

07/03/96 6398547 26-00
1:30 PM
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
REC BY: V ASHBY DEPUTY - WI

WHEN RECORDED, PLEASE RETURN TO:

Victor A. Taylor, Esq.
Kimball, Parr, Waddoups, Brown & Gee
185 South State Street, Suite 1300
Salt Lake City, Utah 84111

6398547

FIRST AMENDMENT TO
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS
[Cottonwood Corporate Center]

THIS FIRST AMENDMENT (this "Amendment") is executed as of the 27th day of June, 1996, by WALLNET INVESTMENTS, L.C., a Utah limited liability company ("Wallnet"), whose address is 165 South Main Street, Suite 500, Salt Lake City, Utah 84111.

FOR THE SUM OF TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Wallnet agrees as follows:

1. Definitions. As used in this Amendment, each of the following terms shall have the indicated meaning (any capitalized term used but not defined in this Amendment shall have the meaning set forth in the "Declaration," as defined in Paragraph 1.3 of this Amendment):

1.1. "Common Roadway" means the land in Salt Lake County, Utah, described as follows:

Beginning at a point which is North 0°08'51" East along the Section line 447.50 feet and South 89°49'13" East 50.00 feet from the West quarter corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 0°08'51" East 71.00 feet; thence South 89°49'13" East 669.22 feet; thence North 0°10'47" East 12.00 feet to a point of a 787.50 foot radius curve to the left, the chord of which bears North 72°37'45" East; thence easterly along the arc of said curve and through a central angle of 35°06'03" a distance of 482.44 feet to a point of tangency; thence North 55°04'44" East 161.13 feet to a point of a 257.50 foot radius curve to the right, the chord of which bears South 81°12'57" East; thence easterly along the arc of said curve and through a central angle of 87°24'39" a distance of 392.84 feet to a point of tangency; thence South 37°30'37" East 388.28 feet to a point of a 282.50 foot radius curve to the left, the chord of which bears South 57°30'40" East; thence southeasterly along the arc of said curve and through a central angle of 40°00'07" a distance of 197.23 feet to a point of tangency; thence South 77°30'44" East 203.08 feet; thence South 35°38'28" East 52.78 feet to the West right-of-way line of 3000 East Street; thence South 12°27'22" West along said West line 71.77 feet; thence North 77°30'44" West 147.86 feet to a point of a 693.16 foot radius curve to the right, the chord of which bears North 71°09'19" West; thence northwesterly along the arc of said curve and through a central angle of 13°28'28" a distance of 163.01 feet to a point of a compound curve to the right, the radius point

of which is North 22°43'23" East 377.50 feet; thence northwesterly along the arc of said curve and through a central angle of 29°46' a distance of 196.12 feet to a point of tangency; thence North 37°30'37" West 388.28 feet to a point of a 162.50 foot radius curve to the left, the chord of which bears North 81°12'57" West; thence westerly along the arc of said curve and through a central angle of 87°24'39" a distance of 247.91 feet to a point of tangency; thence South 55°04'44" West 161.13 feet to a point of a 882.50 foot radius curve to the right, the chord of which bears South 72°37'45" West; thence westerly along the arc of said curve and through a central angle of 35°06'03" a distance of 540.64 feet to a point of tangency; thence North 89°49'13" West 441.91 feet; thence North 0°10'47" East 12.00 feet; thence North 89°49'13" West 227.27 feet to the point of beginning.

1.2. "County Parcel" means the land in Salt Lake County, Utah, described as follows, excluding any portion of such land on which a public trail is located, or which is located outside of any fence erected by the Manager for the benefit of the Parcels:

Beginning at a point East along the North line of MILL HOLLOW ESTATES PLAT "F" SUBDIVISION 783.14 feet from the West quarter corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 0°10'47" East 12.50 feet; thence East 558.00 feet to the West line of THE OVERLOOK AT OLD MILL SUBDIVISION; thence South 0°18'28" East along said West line and the East line of the aforesaid MILL HOLLOW ESTATES PLAT "F" SUBDIVISION 24.50 feet; thence West 558.22 feet; thence North 0°10'47" East 12.00 feet to the point of beginning.

1.3. "Declaration" means the Declaration of Easements, Covenants and Restrictions, dated January 8, 1996, and recorded January 17, 1996 as Entry No. 6259074 in Book 7311 at Page 821 of the official records of the Salt Lake County Recorder. The Declaration covers, among other things, the Parcels (as now defined pursuant to Paragraph 3 of this Amendment), the Common Roadway, the County Parcel and the Utility Easement Area.

