

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Outlets at Traverse Mountain
c/o Craig Realty Group
4100 MacArthur Blvd, Suite 100
Newport Beach, CA 92660-2054
Attention: General Counsel

First American Title
National Commercial Services
NCS File # 907470-A

ENT 90495:2018 PG 1 of 4
Jeffery Smith
Utah County Recorder
2018 Sep 20 04:23 PM FEE 23.00 BY CS
RECORDED FOR First American Title-NCS-SLC1
ELECTRONICALLY RECORDED

(Space Above For Recorder's Use)

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLAT B – OUTLETST AT TRAVERSE MOUNTAIN

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLAT B – OUTLETS AT TRAVERSE MOUNTAIN (this “Amendment”) is made effective as of September 19, 2018 and entered into by OUTLETS AT TRAVERSE MOUNTAIN, LLC, a Delaware limited liability company (“Declarant” or “OTM”).

RECITALS

A. OTM is the “Declarant” under the Declaration of Covenants, Conditions and Restrictions for Plat B - Outlets At Traverse Mountain dated August 11, 2014 and recorded by the Utah County Recorder on August 11, 2014 as Entry No. 56151:2014 (“Original Declaration”) which encumbers the property set forth in Exhibit “A” (“Project”). The Original Declaration has been amended and supplemented by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Plat B - Outlets At Traverse Mountain dated August 30, 2017 and recorded by the Utah County Recorder on August 30, 2017 as Entry No. 84810:2014; and the Original Declaration, as amended, is referred to herein as the “Declaration”.

B. OTM is the Declarant under the Traverse Mountain Commercial Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements on October 4, 2004 recorded in the real property records for Utah County on October 8, 2004 as Entry 115054:2004 (the “Commercial Declaration”).

C. Declarant owns real property subject to the Declaration and the Commercial Declaration, including Lots 1, 3, 4, 6, and Open Space, inclusive, of that certain plat entitled “Plat B Outlets at Traverse Mountain” which plat was filed in the Office of the Recorder of the County of Utah, State of Utah on November 13, 2013, as Entry No. 104844:2013 in Book 48 of Plats at Page 420.

D. Section 9.4 of the Declaration provides that the Declarant may modify the Declaration without obtaining the consent of any other Owner. Declarant desires to exercise its rights to modify the Declaration in certain respects as hereinafter more particularly provided.

A G R E E M E N T

NOW, THEREFORE, in consideration of the foregoing, and incorporating the foregoing recitals as a part of this Agreement and, and in further consideration of the mutual covenants and conditions contained herein, the Declarant hereto hereby amends and supplements the Declaration as follows:

1. Hotel Parcels. As permitted under Section 2.3.2(b) of the Declaration, Declarant hereby consents to the use of Lot 3 of Plat B as a hotel and Lot 4 of Plat B as a hotel, provided however, both Lot 3 and Lot 4 of Plat B shall be subject to all conditions, covenants, and restrictions specific to the Hotel Parcel under the Declaration, including without limitation, those contained in Section 2.3.2 of the Declaration and in addition to all other applicable conditions, covenants, and restrictions under the Declaration. In addition, Section 1.15 of the Declaration is hereby deleted and replaced with the following:

“1.15. Hotel Parcel(s). Hotel Parcels shall mean Lot 2, Lot 3, and Lot 4 of Plat B; and each such individual lot shall be known as a Hotel Parcel. Any singular reference in this Declaration to “the Hotel Parcel” shall apply to each and every Hotel Parcel, and any singular reference to “the Hotel Building” as defined under Section 2.3.2 of this Declaration shall apply to each and every Hotel Building on any such Hotel Parcel.”

2. Permitted Uses of Lot 3 and Lot 4. Section 2.3.2 of the Declaration (Permitted Uses for Hotel Parcels and Other Parcels) is hereby amended such that one (1) retail bank branch of not more than 2,500 square feet may be located on the ground floor level of and incidental to one (1) of the Hotel Buildings within the area occupied by the Lot 3 and Lot 4 Hotel Parcels. Except as permitted herein or in the Declaration, no Parcel shall be used for the retail or outlet sale of apparel, shoes, or similar goods.

3. Conflict; Full Force and Effect. Nothing in this Amendment or the uses permitted pursuant to this Amendment is intended to modify or limit the construction and architectural requirements, approvals or restriction in the Declaration. To the extent of any conflict between the terms of this Amendment and the Declaration, the terms of this Amendment shall govern and control. Except as herein otherwise specifically provided, the Declaration shall remain unchanged and continue in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

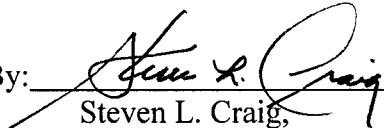
IN WITNESS WHEREOF, the Declarant has executed this Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Plat B - Outlets at Traverse Mountain as of the date first above written.

DECLARANT:

OUTLETS AT TRAVERSE MOUNTAIN, LLC,
a Delaware limited liability company

By: Craig Realty Group – Traverse Mountain, LLC,
a California limited liability company,
Manager

By: Eureka Realty Partners, Inc.,
a California corporation,
Manager

By: 
Steven L. Craig,
President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Orange }

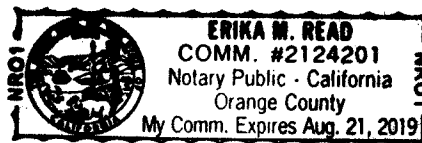
On September 19, 2018 before me, Erika M. Read, Notary Public
(insert name and title of the officer)

personally appeared STEVEN L. CRAIG, who proved to me on the basis of satisfactory evidence 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF "PLAT "B" OUTLETS AT TRAVERSE MOUNTAIN" WHICH PLAT WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF UTAH, STATE OF UTAH ON NOVEMBER 13, 2013 AS ENTRY NO. 104844:2013 IN BOOK 48 OF PLATS AT PAGE 420, WHICH INCLUDES COMMON AREAS AND OUTLET PARKWAY ROAD.

APN: 48:420:0001
48:420:0002
48:420:0003
48:420:0004
48:420:0005
48:420:0006
48:420:0007
48:420:0008