

WHEN RECORDED, RETURN TO:

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

E 3426965 B 7864 P 1625-1628  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
10/13/2021 02:55 PM  
FEE \$118.00 Pgs: 4  
DEP RTT REC'D FOR LOFTS AT FALCON  
RIDGE HOA

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, *0505*

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

This Third 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 October 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, on September 17, 2021, the Declaration was amended by the Declarant (the "Second 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) Declarant Control Period: The Declarant shall relinquish all special rights, expressed or implied, through which the Declarant may directly or indirectly control, direct, modify, or veto any action of the Association, the Trustees, or a majority of unit owners, and control of the Association shall pass to the Owners, not later than the earlier of the following: (i) One hundred twenty (120) days after the date on which seventy-five (75) percent of the units have been conveyed to unit owners that are not the Declarant; or (ii) Five (5) years from the date on which the first Unit is conveyed to an owner that is not the Declarant (the "Declarant Control Period").
3. Effect of Amendment. Except as modified by this Third Amendment, the 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 the First Amendment, and the Second Amendment, as modified by this Third Amendment.
4. Governing Provision. In the event of a conflict between provisions of this Third Amendment, the Second Amendment, the First Amendment, and the Declaration, the provisions of this Third Amendment shall govern, control, and prevail.

[Signature Page Follows]

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

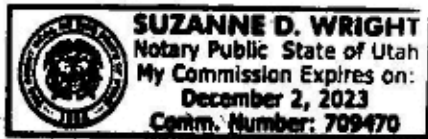
DECLARANT:

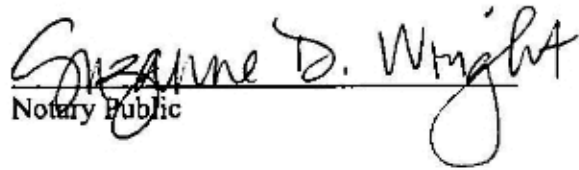
**FALCON HILL DEVELOPMENT, LLC,**  
a Utah limited liability company

  
By: Joseph Cook  
Its: Manager

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF DAVIS        )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 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.**