

NINTH SUPPLEMENT TO  
DECLARATION OF CONDOMINIUM

THE PARC AT GATEWAY  
CONDOMINIUMS

A UTAH EXPANDABLE  
CONDOMINIUM PROJECT

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06/17/2005 04:25 PM \$118.00  
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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
PARC GATEWAY PARTNERS  
6440 S WASATCH BLVD #100  
SLC UT 84121  
BY: ZJM, DEPUTY - WI 10 P.

THIS NINTH SUPPLEMENT TO DECLARATION is made and executed this 17 day of June, 2005, by PARC GATEWAY PARTNERS, L.C., a Utah limited liability company (hereinafter referred to as "Declarant").

RECITALS:

A. Declarant is the Declarant as identified and set forth in that certain Declaration of Condominium for The Parc at Gateway Condominiums, a Utah Expandable Condominium Project (such Declaration herein referred to as the "Project") dated as of July 1, 2004, and recorded in the office of the Salt Lake County Recorder on August 20, 2004, as Entry No. 9151848, in Book 9028, beginning at page 1349 (the "Declaration").

B. Under the terms of the Declaration, Declarant reserved the right to expand the Project by the addition of all or a portion of the Additional Land identified in the Declaration.

C. In accordance with the terms of a First Supplement to Declaration of Condominium dated September 7, 2004, and recorded in the office of the Salt Lake County Recorder on September 9, 2004, as Entry No. 9168953, in Book 9035, beginning at page 8211 (the "First Amendment"), a Second Supplement to Declaration of Condominium dated October 25, 2004, and recorded in the office of the Salt Lake County Recorder on November 22, 2004, as Entry No. 9229448, in Book 9063, beginning at page 5836 (the "Second Amendment"), a Third Supplement to Declaration of Condominium dated November \_\_, 2004, and recorded in the office of the Salt Lake County Recorder on December 2, 2004, as Entry No. 9238850, in Book 9068, beginning at page 3133 (the "Third Amendment"), a Fourth Supplement to Declaration of Condominium dated December 13, 2004, and recorded in the office of the Salt Lake County Recorder on December 15, 2004, as Entry No. 9250330, in Book 9073, beginning at page 1635 (the "Fourth Amendment"), a Fifth Supplement to Declaration of Condominium dated January 18, 2005, and recorded in the office of the Salt Lake County Recorder on January 19, 2005, as Entry No. 9277470, in Book 9085, beginning at page 2551 (the "Fifth Amendment"), a Sixth Supplement to Declaration of Condominium dated February 14, 2005, and recorded in the office of the Salt Lake County Recorder on February 16, 2005, as Entry No. 9301512, in Book 9095, beginning at page 3343 (the "Sixth Amendment"), a Seventh Supplement to Declaration of Condominium dated March 28, 2005, and recorded in the office of the Salt Lake County Recorder on March 30, 2005, as Entry No. 9336102, in Book 9111, beginning at page 7212 (the "Seventh Amendment"), and an Eighth Supplement to Declaration of Condominium dated April 28, 2005, and recorded in the office of the Salt Lake County Recorder on April 28, 2005, as Entry No. 9361216, in Book 9123, beginning at page 6435 (the "Eighth Amendment"), Declarant expanded the Project by the addition of a portion of the Additional Land.

D. Declarant desires to add a portion of the Additional Land to the terms of the Declaration as hereinafter provided for.

NOW, THEREFORE, in consideration of the recitals set forth hereinabove, the Declarant hereby declares and certifies as follows:

1. Submission of Additional Land. Declarant hereby submits the following described portion of the Additional Land and the Sub-Units comprising the same (herein referred to as the "Subject Property"), and its interests therein, to the terms, conditions, restrictions, covenants and easements to the terms of the Declaration:

**SEE SCHEDULE "A" ATTACHED HERETO**

TOGETHER WITH: (i) all buildings, if any, improvements, and structures situated on or comprising a part of the above-described Subject Property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said Subject Property; and (iii) all articles of personal property intended for use in connection with said Subject Property.

