

Recording Requested By
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South Mountain Advancement, LLC
5670 Wilshire Boulevard, Suite 1250
Los Angeles, California 90036
Attn.: Steven Usdan
NCS-1217203-jt

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Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: FIRST AMERICAN TITLE INSURANCE COMPANY - NCS SA
215 S STATE ST STE 380 SALT LAKE CITY, UT 841112371

APN: Part of 27-31-476-003-0000

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**FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS**

This First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions is made as of July 26, 2024 by SOUTH MOUNTAIN ADVANCEMENT, LLC, a Delaware limited liability company ("SMA").

RECITALS

A. As of the date of this Amendment SMA owns certain real property generally located at the northwest corner of 13400 South Street and 4050 West Street in Riverton, Utah that is legally described on Exhibit A attached hereto (including all Improvements now or hereafter located thereon, "Lot 5").

B. SMA is the Declarant under that certain Declaration of Easements, Covenants, Conditions and Restrictions dated August 4, 2023 and recorded in the official records of Salt Lake County, Utah on August 4, 2023 as Entry No. 14137249 that encumbers Lot 5 and the other Property described therein (the "**Declaration**").

C. SMA, as Declarant under the Declaration, has the right to amend the Declaration in certain respects with respect to Lot 5 in compliance with Section 3.8 of the Declaration.

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declaration is amended as follows:

1. Recitals/Defined Terms. The foregoing recitals are expressly incorporated into this Amendment. All initial-capitalized terms that are used but not otherwise defined in this Amendment have the meanings given to such terms in the Declaration.

2. Revised Site Plan for Lot 5. Notwithstanding any contrary provision of the Declaration, the Site Plan for Lot 5 shall be the site plan attached as Exhibit B to this Amendment.

3. Building Height on Lot 5. Notwithstanding the height restrictions set forth in clause (c) of Section 3.2 of the Declaration, Declarant hereby approves in writing the heights of the building to be constructed on Lot 5 depicted on Exhibit C attached to this Amendment.

4. Insurance Limit. Each of the references in Section 5.5.2 of the Declaration to “\$5,000,000.00” is hereby changed to “\$3,000,000.00” with respect to the commercial general liability insurance required to be carried under Section 5.2 of the Declaration with respect to Lot 5.


5. No Other Modifications. Except as set forth herein, there are no other modifications to the Declaration. The Declaration remains in full force and effect, as modified by this Amendment.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date first set forth above.

SOUTH MOUNTAIN ADVANCEMENT, LLC, a
Delaware limited liability company

By: CCA Acquisition Company, LLC, a California
limited liability company, its managing
member

By: 
Steven H. Usdan, managing member

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ Utah
County of Salt Lake

On July 23, 2024 before me, Steven Usdan
(insert name and title of the officer)

personally appeared Steven Usdan
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Naomi T. Ortiz (Seal)

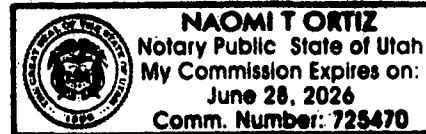


EXHIBIT A

LEGAL DESCRIPTION OF LOT 5

The following described real property situated in the City of Riverton, Salt Lake County, Utah:

Lot 5 of “The Village at South Mountain West” subdivision recorded in the official records of Salt Lake County, Utah on January 26, 2024 as Entry No. 14198242.

