



\*W2538565\*

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E# 2538565 PG 1 OF 4  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
24-Aug-11 1149 AM FEE \$25.00 DEP SC  
REC FOR: BACKMAN OREM  
ELECTRONICALLY RECORDED

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

**OF**

**MIDLAND SQUARE COMMERCIAL**

**An Expandable Subdivision**

THIS SECOND AMENDMENT OF THE PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (this "Amendment") is made this 24 day of August, 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 "Original Declaration").
- B. An Amendment and Correction of the Declaration of Protective Easements, Covenants, and Restrictions was recorded on January 4, 2011 on the records of the Weber County Recorder as Entry 2509837 (the "First Amendment") (the Original Declaration and First Amendment are referred to collectively as the "Declaration").
- C. An Owner now desires to split Lot 1 into two lots, thus creating Lots 11 and 12 that are subject to the Declaration, the First Amendment 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.

**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.

E. The Association, pursuant to Section 12.02 of the Original Declaration, hereby certifies the consent of sufficient Owners and approves the filing of this Amendment.

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 the 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 ten (10) 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:

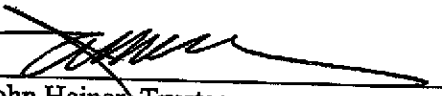
Lot 2	3 votes
Lot 3	2 votes
Lot 5	3 votes
Lot 6	2 votes
Lot 7	8 votes
Lot 8	4 votes
Lot 9	2 votes
Lot 10	2 votes
Lot 11	2 votes
Lot 12	2 votes

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.

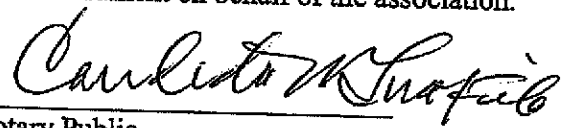
DATED as of the date first written above.

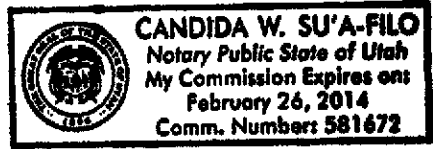
MIDLAND SQUARE OWNERS ASSOCIATION,  
INC., a Utah nonprofit corporation

  
John Heiner, Trustee

STATE OF UTAH            )  
                                  ):ss  
County of                 )

On the 24<sup>th</sup> day of August, 2011, 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 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.: 08-511-0002, 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" – 1<sup>st</sup> 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

Lots 11 and 12, as identified in the Plat recorded in the office of the Weber County recorder as Entry No. 2537050, Book 72, Page 25, contained within Midland Square Commercial Plat "A" Second Amended, 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.: 08-524-0001; 08-524-0002