

WHEN RECORDED, RETURN TO:

Holland & Hart LLP
222 South Main Street, Suite 2200
Salt Lake City, Utah 84101
Attention: Carl W. Barton

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR BOTANICAL POINT

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR BOTANICAL POINT (this “**Amendment**”) is made to be effective as of May 29, 2020 (the “**Effective Date**”), by RENDEZVOUS MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, as “**Declarant**” under the Declaration of Covenants, Conditions and Restrictions and Grant of Easements for Botanical Point recorded on April 13, 2016 as Entry No. 31977:2016 of the official records of Utah County, Utah (the “**Declaration**”). Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration. CB

RECITALS

- A. The Declaration affects the real property described in or depicted on Exhibit A-1, Exhibit A-2, and Exhibit B attached hereto.
- B. Except as expressly provided in Section 11.3 of the Declaration, the Declaration may be modified during the Declarant Control Period with the consent of Declarant and without the necessity of obtaining the consent of any other Owner or any Mortgagee of Owner.
- C. The Declarant Control Period has not expired.
- D. None of the circumstances that would require the consent of any other Owner or any Mortgagee of Owner apply to this Amendment.
- E. Pursuant to Section 11.3 of the Declaration, Declarant desires to amend the Declaration as set forth below.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

- 1. **Recitals.** The Recitals above are hereby incorporated into this Amendment for all purposes.
- 2. **Deletion of Certain Prohibited Uses.** The following language in Section 1.32(p) of the Declaration:

“Any car washes, automobile service or repair shops or operations”

is hereby replaced with:

“[Reserved].”

3. **Consistency.** Except as set forth in this Amendment, the terms and conditions of the Declaration shall remain unchanged and in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, this Amendment is executed by the Declarant to be effective as of the Effective Date.

RENDEZVOUS MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, as Declarant

By: Rick White
Name: [Signature]
Its: Member/Manager

STATE OF Utah)
COUNTY OF Salt Lake)ss.

The foregoing instrument was acknowledged before me on ~~February~~ ^{May 29}, 2020, by Rick White, as member/manager of RENDEZVOUS MOUNTAIN HOLDINGS, LLC, a Delaware limited liability company, as Declarant.

Barbara W. Thurgood
NOTARY PUBLIC
Residing at: SL Co., UT

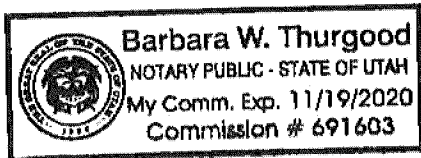


Exhibit A-1

Legal Description of the Project

The Property is located in the City of Lehi, County of Utah, State of Utah, and is further described as follows:

LOTS 1, 2, 3, 4, 5, AND 6 OF THE LEHI BOTANICAL SUBDIVISION, AMENDING LEHI INDUSTRIAL PARK PLAT "A", ACCORDING TO THE OFFICIAL PLAT RECORDED JANUARY 7, 2016 AS ENTRY NO. 1363-2016 AND AS MAP FILING NO. 14907 OF OFFICIAL UTAH COUNTY, UTAH RECORDS.