SITE PLAN FOR LOT 5

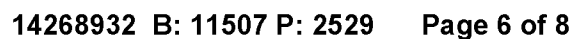
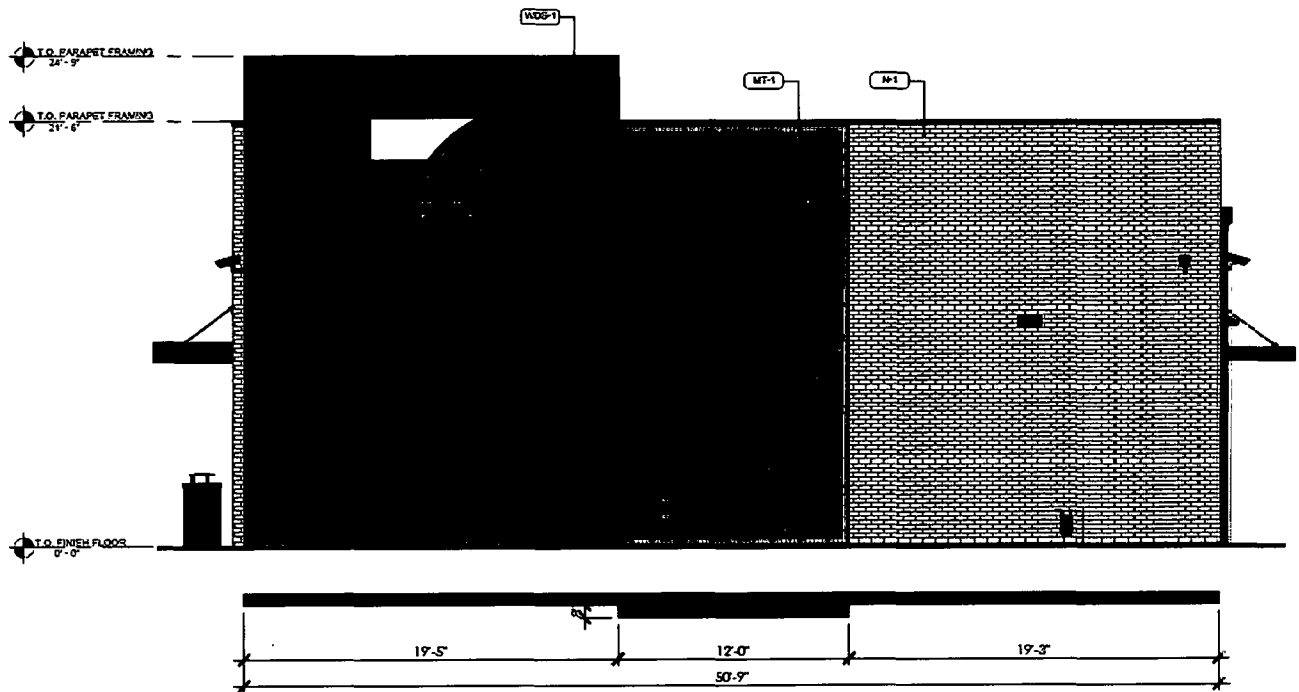
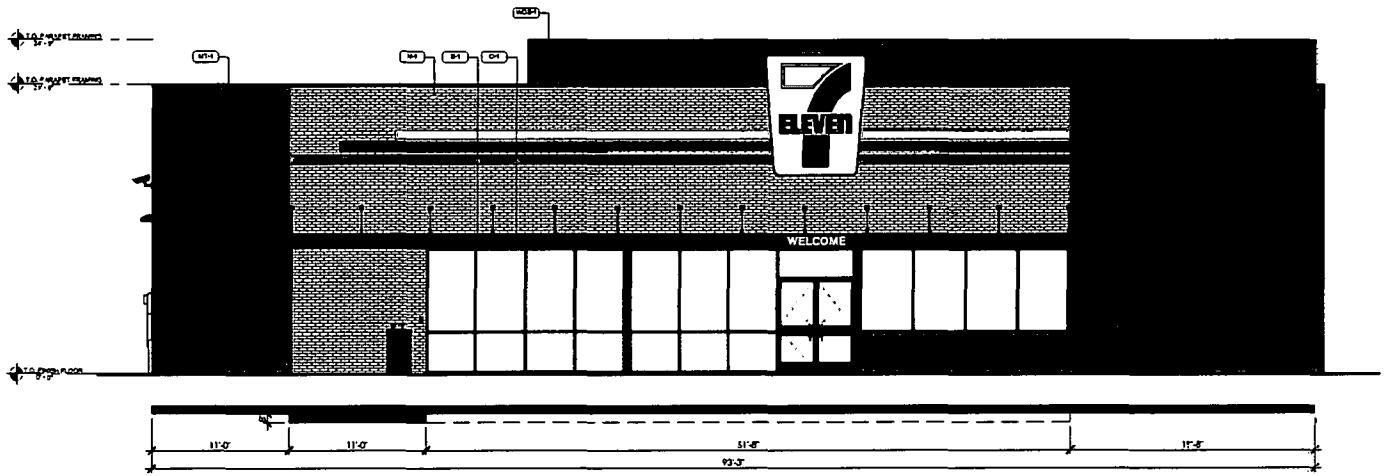
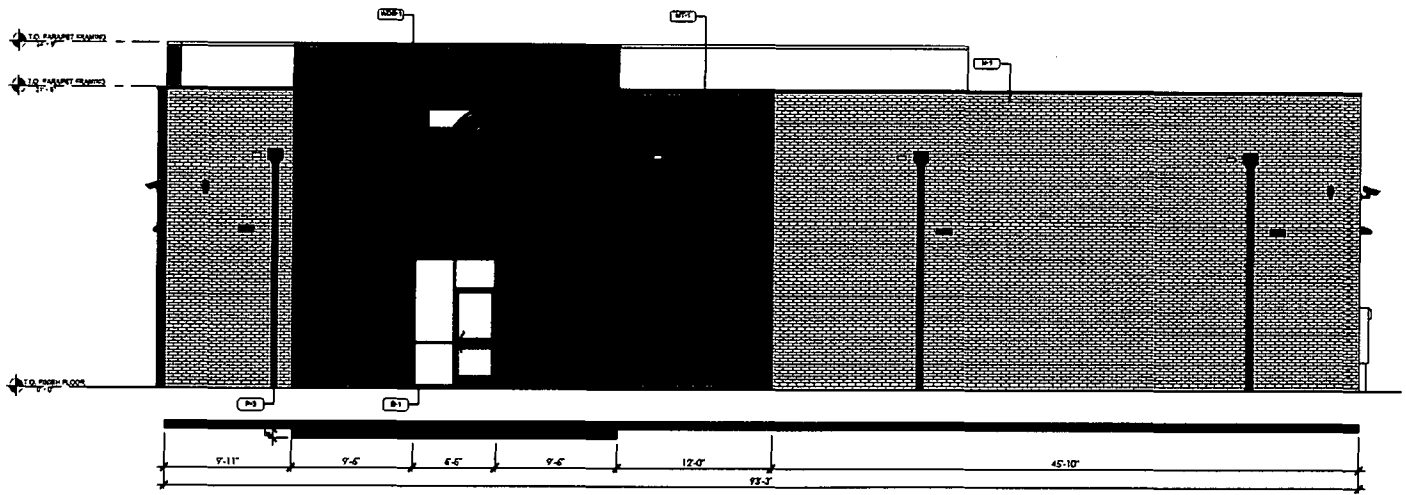


