

WHEN RECORDED, RETURN TO:

PARR BROWN GEE & LOVELESS  
101 South 200 East, Suite 700  
Salt Lake City, Utah 84111  
Attn: Roger D. Henriksen  
Robert A. McConnell

Ent 533648 Bk 1444 Pg 1884-1893  
Date: 20-JUN-2023 2:44:18PM  
Fee: \$346.00 Check Filed By: KM  
MARGY M MURRAY, Recorder  
WASATCH COUNTY CORPORATION  
For: EX UTAH DEVELOPMENT LLC

SEND TAX NOTICES TO:

BLX Mayflower LLC  
P.O. Box 980728  
Park City, Utah 84060  
Attention: Kurt Krieg, Executive VP - Development

**SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR MARCELLA**

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THIS SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR MARCELLA (this "Amendment") is made effective as of the \_\_\_\_\_ day of \_\_\_\_\_ 2023 by and among RS21 MAYFLOWER LLC, a Delaware limited liability company ("Declarant"), BLX MAYFLOWER LLC, a Delaware limited liability company ("Master Declarant"), and BLX LEASE 2 LLC, a Delaware limited liability company ("BLXL2").

**RECITALS:**

A. This Amendment constitutes an amendment to that certain Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Marcella dated February 28, 2022, entered into by Declarant, and recorded on February 28, 2022, as Entry No. 515783, in Book 1399, at Page 418, in the official records of the Wasatch County Recorder (the "Original Declaration"), as amended by that certain First Amendment to Amended and Restated Declaration of covenants, Conditions, Restrictions and Easements for Marcella dated November 15, 2022, entered into by Declarant and Master Declarant, and recorded on November 15, 2022, as Entry No. 526905, in Book 1428, at Page 742 (the "First Amendment" and, together with the Original Declaration, collectively, the "Declaration"), which Declaration encumbers the Development Property (as defined in the Declaration). Capitalized terms used in this Amendment but not otherwise defined herein shall have the same meanings, scope and definitions assigned to such terms in the Declaration.

B. The Declaration grants to Declarant the right, with the approval of Master Declarant, to amend the Declaration to withdraw property from the Development.

C. BLXL2 and Master Declarant are the owners of certain real property identified on Exhibit B attached hereto ("Withdrawal Property").

D. BLXL2, Declarant and Master Declarant now desire to amend the Declaration to withdraw the Withdrawal Property from the Development and from the effect of the Declaration.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends the Declaration as follows:

1. Withdrawal of Withdrawal Property. Pursuant to Section 2.3 of the Declaration, as of the date of this Amendment, Declarant hereby exercises its right withdraw the Withdrawal Property from the Development and release the Withdrawal Property from the effect of the Declaration.

2. Approval of Master Declarant and BLXL2. By their execution of this Amendment, Master Declarant and BLXL2 hereby approve of the withdrawal of the Withdrawal Property from the Development.

3. Development Property. As of the date of this Amendment, the real property subject to the Declaration shall be limited to only the real property described on Exhibit A attached hereto.

4. Miscellaneous. The Recitals in this Amendment are incorporated herein by this reference. In the event of any conflict between the provisions of the Declaration and the provisions of this Amendment, the provisions of this Amendment shall control. Except as set forth in this Amendment, the Declaration is ratified and affirmed in its entirety. This Amendment shall inure to the benefit of, and be binding on, all persons holding any interest in the Property and their respective successors, assigns, heirs and lien holders. This Amendment shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

*[Signature and Acknowledgement Page Follows]*

IN WITNESS WHEREOF, Declarant, Master Declarant and BLXL2 have executed this Amendment as of the date set forth above.

DECLARANT:

**RS21 MAYFLOWER LLC,**  
a Delaware limited liability company

By its Manager RS21 Mayflower Manager LLC  
a Utah limited liability company;

By its Manager Reef Private Equity LLC f.k.a.  
Stillwater Equity Partners LLC,  
a Utah limited liability company;

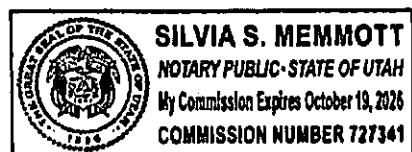
By: W. W.  
Name: William Wennerth  
Its: Manager

STATE OF Utah )  
COUNTY OF Utah )  
 ) ss.  
 )

On June 20th, 2023 before me, Silvia Memmott,  
Notary Public, personally appeared William Wennerth, personally known to me to be the person  
whose name is subscribed to the within instrument and acknowledged to me that he executed the  
same in his authorized capacity, and that by his signature on the instrument the person, or the entity  
upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

