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Gary W. Ott

Recorder, Salt Lake County, UT

METRO NATIONAL TITLE

BY: eCASH, DEPUTY - EF 4 P.

When Recorded, Mail to:  
 Bingham Park, L.C.  
 P.O. Box 520370  
 Salt Lake City, Utah 84152-0370  
 Attention: Steven M. Perry

**SUPPLEMENT NO. 6 TO DECLARATION OF  
 COVENANTS, CONDITIONS AND RESTRICTIONS  
 FOR BINGHAM BUSINESS PARK**

THIS SUPPLEMENT NO. 6 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BINGHAM BUSINESS PARK (this "Supplement No. 6") is made this 15<sup>th</sup> day of NOVEMBER, 2004, by BINGHAM PARK, L.C., a Utah limited liability company ("Declarant").

**RECITALS:**

A. On April 14, 1999 Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the subdivision plat (the "Plat") for Bingham Business Park as Entry No. 7322350.

B. In connection with the creation of Bingham Business Park, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Bingham Business Park dated June 26, 2000 (the "Initial Declaration"). The Initial Declaration was recorded in the Office of the Recorder of Salt Lake County, Utah on June 27, 2000 as Entry No. 7668499 in Book 8371 at Pages 1663 through 1679. The Initial Declaration pertains to and affects all of Lots 1 through 10, inclusive, and Lot 19 of Bingham Business Park.

C. Section 1.1(1) of the Initial Declaration contains a definition of the "Property" that is subject to the terms and conditions of the Initial Declaration. Section 1.1(1) of the Initial Declaration provides that the term "Property" shall mean all of Lots 1 through 10, inclusive, and Lot 19 of Bingham Business Park, located in the City of West Jordan, Salt Lake County, State of Utah, as subdivided by the Plat which was recorded on April 14, 1999 as Entry No. 7322350 in the Office of the Recorder of Salt Lake County, Utah, and any other Lots within Bingham Business Park that may be subjected to the Initial Declaration by a Supplemental Declaration executed and recorded by Declarant or by the then owner of the property within Bingham Business Park that is subjected to the Initial Declaration.

D. The Initial Declaration was supplemented and amended by those certain Supplements to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park as shown on **EXHIBIT "A"** to this document (the "Supplements").

E. Declarant owns Lot(s) 11, 12, 22, 23, 24, and 25 of Bingham Business Park (herein individually referred to as "Lot 11, 12, 22, 23, 24, and "Lot 25"). Pursuant to Section 1.1(1), Declarant desires to subject Lot 11, 12, 22, 23, 24 and Lot 25 to the Initial Declaration.

F. Declarant will convey all of Lot 11, 12, 22, 23, 24, and all of Lot 25 subject to all the covenants, conditions and restrictions as set forth in the Initial Declaration, as supplemented

and amended by the Supplements and as supplemented and amended by this Supplement No. 6, all of which are deemed to be covenants running with the land, mutually burdening and benefiting all of the Property subject to the Initial Declaration, as supplemented and amended by the Supplements.

## ARTICLE I

### DECLARATION

1.1 Initial Declaration Incorporated by Reference. The Initial Declaration as supplemented and amended by Supplement No. 1, 2, 3, 4 and 5 in its entirety is hereby incorporated by reference and made a part of this Supplement No. 6 as though it were set forth herein in its entirety. The Initial Declaration, as supplemented and amended by Supplements No. 1, 2, 3, 4 and 5 and as supplemented and amended by this Supplement No. 6 shall herein collectively be referred to as "this Declaration."

1.2 Lots 11, 12, 22, 23, 24 and 25 Subjected to this Declaration. Declarant hereby declares that, subject to paragraph 3.1(1) all of Lot 11, 12, 22, 23, 24 and all of Lot 25 are subject to this Declaration, and Lot 11, 12, 22, 23, 24, and Lot 25, together with all of Lots 1 through 10, inclusive and Lot 16, 17, 18, 19, 20, 21, 26, 38 and 41 of Bingham Business Park, shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to and in strict accordance with all of the terms and conditions of this Declaration, including without limitation all of the covenants, conditions and restrictions set forth herein, all of which are created for the mutual benefit of the Owners of the Property. All of the terms and conditions of this Declaration, including without limitation all covenants, conditions and restrictions set forth herein, are intended to and shall in all cases run with the title of the land comprising the Property and shall be binding upon and inure to the benefit of the Owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property. All of the terms and conditions of this Declaration, including without limitation the covenants, conditions and restrictions set forth herein, shall be binding upon Declarant as well as all of Declarant's successors in interest, and may be enforced by Declarant, by the Architectural Committee, or by any Owner.

## ARTICLE II

### DEFINITIONS

2.1 All of the terms which are defined in the Initial Declaration shall continue to have the same meaning when used in this Declaration, except with respect to the following terms defined in Section 1.1 of the Initial Declaration, which are hereby amended to have the following meanings:

(e) "Declaration" shall mean the Initial Declaration, as supplemented and amended by Supplement No. 1, 2, 3, 4 and 5 and as supplemented and amended by this Supplement No. 6, together with any subsequent supplements or amendments to this Declaration.

(1) "Property" shall mean all of Lots 1 through 10, inclusive, Lots 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 38 and 41 of Bingham Business Park, located in the City of West Jordan, Salt Lake County, Utah, as subdivided by the Plat which was recorded on April 14, 1999 as Entry No. 7322350 in the Office of the Recorder of Salt Lake County, Utah, and any other Lots within Bingham Business Park that may be subjected to this Declaration by a Supplemental Declaration executed and recorded by Declarant or by the then owner of the property within Bingham Business Park that is subjected to this Declaration.

ARTICLE III

Except as expressly provided in this Supplement No. 6, all other terms and conditions of the Declaration are unmodified and remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Supplement No. 6 as of the date first above written.

BINGHAM PARK, L.C., a Utah limited liability company

By: PACIFIC COMERCIAL PROPERTIES CORP., a Utah corporation  
Title: Member

*[Handwritten Signature]*  
By: \_\_\_\_\_  
Douglas K. Anderson  
Title: President

STATE OF UTAH )  
: ss  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 18 day of November, 2008 by Douglas K. Anderson in his capacity as the President of Pacific Commercial Properties Corp., a Utah corporation, which executed the foregoing instrument in its capacity as the Manager of Bingham Park, L.C., a Utah limited liability company.

*[Handwritten Signature]*  
NOTARY PUBLIC  
Residing at: Salt Lake, UT

My Commission Expires:

11-14-2007



EXHIBIT "A"

This EXHIBIT "A" is attached and made part of that certain SUPPLEMENT NO. 6 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BINGHAM PARK Dated November, 2004 wherein Bingham Park, L.C. is the "Declarant".

Supplement No. 1 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park:

Recorded | SEPTEMBER 19, 2000  
Entry No. | 7721491  
Book/Page | 8388/3212

Supplement No. 2 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park:

Recorded | APRIL 16, 2003  
Entry No. | 8616880  
Book/Page | 8780/3134

Supplement No. 3 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park:

Recorded | DECEMBER 31, 2003  
Entry No. | 8936967

Book/Page | 8929/4404

Supplement No. 4 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park:

Recorded | MARCH 11, 2004  
Entry No. | 9001558  
Book/Page | 8956/7489

Supplement No. 5 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park:

Recorded | JUNE 18, 2004  
Entry No. | 9094394  
Book/Page | 9002/7617