



W2509837

E# 2509837 PG 1 OF 6
ERNEST D ROWLEY, WEBER COUNTY RECORDER
04-JAN-11 122 PM FEE \$28.00 DEP SY
REC FOR: BACKMAN OREM
ELECTRONICALLY RECORDED

When Recorded, Please Mail To:

Daniel K. Watkins
BEARNSON & PECK, L.C.
399 N. Main, Suite 300
Third Floor
Logan, Utah 84321
(435) 787-9700

**AMENDMENT AND CORRECTION OF THE
DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS**

OF

MIDLAND SQUARE COMMERCIAL

An Expandable Subdivision

THIS AMENDMENT AND CORRECTION OF THE PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (this "Amendment") is made this 3rd day of ~~December, 2010~~ ^{January, 2011}, by the MIDLAND SQUARE OWNERS ASSOCIATION, INC., a Utah nonprofit corporation (collectively referred to herein as the "Association"), in its capacity as the owners association for the Midland Square Commercial project, a development in Weber County, Utah, for the following described property:

See Exhibit "A"

RECITALS

- A. The original Declaration of Protective Easements, Covenants, Conditions and Restrictions was recorded on July 22, 2009 on the records of the Weber County Recorder as Entry 2425489 (the "Declaration").
- B. The Declaration contained the correct method for allocating votes, but the number of votes assigned to each lot was incorrect since it did not allocate enough votes to some of the Lots.
- C. In addition, an Owner now desires to split two Lots into three, thus creating an additional Lot that is subject to the Declaration and this Amendment
- D. The Association has obtained the consent of Owners that hold over sixty percent (60%) of the total Votes for this Amendment.
- E. The Association, pursuant to Section 12.02 of the Declaration, hereby certifies the consent of sufficient Owners and approves the filing of this Amendment.

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named therein. Backman Title Services, LTD. hereby expressly disclaims any responsibility or liability for the accuracy, enforceability, legality or content thereof.

NOW, THEREFORE, the Declaration is amended as follows:

I. Section 2.15 is amended in its entirety to read as follows:

2.15 "Plat" shall mean the recorded plat map for Midland Square Commercial Final Plat A, recorded contemporaneously with this Declaration and any supplemental or amended plat maps pertaining to the Development and recorded or to be recorded in the office of the County Recorder of Weber County, State of Utah.

II. Section 3.04 is amended in its entirety to read as follows:

3.04 Division into Lots. The Development is hereby divided into nine (9) Lots, as set forth and described on the Plat, along with any amended Plat, with each Lot having appurtenant and proportionate rights and easements of use and enjoyment in and to the Common Maintenance Areas, as well as appurtenant and proportionate obligations pertaining to assessments, maintenance, etc., all as set forth in this Declaration.

III. Section 7.04 is amended in its entirety to read as follows:

7.04 Votes. The number of votes appurtenant to each respective Lot shall be set forth according to the following principles. Each Lot will have one (1) vote, plus one (1) additional vote for each acre, or fraction thereof, contained in the Lot. Based on those principals, each Lot will have the following votes:

Lot 1	3 votes
Lot 2	3 votes
Lot 3	2 votes
Lot 5	3 votes
Lot 6	2 votes
Lot 7	8 votes
Lot 8	4 votes
Lot 9	2 votes
Lot 10	2 votes

The number of votes appurtenant to the Lots, as set forth in this paragraph, shall have a permanent character and shall not be altered without the unanimous written consent of all Owners expressed in a duly recorded amendment to this Declaration.

IV. The remainder of the Declaration remains unchanged.

DATED as of the date first written above.

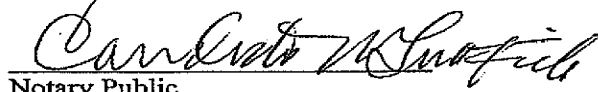
MIDLAND SQUARE OWNERS ASSOCIATION,
INC., a Utah nonprofit corporation



John Heiner, Trustee

STATE OF UTAH)
):SS
County of Utah)

On the 3rd day of ~~September, 2010~~ January, 2011 ^{OP}, personally appeared before me, John Heiner, who, being duly sworn, stated that he is a member of the Board of Trustees of the Midland Square Owners Association, Inc.; that the foregoing instrument was signed on behalf of the association; and that he is vested with authority to execute this instrument on behalf of the association.



Notary Public

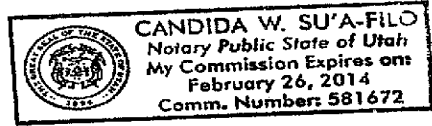


EXHIBIT A**(Legal Description of Land)**

Lots 1, 2, 3, 5, 6, 7 and 8 as identified in the Plat recorded in the office of the Weber County recorder as Entry No. 2425488, Book 70, Page 22 contained within **Plat "A" of Midland Square Commercial**, Weber County, Utah, Subject to the Declaration of Protective Easements, Covenants, Conditions and Restrictions of Midland Square Commercial, recorded in the office of the Weber County Recorder as Entry no. 2425489, (as said Declaration may have heretofore been amended or supplemented).

Together with a right and easement of use and enjoyment in and to the Common Maintenance Areas described, and as provided for, in said Declaration of Protective Easements, Covenants, Conditions and Restrictions (as said Declaration may have heretofore been amended or supplemented).