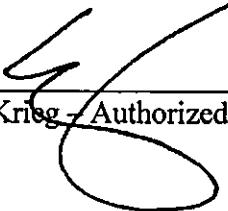
Silvia Memmott  
Notary Public



**MASTER DECLARANT:**

**BLX MAYFLOWER LLC,**  
a Delaware limited liability company

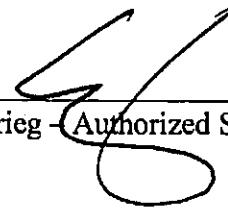
By:

  
Kurt Krieg - Authorized Signer

**BLXL2**

**BLX LEASE 2 LLC,**  
a Delaware limited liability company

By:

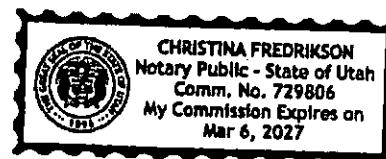
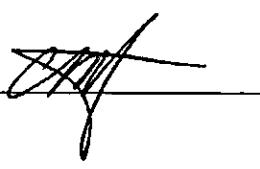
  
Kurt Krieg - Authorized Signer

STATE OF UTAH )  
 )  
COUNTY OF WASATCH ) ss.  
 )

On June 19, 2023 before me, Christina Fredrikson, Notary Public, personally appeared Kurt Krieg, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entities upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public



**EXHIBIT A**

**Description of the Development Property**

The surface rights in and to all of that certain real property located in Wasatch County, State of Utah and described as follows:

Lots 1 through 20 and Parcel A, Galena One, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

AND

Lots 21 through 60 and Parcels B through E, Galena Two, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

AND

Lots 61 through 68 and Parcel F, Galena Three, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

AND

Lots 1 through 29 and Parcel D, McHenry Estates, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

AND

Lots 1 through 43 and Parcels A through D and F, Overlook Estates Plat, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

Subdivision	lot	Tax Parcel Number
Galena One	1	00-0021-7054
Galena One	2	00-0021-7055
Galena One	3	00-0021-7056
Galena One	4	00-0021-7057
Galena One	5	00-0021-7058
Galena One	6	00-0021-7059
Galena One	7	00-0021-7060
Galena One	8	00-0021-7061
Galena One	9	00-0021-7062
Galena One	10	00-0021-7063
Galena One	11	00-0021-7064
Galena One	12	00-0021-7065
Galena One	13	00-0021-7066
Galena One	14	00-0021-7067
Galena One	15	00-0021-7068
Galena One	16	00-0021-7069
Galena One	17	00-0021-7070
Galena One	18	00-0021-7071
Galena One	19	00-0021-7072
Galena One	20	00-0021-7073
Galena One	Parcel A	00-0021-7074
Galena Two	21	00-0021-7075
Galena Two	22	00-0021-7076
Galena Two	23	00-0021-7077
Galena Two	24	00-0021-7078
Galena Two	25	00-0021-7079
Galena Two	26	00-0021-7080
Galena Two	27	00-0021-7081
Galena Two	28	00-0021-7082
Galena Two	29	00-0021-7083
Galena Two	30	00-0021-7084
Galena Two	31	00-0021-7085
Galena Two	32	00-0021-7086
Galena Two	33	00-0021-7087
Galena Two	34	00-0021-7088
Galena Two	35	00-0021-7089
Galena Two	36	00-0021-7090
Galena Two	37	00-0021-7091
Galena Two	38	00-0021-7092
Galena Two	39	00-0021-7093
Galena Two	40	00-0021-7094

Galena Two	41	00-0021-7095
Galena Two	42	00-0021-7096
Galena Two	43	00-0021-7097
Galena Two	44	00-0021-7098
Galena Two	45	00-0021-7099
Galena Two	46	00-0021-7100
Galena Two	47	00-0021-7101
Galena Two	48	00-0021-7102
Galena Two	49	00-0021-7103
Galena Two	50	00-0021-7104
Galena Two	51	00-0021-7105
Galena Two	52	00-0021-7106
Galena Two	53	00-0021-7107
Galena Two	54	00-0021-7108
Galena Two	55	00-0021-7109
Galena Two	56	00-0021-7110
Galena Two	57	00-0021-7111
Galena Two	58	00-0021-7112
Galena Two	59	00-0021-7113
Galena Two	60	00-0021-7114
Galena Two	Parcel B	00-0021-7115
Galena Two	Parcel C	00-0021-7116
Galena Two	Parcel D	00-0021-7117
Galena Two	Parcel E	00-0021-7118
Galena Three	61	00-0021-7785
Galena Three	62	00-0021-7786
Galena Three	63	00-0021-7787
Galena Three	64	00-0021-7788
Galena Three	65	00-0021-7789
Galena Three	66	00-0021-7790
Galena Three	67	00-0021-7791
Galena Three	68	00-0021-7792
Galena Three	Parcel F	00-0021-7793
McHenry	1	00-0021-8451
McHenry	2	00-0021-8452
McHenry	3	00-0021-8453
McHenry	4	00-0021-8454
McHenry	5	00-0021-8455
McHenry	6	00-0021-8456
McHenry	7	00-0021-8457
McHenry	8	00-0021-8458
McHenry	9	00-0021-8459
McHenry	10	00-0021-8460