ALL OF THE FOREGOING IS SUBJECT TO: all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; any mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Subject Property or any portion thereof, including, without limitation, any mortgage or deed of trust, the Gateway Master Declaration, and the Block C2 Declaration; all visible easements and rights-of-way; all easements and rights-of-way of record; any easements, rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Subject Property at such times as construction of all Improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the above-described Subject Property and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or for any assignee or successor of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) an easement for ingress and egress for the benefit of the Additional Land, over and the right to use the Common Elements, until the Additional Land, or portions thereof, becomes part of the Condominium Project, subject to the Declarant's obligation to pay a reasonable amount for the reserved rights provided herein pursuant to an agreement between Declarant and the Association as authorized in Section 4.01 (a) (vi); (ii) to construct and complete the Parc Tower and all of the

other improvements described in this Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (iii) to improve portions of the Subject Property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Sub-Unit Owners, as Declarant or as such assignee or successor may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described Subject Property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire seven (7) years after the date on which the Declaration was filed for record in the Salt Lake County Records.

2. Supplemental Plat. The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on the original Plat filed with the Declaration; therefore there is no need to file a supplemental Plat with this Supplement.

3. Representations of Declarant. Declarant represents as follows:

a. The annexed real property is part of the Additional Land as identified in the Declaration.

b. By the annexation of the real property described in paragraph 1 and the Sub-Units contained therein, the total number of Sub-Units contained in the Project as of the date of recording of this Supplement, will equal one hundred forty two (142).

4. Amendment to Exhibit "C" - Interest in General Common Elements. As a result of the expansion of the Project by the addition of a portion of the Additional Land and the Sub-Units described therein, the Par Values and Interest in General Common Elements for all Sub-Units is re-computed and set forth on Amended Exhibit "C" attached hereto. Said Amended Exhibit "C" also corrects one or more clerical errors which existed in prior versions of Exhibit "C."

5. Effective Date. This Supplemental Declaration shall take effect upon their being filed for record in the office of the County Recorder of Salt Lake County, Utah.

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EXECUTED the day and year first above written.

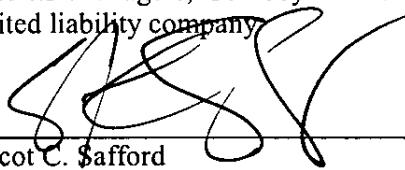
Declarant:

**PARC GATEWAY PARTNERS, L.C.**, a Utah limited liability company, by its Manager:

**PARC DEVELOPERS, L.C.**, a Utah limited liability company


By one of its Managers, Cowboy Partners, L.C., a Utah limited liability company

By:

  
\_\_\_\_\_  
Scot C. Safford  
Vice-President

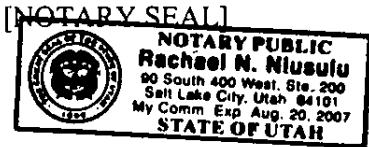
And by its remaining Manager, Boyer PG Manager, L.C., a Utah limited liability company

By:

  
\_\_\_\_\_  
Steven B. Ostler  
Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On this 17<sup>th</sup> day of June, 2005, before me personally appeared Scot C. Safford, who acknowledged himself to be the Vice-President of Cowboy Partners, L.C., a Utah limited liability company and a Manager of Parc Developers, L.C., a Utah limited liability company, the Manager of PARC GATEWAY PARTNERS, L.C., a Utah limited liability company, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer.

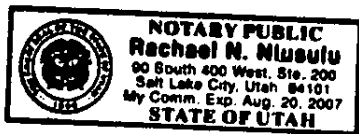


*Rachael N. Niusulu*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On this 17<sup>th</sup> day of June, 2005, before me personally appeared Steven B. Ostler, who acknowledged himself to be a Manager of Boyer PG Manager, L.C., a Utah limited liability company and a Manager of Parc Developers, L.C., a Utah limited liability company, the Manager of PARC GATEWAY PARTNERS, L.C., a Utah limited liability company, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer.