Exhibit A-2

Depiction of Project

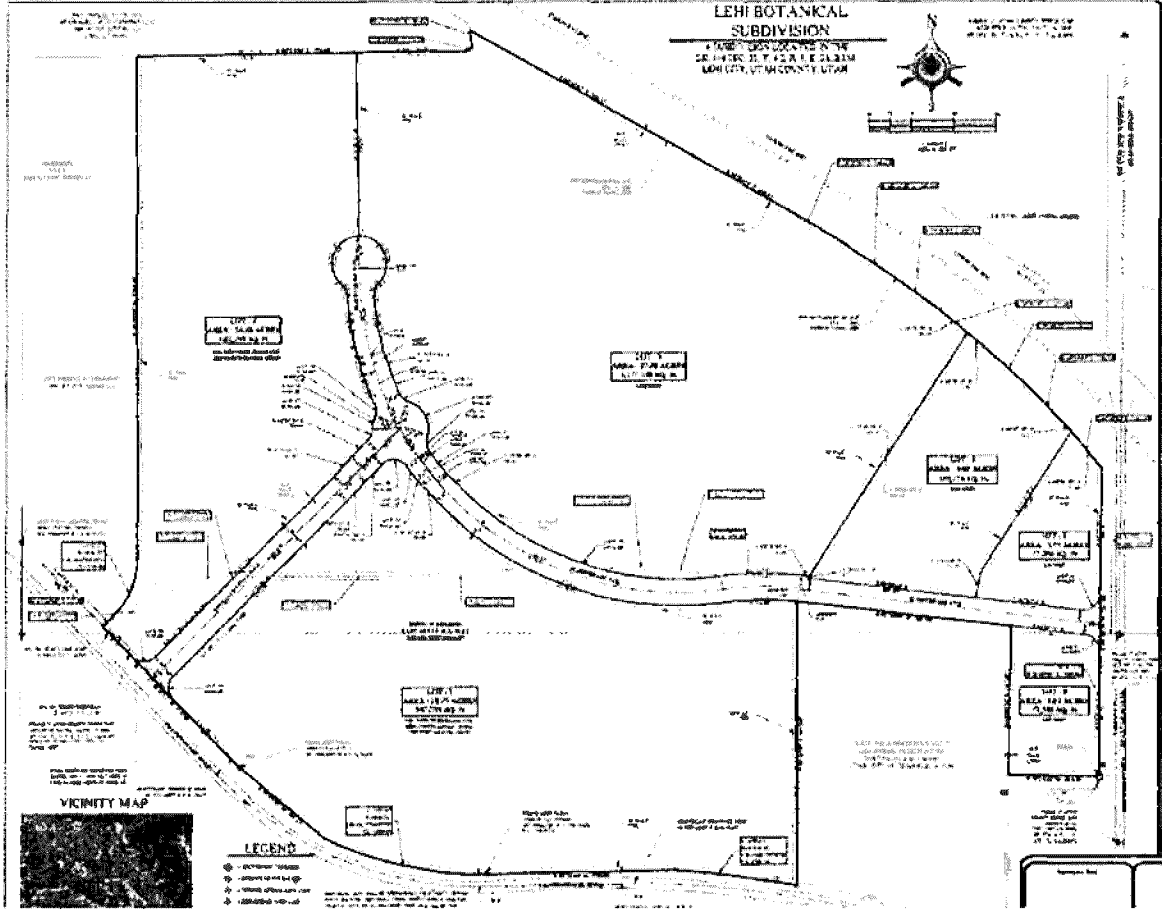


Exhibit A-2 (continued)

Description of Common Areas

One or more areas, each not to exceed 100 square feet, that may be located as follows:

- (a) on portions of Lots 1 and 2 adjacent to at the intersection of Digital Drive and Sandalwood Drive;
- (b) on portions of Lots 5 and 6 adjacent to the intersection of 1200 West Street and Slipstream Avenue;
- (c) the traffic circle located at the intersection of Slipstream Avenue and Sandalwood Drive.

