

WHEN RECORDED, RETURN TO:

Falcon Hill Development, LLC
 784 Parkway Drive
 North Salt Lake, Utah 84054
 Attn: Joseph Cook

E 3419635 B 7846 P 2321-2324
 RICHARD T. MAUGHAN
 DAVIS COUNTY, UTAH RECORDER
 09/17/2021 03:08 PM
 FEE \$116.00 Pgs: 4
 DEP RT REC'D FOR FALCON HILL DEVEL
 OPMENT LLC

Parcel No.: 13-361-0101 - 13-361-0111,
 13-361-0201 - 13-361-0211,
 13-361-0301 - 13-361-0311,
 13-361-0401 - 13-361-0411,
 13-361-0501 - 13-361-0504

RETURNED
 SEP 17 2021

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
 FOR THE
 FALCON RIDGE CONDOMINIUM PROJECT
 NKA
 LOFTS AT FALCON RIDGE BUILDING 1 CONDOMINIUMS**

This Second Amendment to the Declaration of Condominium for the Falcon Ridge Condominium Project nka Lofts at Falcon Ridge Building 1, Condominiums, is made and entered into this ___ day of September 2021, by **FALCON HILL DEVELOPMENT, LLC**, a Utah limited liability company, the Declarant of the project.

RECITALS:

WHEREAS, on August 13, 2021, the original Declaration of Condominium of the Falcon Ridge Condominium Project (the "Declaration"), was recorded in the Office of the Davis County Recorder, as Entry No. 3409159, in Book 7822, Pages 1812-1862; and

WHEREAS, on September 10, 2021, the Declaration was amended by the Declarant (the "First Amendment"); and

WHEREAS, Article 17.4 of the Declaration provides that it may be amended by the Declarant of the Association prior to the closing of a sale of any Condominium; and

WHEREAS, Declarant desires to amend the Declaration as more particularly set forth herein.

DECLARATION

NOW, THEREFORE, in consideration of the mutual promises herein contained, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:


1. Recitals Incorporated. The foregoing recitals are incorporated herein by this reference.
2. Section 4.4. Section 4.4 of the Declaration is amended and restated in its entirety as follows:
 - 4.4 Title and Control.
 - (a) Subject to the provisions of Article VI of the Declaration, title to a Condominium may be held or owned by any person or entity, or any combination thereof, and in any manner in which title to any other real property may be held or owned in the State of Utah, including, without limitation, joint tenancy or tenancy in common.
 - (b) The Declarant shall retain administrative control, including the right to appoint all Trustees, until one of the following occur; (1) All of the planned Units are conveyed to unit owners; (2) When seventy-five percent (75%) of the total number of planned Units are conveyed to unit owners, that are not the Declarant; or (3) For a period of no more than 5 years after the recordation of the most recent amendment (the "Declarant Control Period").
3. Effect of Amendment. Except as modified by this Second Amendment, the First Amendment and the Declaration remain in full force and effect. All references in the Declaration to the "Declaration" shall be deemed references to the Declaration and the First Amendment as modified by this Second Amendment.
4. Governing Provision. In the event of a conflict between provisions of this Second Amendment, the First Amendment, and the Declaration, the provisions of this Second Amendment shall govern, control, and prevail.

[Signature Page Follows]

IN WITNESS WHEREOF, this First Amendment is executed as of the day and year first above written.

DECLARANT:

FALCON HILL DEVELOPMENT, LLC,
a Utah limited liability company

By: 
Name: Joseph M. Cook
Its: Manager

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 16 day of September, 2021, by Joseph M. Cook, the Manager of Falcon Hill Development, LLC, a Utah limited liability company, the Declarant, on behalf of said limited liability company for its stated purpose.



Notary Public



EXHIBIT "A"

(Legal Description)

BEGINNING AT A POINT ON THE WEST LINE OF HIGHWAY 126, SAID POINT BEING LOCATED SOUTH 0°02'19" WEST 986.67 FEET ALONG THE SECTION LINE, BEING THE BASIS OF BEARING, AND NORTH 89°57'41" WEST 50.00 FEET FROM THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, AND RUNNING THENCE ALONG SAID WEST HIGHWAY LINE THE FOLLOWING SEVEN (7) COURSES:

(1) SOUTH 00°02'19" WEST 88.84 FEET; (2) SOUTH 09°56'33" WEST 17.99 FEET; (3) SOUTH 00°02'19" WEST 27.17 FEET; (4) SOUTH 09°52'05" EAST 17.99 FEET; (5) SOUTH 00°02'19" WEST 94.56 FEET; (6) SOUTH 09°56'53" WEST 18.06 FEET; (7) SOUTH 00°02'19" WEST 27.17 FEET; (8) SOUTH 09°52'12" EAST 18.07 FEET; (9) SOUTH 00°02'19" WEST 88.93 FEET; THENCE NORTH 89°57'41" WEST 275.85 FEET; THENCE NORTH 00°02'19" EAST 135.64 FEET TO THE NORTH FACE OF A WALL AS DESCRIBED IN A QUIT CLAIM DEED RECORDED AS ENTRY #3338902, DAVIS COUNTY RECORDER; THENCE NORTH 89°57'41" WEST 65.00 FEET ALONG THE NORTH FACE OF SAID WALL; THENCE NORTH 00°02'19" EAST 139.45 FEET ; THENCE NORTH 89°57'41" WEST 105.00 FEET TO THE EAST LINE OF EVE'S GARDEN NO. 5 SUBDIVISION (ENTRY #522784, DAVIS COUNTY RECORDER); THENCE NORTH 00°02'19" EAST 23.80 FEET ALONG SAID EAST LINE TO THE CORNER OF A PARCEL CONVEYED IN A QUIT CLAIM DEED RECORDED AS ENTRY #3376219, DAVIS COUNTY RECORDER; THENCE SOUTH 89°57'41" EAST 55.80 FEET ALONG A NORTHERLY LINE OF SAID CONVEYANCE; THENCE NORTH 00°02'19" EAST 98.83 FEET ALONG A WESTERLY LINE OF SAID CONVEYANCE; THENCE SOUTH 89°57'41" EAST 390.05 FEET TO SAID WEST HIGHWAY LINE AND TO THE POINT OF BEGINNING.

CONTAINING 133,830 SQUARE FEET OR 3.072 ACRES.