[NOTARY SEAL]



*Rachael N. Niusulu*  
\_\_\_\_\_  
Notary Public

EXHIBIT "A"

Additional Land - Sub-Units Added

Unit 101  
Unit 302  
Unit 306  
Unit 310  
Unit 1103  
Unit 1106  
Unit 1112  
Unit 1118  
Unit 1203  
Unit 1204  
Unit 1205  
Unit 1206  
Unit 1212  
Unit 1216  
Unit 1218

AMENDED EXHIBIT "C"

(Attached to and forming a part of the Ninth Supplement to Declaration of Condominium  
for THE PARC AT GATEWAY CONDOMINIUM PROJECT)

Interest in General Common Elements

Total Sub-Units:	Parking Spaces	Storage Spaces	Total sf:	2,000.000000	100.00%
142			122,089		
# Unit No.			Sq. Ft.	Par Value	Interest in Common Area
1	101	none	2,010	22.466892	1.1233%
2					0.0000%
3					0.0000%
4					0.0000%
5					0.0000%
6	201	C1-6	1,303	17.041410	0.8521%
7	301	C2-77	603	11.669645	0.5835%
8	302	C2-80	467	10.625988	0.5313%
9	303	C1-74	467	10.625988	0.5313%
10	304	C1-92	467	10.625988	0.5313%
11	305	C1-14	467	10.625988	0.5313%
12	306	C1-71	467	10.625988	0.5313%
13					0.0000%
14					0.0000%
15					0.0000%
16	310	C1-73	431	10.349726	0.5175%
17					0.0000%
18	312	C1-122	520	11.032707	0.5516%
19	502	C1-129, C1-130	1,275	16.826539	0.8413%
20	503	C2-20	644	11.984277	0.5992%
21	504	C2-94, C2-95	864	13.672546	0.6836%
22	505	C2-92, C2-93	864	13.672546	0.6836%
23	506	C2-96	643	11.976603	0.5988%
24	507	C2-5, C2-6	1,269	16.780495	0.8390%
25	508	C1-150, C1-151	1,064	15.207336	0.7604%
26	511	C2-13, C2-14	1,091	15.414532	0.7707%
27	512	C1-70	674	12.214496	0.6107%
28	514	C2-46, C2-47	1,074	15.284075	0.7642%
29	515	C2-33, C2-34	1,067	15.230357	0.7615%
30	516	C1-15	694	12.367974	0.6184%
31	517	C1-39	700	12.414018	0.6207%
32	518	C1-115	696	12.383322	0.6192%
33	501	C2-31, C2-32	1,070	15.253379	0.7627%
34	602	C2-11, C2-12	1,275	16.826539	0.8413%
35	603	C2-102	628	11.861494	0.5931%
36	604	C2-100, C2-101	861	13.649524	0.6825%
37	605	C1-44, C1-43	861	13.649524	0.6825%