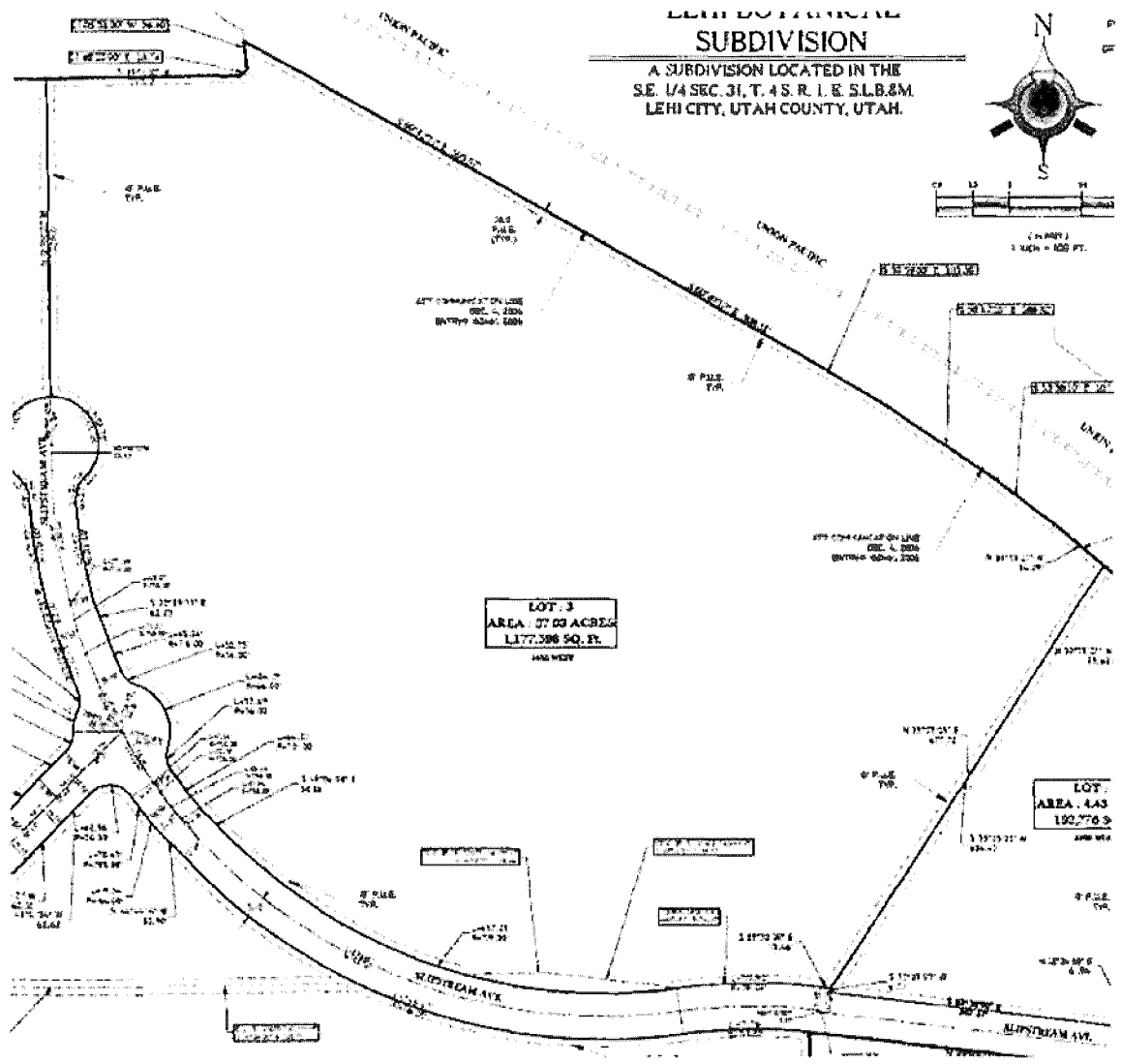
Upon the construction of any Common Area improvements within any proposed Common Area, the size of such Common Area shall be limited to the size and location of such improvements.

Exhibit B

Legal Description and Depiction of Parcel 3

LOT 3, LEHI BOTANICAL SUBDIVISION, AMENDING LEHI INDUSTRIAL PARK PLAT "A", ACCORDING TO THE OFFICIAL PLAT RECORDED JANUARY 7, 2016 AS ENTRY NO. 1363-2016 AND AS MAP FILING NO. 14907 OF OFFICIAL UTAH COUNTY, UTAH RECORDS.

Said property is also known by the street address of: 1450 West Slipstream Avenue, Lehi, UT 84043



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