EXHIBIT C

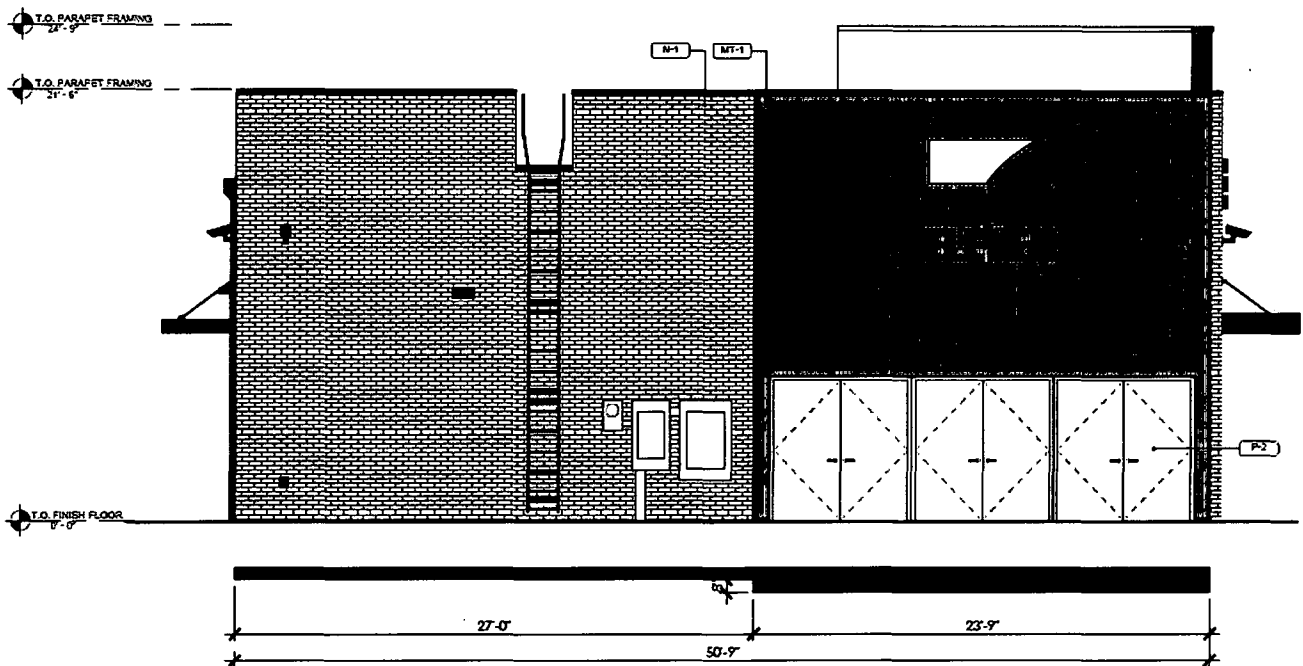
APPROVED HEIGHTS FOR THE BUILDING ON LOT 5



2 ELEVATION - RIGHT SIDE
3/16" = 1'-0"



3 ELEVATION - BACK SIDE
99' - 9"



4 ELEVATION - LEFT SIDE
50' - 9"