			GS-11				
38	606	C2-29	none	628	11.861494	0.5931%	
39	607	C1-90, C1-91	S-039	1,285	16.903278	0.8452%	
40	608	C1-123, C1-124	S-122	1,069	15.245705	0.7623%	
41	609	C1-109	none	681	12.268213	0.6134%	
42	610	C2-44, C2-45	S-068	1,460	18.246219	0.9123%	
43	611	C1-67, C1-68	S-059	1,091	15.414532	0.7707%	
44	612	C1-140	S-016	674	12.214496	0.6107%	
45	614	C1-148, C1-149	none	1,074	15.284075	0.7642%	
46	615	C2-78, C2-79	S-099	1,067	15.230357	0.7615%	
47	616	C1-143	S-097	694	12.367974	0.6184%	
48	617	C1-142	S-098	700	12.414018	0.6207%	
49	618	C1-141	S-104	696	12.383322	0.6192%	
50	601	C2-75, C2-76	S-118	1,070	15.253379	0.7627%	
51	702	C2-7, C2-8	S-126	1,275	16.826539	0.8413%	
52	703	C2-19	none	628	11.861494	0.5931%	
53	704	C1-144, C1-145	S-082	861	13.649524	0.6825%	
54	705	C1-120, C1-121	S-069	861	13.649524	0.6825%	
55	706	C2-97	none	643	11.976603	0.5988%	
56	707	C1-107, C1-108	S-040	1,285	16.903278	0.8452%	
57	708	C1-23, C1-24	none	1,069	15.245705	0.7623%	
58	709	C1-161	S-042,	681	12.268213	0.6134%	
			GS-15				
59	710	C1-135, C1-136	S-034	1,461	18.253893	0.9127%	
60	711	C2-86, C2-87	S-060	1,091	15.414532	0.7707%	
61	712	C2-9	S-106	674	12.214496	0.6107%	
62	714	C2-90, C2-91	none	1,074	15.284075	0.7642%	
63	715	C1-110, C1-111	S-108	1,067	15.230357	0.7615%	
64	716	C1-112	S-074	694	12.367974	0.6184%	
65	717	C2-4	S-085	700	12.414018	0.6207%	
66	718	C2-10	S-086	696	12.383322	0.6192%	
67	701	C2-2, C2-3	S-119	1,070	15.253379	0.7627%	
68	802	C1-118, C1-119	S-135	1,275	16.826539	0.8413%	
69	803	C2-18	S-003	628	11.861494	0.5931%	
70	804	C1-80, C1-81	S-143	861	13.649524	0.6825%	
71	805	C1-146, C1-147	S-079	861	13.649524	0.6825%	
72	806	C2-30	S-004	643	11.976603	0.5988%	
73	807	C1-6, C1-7	S-053	1,285	16.903278	0.8452%	
74	808	C1-9, C1-10	S-116	1,069	15.245705	0.7623%	
75	809	C1-153	S-052,	681	12.268213	0.6134%	
			GS-18				
76	810	C1-133, C1-134	S-035	1,461	18.253893	0.9127%	
77	811	C1-20, C1-21	S-133	1,091	15.414532	0.7707%	
78	812	C2-88	S-113	674	12.214496	0.6107%	
79	814	C1-161, C1-163	S-124	1,074	15.284075	0.7642%	
80	815	C1-12, C1-13	S-112	1,067	15.230357	0.7615%	
81	816	C1-36	S-020	694	12.367974	0.6184%	
82	817	C1-40	S-021	700	12.414018	0.6207%	
83	818	C1-5	S-022	696	12.383322	0.6192%	
84	801	C1-41, C1-42	S-132	1,070	15.253379	0.7627%	
85	902	C1-33, C1-34	S-136	1,275	16.826539	0.8413%	
86	903	C2-16	none	628	11.861494	0.5931%	