McHenry	11	00-0021-8461
McHenry	12	00-0021-8462
McHenry	13	00-0021-8463
McHenry	14	00-0021-8464
McHenry	15	00-0021-8465
McHenry	16	00-0021-8466
McHenry	17	00-0021-8467
McHenry	18	00-0021-8468
McHenry	19	00-0021-8469
McHenry	20	00-0021-8470
McHenry	21	00-0021-8471
McHenry	22	00-0021-8472
McHenry	23	00-0021-8473
McHenry	24	00-0021-8474
McHenry	25	00-0021-8475
McHenry	26	00-0021-8476
McHenry	27	00-0021-8477
McHenry	28	00-0021-8478
McHenry	29	00-0021-8479
McHenry	Parcel D	00-0021-8484
Overlook	1	00-0021-8497
Overlook	2	00-0021-8498
Overlook	3	00-0021-8499
Overlook	4	00-0021-8500
Overlook	5	00-0021-8501
Overlook	6	00-0021-8502
Overlook	7	00-0021-8503
Overlook	8	00-0021-8504
Overlook	9	00-0021-8505
Overlook	10	00-0021-8506
Overlook	11	00-0021-8507
Overlook	12	00-0021-8508
Overlook	13	00-0021-8509
Overlook	14	00-0021-8510
Overlook	15	00-0021-8511
Overlook	16	00-0021-8512
Overlook	17	00-0021-8513
Overlook	18	00-0021-8514
Overlook	19	00-0021-8515
Overlook	20	00-0021-8516
Overlook	21	00-0021-8517
Overlook	22	00-0021-8518
Overlook	23	00-0021-8519

Overlook	24	00-0021-8520
Overlook	25	00-0021-8521
Overlook	26	00-0021-8522
Overlook	27	00-0021-8523
Overlook	28	00-0021-8524
Overlook	29	00-0021-8525
Overlook	30	00-0021-8526
Overlook	31	00-0021-8527
Overlook	32	00-0021-8528
Overlook	33	00-0021-8529
Overlook	34	00-0021-8530
Overlook	35	00-0021-8531
Overlook	36	00-0021-8532
Overlook	37	00-0021-8533
Overlook	38	00-0021-8534
Overlook	39	00-0021-8535
Overlook	40	00-0021-8536
Overlook	41	00-0021-8537
Overlook	42	00-0021-8538
Overlook	43	00-0021-8539
Overlook	Parcel A	00-0021-8540
Overlook	Parcel B	00-0021-8541
Overlook	Parcel C	00-0021-8542
Overlook	Parcel D	00-0021-8543
Overlook	Parcel F	00-0021-8545

**EXHIBIT B**

**Description of the Withdrawal Property**

The surface rights in and to all of that certain real property located in Wasatch County, State of Utah and described as:

**Parcel 1B, MIDA Master Development Plat Amended 2022**, according to the official plat thereof, recorded July 27, 2022 as Entry No. 522596 in Book 1417 at Page 852 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax ID Numbers:

Parcel 1B 00-0021-7758

AND

**Parcel 1E1, MIDA Mountain Plat**, according to the official plat thereof, recorded June 9, 2023 as Entry No. 533309 in Book 1444 at Page 142-149 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax ID Numbers:

Parcel 1E1 00-0021-7761

AND

**Lot 30 and Parcels A, B, & C, McHenry Estates Plat**, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

Wasatch County Tax ID Numbers:

Lot 30 00-0021-8480

A 00-0021-8481

B 00-0021-8482

C 00-0021-8483

AND

**Parcels E, G, H, I, & J, Overlook Estates Plat**, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

Wasatch County Tax ID Numbers:

E 00-0021-8544

G 00-0021-8546

H 00-0021-8547

I 00-0021-8548

J 00-0021-8549