Parcel No.: 08-511-0001, 08-511-0002, 08-511-0009, 08-511-0005, 08-511-0006
08-511-0007, 08-511-0008

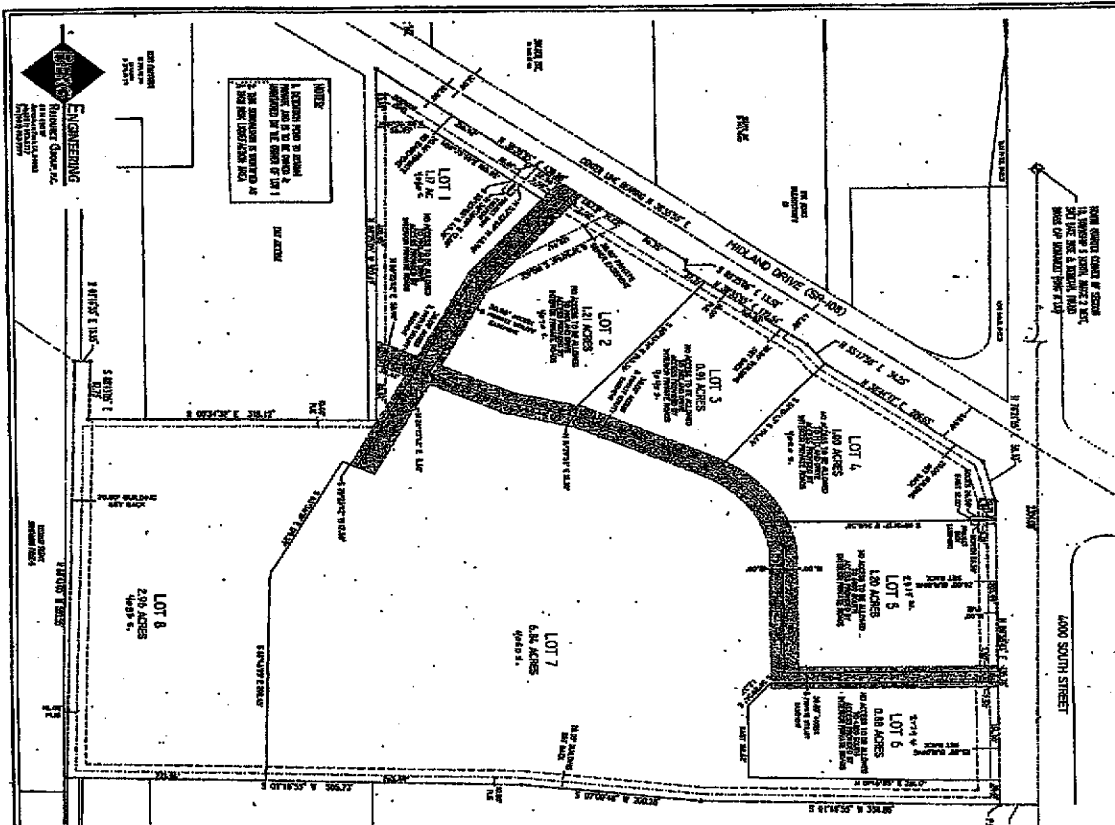
Lots 9 and 10, as identified in the Plat recorded in the office of the Weber County recorder as Entry No. 2508344, Book 71, Page 86, contained within **Midland Square Commercial Plat "A" – 1st Amendment**, Weber County, Utah, Subject to the Declaration of Protective Easements, Covenants, Conditions and Restrictions of Midland Square Commercial, recorded in the office of the Weber County Recorder as Entry no. 2425489, (as said Declaration may have heretofore been amended or supplemented).

Together with a right and easement of use and enjoyment in and to the Common Maintenance Areas described, and as provided for, in said Declaration of Protective Easements, Covenants, Conditions and Restrictions (as said Declaration may have heretofore been amended or supplemented).

Parcel No.: 08-519-0001, 08-519-0002

CURVE TABLE

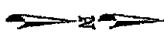
CURVE	ANGLE	DEGREE	MINUTES	SECONDS
1	25	00	00	00
2	30	00	00	00
3	45	00	00	00
4	90	00	00	00



MIDLAND SQUARE COMMERCIAL PLAT "A"

APPROXIMATE TOTAL AREA OF 17.04 ACRES
APPROXIMATE TOTAL AREA OF 17.04 ACRES
BY CITY, WISCONSIN COUNTY, WISCONSIN

ENGINEER'S REPORT
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



LEGEND

- SOLID LINE - LOT BOUNDARY
- DASHED LINE - CONVEYANCE BOUNDARY
- DOTTED LINE - ADJACENT PROPERTY
- AREA WITH STIPPLE - OFF-RECORD
- AREA WITH CHECKERBOARD - OFF-RECORD

BOY CITY ENGINEERS
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BOY CITY PLANNING COMMISSION
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BOY CITY APPROVAL
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BOUNDARY DESCRIPTION



The boundary description text detailing the dimensions and bearings of the lots and roads shown in the plat. It includes bearings like N 11° 15' 00\"/>

OTHER'S INDICATION
The boundaries shown in this plat were obtained from the records of the City of Boy City, Wisconsin, and are hereby acknowledged to be correct to the best of my knowledge and belief.

ACKNOWLEDGMENT
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the plat as recorded in the records of the City of Boy City, Wisconsin.

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