87	904	C1-131, C1-132	S-145	861	13.649524	0.6825%
88	905	C1-138, C1-139	none	861	13.649524	0.6825%
89	906	C2-15	none	643	11.976603	0.5988%
90	907	C1-37, C1-38	S-054	1,285	16.903278	0.8452%
91	908	C1-125, C1-126	S-107	1,069	15.245705	0.7623%
92	909	C1-35	S-049	681	12.268213	0.6134%
93	910	C2-81, C2-82	S-036	1,461	18.253893	0.9127%
94	911	C1-83, C1-84	S-134	1,091	15.414532	0.7707%
95	912	C1-50	S-114	674	12.214496	0.6107%
96	914	C1-98, C1-99	none	1,074	15.284075	0.7642%
97	915	C1-93, C1-94	S-140	1,067	15.230357	0.7615%
98	916	C1-137	S-027	694	12.367974	0.6184%
99	917	C1-100	S-026	700	12.414018	0.6207%
100	918	C1-101	S-025	696	12.383322	0.6192%
101	901	C1-102, C1-103	S-073	1,070	15.253379	0.7627%
102	1002	C1-48, C1-49	S-147	1,275	16.826539	0.8413%
103	1003	C2-17	S-011	628	11.861494	0.5931%
104	1004	C1-113, C1-114	none	861	13.649524	0.6825%
105	1005	C1-17, C1-18	none	861	13.649524	0.6825%
106	1006	C1-82	S-010	643	11.976603	0.5988%
107	1007	C1-62, C1-63	S-058	1,285	16.903278	0.8452%
108	1008	C1-116, C1-117	none	1,069	15.245705	0.7623%
109	1009	C1-6	none	681	12.268213	0.6134%
110	1010	C1-59, C1-60	S-141	1,461	18.253893	0.9127%
111	1011	C2-38, C2-39	S-137	1,091	15.414532	0.7707%
112						0.0000%
113	1014	C1-87, C1-88	none	1,074	15.284075	0.7642%
114	1015	C1-51, C1-52	S-131	1,067	15.230357	0.7615%
115	1016	C1-22	S-064	694	12.367974	0.6184%
116	1017	C1-89	none	700	12.414018	0.6207%
117	1018	C1-25	none	696	12.383322	0.6192%
118	1001	C1-156, C1-157, C1-158	S-072	1,070	15.253379	0.7627%
119	1102	C2-27, C2-28	S-023, GS-22	1,275	16.826539	0.8413%
120	1103	C1-32	S-012	628	11.861494	0.5931%
121	1104	C1-150, C1-151	S-050	861	13.649524	0.6825%
122	1105	C1-78, C1-79	S-061	861	13.649524	0.6825%
123	1106	C1-31	S-013	643	11.976603	0.5988%
124	1107	C2-41, C2-85	S-057, GS-19	1,285	16.903278	0.8452%
125	1108	C2-42, C2-84	none	1,069	15.245705	0.7623%
126	1109	C1-58	none	681	12.268213	0.6134%
127	1110	C1-28, C1-29	none	1,461	18.253893	0.9127%
128	1111	C2-49, C2-50	S-138, GS-29	1,091	15.414532	0.7707%
129	1112	C1-30	S-019	674	12.214496	0.6107%
130	1114	C1-154, C1-155	none	1,074	15.284075	0.7642%
131	1115	C1-104, C1-105, C1-106	S-030, GS-11	1,067	15.230357	0.7615%
132	1116	C1-11	S-065	694	12.367974	0.6184%
133	1117	C1-16	S-083	700	12.414018	0.6207%

134	1118	C1-19	S-139	696	12.383322	0.6192%
135	1101	C2-43, C2-83	S-095, GS-21	1,070	15.253379	0.7627%
136	1202	C2-73, C2-74	none	1,275	16.826539	0.8413%
137	1203	C2-23	S-015, GS-27	628	11.861494	0.5931%
138	1204	C2-21, C2-22	S-109, GS-26	861	13.649524	0.6825%
139	1205	C2-24, C2-25	S-115, GS-28	861	13.649524	0.6825%
140	1206	C2-53	S-014, GS-25	643	11.976603	0.5988%
141	1207	C2-103, C2-104	S-056, GS-32	1,285	16.903278	0.8452%
142	1208	C1-127, C1-128	none	1,069	15.245705	0.7623%
143	1209	C2-52	none	681	12.268213	0.6134%
144	1210	C1-55, C1-95	none	1,461	18.253893	0.9127%
145	1211	C1-54, C1-96	S-032, G2-3	1,091	15.414532	0.7707%
146	1212	C2-51	S-028, GS-23	674	12.214496	0.6107%
147	1214	C1-53, C1-97	S-044, GS-2	1,074	15.284075	0.7642%
148	1215	C1-159, C1-160	S-045, GS-16	1,067	15.230357	0.7615%
149	1216	C1-64	S-087, GS-6	694	12.367974	0.6184%
150						0.0000%
151	1218	C1-66	S-031, GS-8	696	12.383322	0.6192%
152	1201	C1-85, C1-86	S-075, GS-13	1,070	15.253379	0.7627%

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100.00%