1.4. "Utility Easement Area" means the land in Salt Lake County, Utah, described as follows:

Beginning at the West quarter corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 0°08'51" East along the Section line 908.56 feet to the South right-of-way line of I-215; thence North 89°04'36" East along said South line 50.01 feet; thence South 0°08'51" West 391.02 feet; thence South 89°49'13" East 669.22 feet; thence North 0°10'47" East 12.00 feet to a point of a 787.50 foot radius curve to the left, the chord of which bears North 72°37'45" East; thence northeasterly along the arc of said curve and through a central angle of 35°06'03" a distance of 482.44 feet to a point of tangency; thence North 55°04'44" East 161.13 feet to a point of a 257.50 foot radius curve to the right, the chord of which bears South 81°12'57" East; thence easterly along the arc of said curve and through a central angle of 87°24'39" a distance of 392.84 feet to a point of tangency; thence South 37°30'37" East 388.28 feet to a point of a 282.50 foot radius curve to the left, the chord of which bears South 57°30'40" East; thence

southeasterly along the arc of said curve and through a central angle of 40°00'07" a distance of 197.23 feet to a point of tangency; thence South 77°30'44" East 203.08 feet; thence South 35°38'28" East 52.78 feet to the West right-of-way line of 3000 East Street; thence South 12°27'22" West along said West line 71.77 feet; thence North 77°30'44" West 147.86 feet to a point of a 693.16 foot radius curve to the right, the chord of which bears North 71°09'19" West; thence northwesterly along the arc of said curve and through a central angle of 13°28'28" a distance of 163.01 feet to a point of a compound curve to the right, the radius point of which is North 22°43'23" East 377.50 feet; thence northwesterly along the arc of said curve and through a central angle of 29°46' a distance of 196.12 feet to a point of tangency; thence North 37°30'37" West 388.28 feet to a point of a 162.50 foot radius curve to the left, the chord of which bears North 81°12'57" West; thence northwesterly along the arc of said curve and through a central angle of 87°24'39" a distance of 247.91 feet to a point of tangency; thence South 55°04'44" West 161.13 feet to a point of a 882.50 foot radius curve to the right, the chord of which bears South 72°37'45" West; thence westerly along the arc of said curve and through a central angle of 35°06'03" a distance of 540.64 feet to a point of tangency; thence North 89°49'13" West 441.91 feet; thence North 0°10'47" East 12.00 feet; thence North 89°49'13" West 227.27 feet; thence South 0°08'51" West 397.34 feet; thence East 765.84 feet; thence South 0°18'29" East 50.00 feet to the North line of MILL HOLLOW ESTATES PLAT "F"; thence West along said North line 816.24 feet to the point of beginning.

2. Purpose of Amendment. Wallnet, as the Manager and the Owner of the new Parcel 2 described in Paragraph 3 of this Amendment, desires to amend the Declaration to add such Parcel 2 as an additional Parcel, in accordance with Paragraph 12(a) of the Declaration.

3. Parcels. Paragraph 1.20 of the Declaration is deleted in its entirety and is replaced with the following new Paragraph 1.20:

1.20 "Parcels" means the two (2) parcels of land in Salt Lake County, Utah, described as follows:

PARCEL 1 ("Parcel 1"):

Beginning at a point which is East along the North line of MILL HOLLOW ESTATES PLAT "F" SUBDIVISION 783.14 feet and North 0°10'47" East 12.50 feet from the West quarter corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 0°10'47" East 190.04 feet; thence South 89°49'13" East 29.54 feet; thence North 0°10'47" East 283.28 feet to a point on a 835.00 foot radius curve to the left, the chord of which bears North 69°24'23" East; thence northeasterly along the arc of said curve and through a central angle of 28°39'18" a distance of 417.60 feet to a point of tangency; thence North 55°04'44" East 161.13 feet to a point of a 210.00 foot radius curve to the right, the chord of which bears South 81°12'57" East; thence easterly along the arc of said curve and through a central angle of 87°24'39" a distance of

