nos.: 16-18-156-014; 16-18-156-015; 16-18-156-018; and 16-18-156-019

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
FOR THE PENNY**

THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR THE PENNY (“**Amendment**”) is executed and adopted by CW The Penny, LLC, a Utah limited liability company (the “**Declarant**”).

RECITALS

A. The Declaration of Condominium for The Penny was recorded in the office of the Salt Lake County Recorder on June 4, 2020 as Entry No. 13289998 in Book 10955 at Pages 6149-6211A (the “**Declaration**”).

B. This 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.

C. The Declarant desires to amend the Declaration as set forth herein to add one provision to comply with the Department of Veterans Affairs financing requirements.

D. Capitalized terms used but not otherwise defined herein shall have the meanings given to such terms in the Declaration.

E. Pursuant to Section 15.1 of the Declaration, the Declarant has the sole authority to amend the Declaration during the Period of Declarant Control. As of the date set forth below, the Period of Declarant Control remains in effect.

AMENDMENT

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

1. **Department of Veterans Affairs Loans**. Section 13.6 of the Declaration is hereby deleted in entirety and replaced with the following:

“13.6. **Department of Veterans Affairs Financing:** To the extent that any provisions set forth in the Governing Documents regarding leasing and/or a right of first refusal is inconsistent with the requirement(s) of guaranteed or direct loan programs of the United States Department of Veterans Affairs, as set forth in chapter 37 of title 38, United States Code, or part 36 of title 38, Code of Federal Regulations (“**DVA Financing**”), such provision shall not apply to any Living Unit that is: (i) encumbered by DVA Financing, or (ii) owned by the Secretary of Veterans Affairs, an Officer of the United States.”

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


3. **Incorporation and Supplementation of Declaration.** This Amendment 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.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the 15th day of January, 2021.


DECLARANT

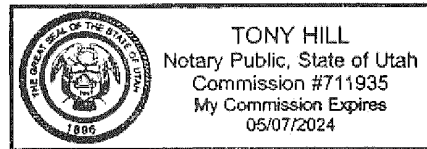
CW THE PENNY, LLC,
a Utah limited liability company

By: 
Name: Darlene Carter
Its: Manager

STATE OF UTAH)
 §
COUNTY OF DAVIS)

On the 15th day of January, 2021, personally appeared before me DARLENE CARTER who by me being duly sworn, did say that she is the MANAGER of CW THE PENNY, LLC, a Utah limited liability company and that the foregoing instrument is signed on behalf of said limited liability company and executed with all necessary authority.


(Notary Public)



(Seal)

EXHIBIT A
(Legal Description)

All of **The Penny Condominiums Phase 1**, according to the official plat on file in the office of the Salt Lake County Recorder.

Including Units 1 through 24

More particularly described as:

Beginning at a point on the westerly right-of-way line of Major Street; said point being North 00°03'33" East, 9.98 feet from the Southeast Corner of Lot 1, Block 11, 5-Acre Plat "A" at the intersection of Major Street and 1700 South Street; said point also being South 89°59'39" West, along the monument line, 39.27 feet and North 00°00'21" West, 44.95 feet from a found street monument located at the intersection of 1700 South and Major Street to a point on a Less and Except portion conveyed to Salt Lake City Corporation by that certain Warranty Deed recorded as Entry No. 4165510 in Book 5710 at Page 1629; a running thence along said Less and Except the following three (3) courses: said point also being on a 19.50 foot radius curve to the right; thence 12.01 feet along said curve through a central angle of 35°17'34" (chord bears South 72°02'00" West, 11.82 feet); thence South 89°41'04" West, 56.91 feet; thence South 88°54'41" West, 96.90 feet; thence North 00°03'33" East, 191.34 feet; thence North 89°02'08" East, 165.05 feet to a point on said westerly right-of-way of Major Street; thence South 00°03'33" West, along said westerly right-of-way line, 188.32 feet to the point of beginning.

Contains: 31,565 Sq. Ft. (or 0.72 Acres)

All of **The Penny Condominiums Phase 2**, according to the official plat on file in the office of the Salt Lake County Recorder.

Including Units 25 through 36

More particularly described as:

Beginning at a point on the westerly right-of-way line of Major Street; said point being North 00°03'33" East, 198.29 feet from the Southeast Corner of Lot 1, Block 11, 5-Acre Plat "A" at the intersection of Major Street and 1700 South Street; said point also being South 89°59'39" West, along the monument line, 39.06 feet and North 00°00'21" West, 233.26 feet from a found street monument located at the intersection of 1700 South and Major Street; and running thence South 89°02'08" West, 165.05 feet; thence North 00°03'33" East, 90.85 feet; thence North 89°44'43" East, 165.03 feet to a point on said westerly right-of-way of Major Street; thence South 00°03'33" West, along said westerly right-of-way line, 88.81 feet to the point of beginning.

Contains: 14,824 Sq. Ft. (or 0.34 Acres)