320.38 feet to a point of tangency; thence South 37°30'37" East 388.28 feet to a point of a 330.00 foot radius curve to the left, the chord of which bears South 57°30'40" East; thence southeasterly along the arc of said curve and through a central angle of 40°00'07" a distance of 230.39 feet to a point of tangency; thence South 77°30'44" East 242.40 feet to the West right-of-way line of 3000 East Street; thence South 12°27'22" West along said West line 91.96 feet to the North line of the OVERLOOK AT OLD MILL SUBDIVISION, according to the official plat thereof recorded in Book "95-3P" of Plats at Page 59 in the Office of the Salt Lake County Recorder; thence North 77°33'15" West along said North line 398.41 feet to a point of a 500.00 foot radius curve to the right, the chord of which bears North 73°27'44" West; thence northwesterly along the arc of said curve and North line and through a central angle of 8°11'01" a distance of 71.42 feet to a point of tangency; thence North 69°22'14" West along said North line 23.43 feet to a point of a 350.00 foot radius curve to the left, the chord of which bears North 79°51'37" West; thence northwesterly along said curve and North line and through a central angle of 20°58'39" a distance of 128.14 feet to a point of tangency; thence South 89°39'07" West along said North line 318.87 feet to the Northwest corner of the OVERLOOK AT OLD MILL SUBDIVISION; thence South 0°18'29" East along the West line of said subdivision 229.97 feet; thence West 558.00 feet to the point of beginning.

PARCEL 2:

Beginning at a point which is North 0°08'51" East along the Quarter Section line 908.56 feet, and North 89°04'36" East 740.83 feet, and North 55°02'48" East 206.85 feet from the West Quarter Corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 34°55'16" West 67.93 feet to a point on the South right-of-way line of I-215 and a point on a 2076.90 foot radius curve to the left, the chord of which bears North 62°36'26" East; thence northeasterly along said South line and curve through a central angle of 5°57'01" a distance of 215.69 feet; thence North 67°29'16" East along said South line 183.64 feet; thence South 31°38'01" East 111.32 feet; thence South 70°30'09" East 57.70 feet; thence South 34°39'50" East 284.29 feet; thence South 11°06'23" East 28.44 feet; thence South 42°36'15" East 63.15 feet; thence South 64°43'27" East 71.26 feet; thence South 32°54'51" West 100.16 feet to a point on a 210.00 foot radius curve to the left, the chord of which bears South 88°59'48" West; thence westerly along said curve through a central angle of 67°50'08" a distance of 248.63 feet; thence South 55°04'44" West 161.13 feet to a point of a 835.00 foot radius curve to the right, the chord of which bears South 55°10'54" West; thence southwesterly along said curve through a central angle of 0°12'21" a

distance of 3.00 feet; thence North 34°55'16" West 499.58 feet to the point of beginning.

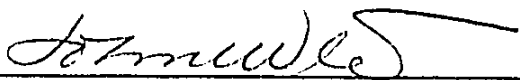
together with all Improvements on such land, and any real property defined as an additional Parcel or as an additional part of any Parcel in an amendment to this Declaration executed and recorded pursuant to Paragraph 12. "Parcel" means any of the Parcels.

4. General Provisions. Except as set forth in this Amendment, the Declaration is ratified and affirmed in its entirety and remains in full force and effect. This Amendment shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the State of Utah.

WALLNET has executed this Amendment on the date set forth below, to be effective as of the date first set forth above.

WALLNET INVESTMENTS, L.C.,
by its Manager and Members:

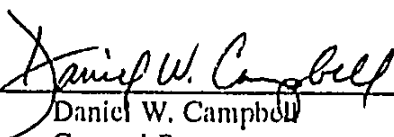
COTTONWOOD CORPORATE CENTER L.L.C.,
a Utah limited liability company

By 
John L. West
Manager

Date 6/27/96

[Cottonwood Corporate Center L.L.C. is the Manager
and a Member of Wallnet Investments, L.C.]

ESNET, LTD.,
a Utah limited partnership

By 
Daniel W. Campbell
General Partner

Date 6/27/96

[EsNet, Ltd. is a Member of Wallnet Investments, L.C.]

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this 27th day of June, 1996, by John L. West, one of the Managers of Cottonwood Corporate Center L.L.C., the Manager and a Member of Wallnet Investments, L.C.

(Seal)

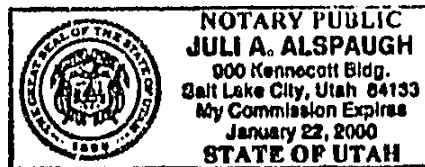
Juli Alspaugh
Notary Public

My Commission Expires:

Residing at:

Jan. 22, 2000

Salt Lake City, Utah



State of UTAH)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this 28th day of June, 1996, by Daniel W. Campbell, the General Partner of Esnet, Ltd., a Member of Wallnet Investments, L.C.

(Seal)

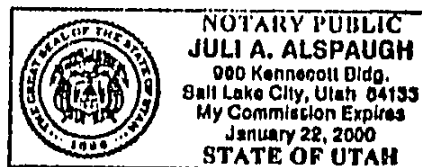
Juli Alspaugh
Notary Public

My Commission Expires:

Residing at:

Jan. 22, 2000

Salt Lake City, Utah



w/wallnet/decl/amnd.vnt
June 27, 1996