



W2385243

When Recorded, Return to:

David E. Gee
Parr Brown Gee & Loveless
185 S State St, Ste 800
Salt Lake City, UT 84111-1549

EH 2385243 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
16-JAN-09 1141 AM FEE \$22.00 DEF SPY
REC FOR: LANDMARK TITLE

Space Above for Recorder's Use

AFFIDAVIT OF CLARIFICATION

This Affidavit of Clarification ("Affidavit") is made and executed as of January 14, 2009.

The undersigned affiant affirms as follows:

1. The undersigned is the Declarant (along with Ogden City Redevelopment Agency) under that certain Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements recorded October 21, 2008, as Entry Number 2371304 in the official records of Weber County, Utah ("**Master Declaration**").

2. The Master Declaration establishes certain covenants, conditions, restrictions, and easements that govern the mixed-use project known as "The Junction", which project is located in Ogden City, Weber County, Utah ("**Overall Project**"). The real property encumbered by the Master Declaration is legally described on Exhibit A to this Affidavit.

3. Included within the Overall Project is a condominium project known as "The Junction Condominiums" ("**Condominium Project**") created pursuant to that certain Declaration of Condominium for The Junction Condominiums, recorded October 21, 2008, as Entry Number 2371303 in the official records of Weber County, and that certain Condominium Plat for The Junction Condominiums, recorded October 21, 2008, as Entry Number 2371302 in the official records of Weber County. The real property encumbered by the aforementioned Declaration of Condominium and Condominium Plat is legally described on Exhibit B to this Affidavit.

4. At the time the Master Declaration was executed and acknowledged by the parties thereto, the title of the document (as indicated on the title page, in the introductory paragraph, in Section 1.12, in the footer to the signature pages, on the lienholder consent, and on the exhibits) was "Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements".

5. After the Master Declaration was executed and acknowledged by the parties, but before it was recorded, the Weber County Recorder's Office, unaware that the Master Declaration applied to the Overall Project (and not just to the Condominium Project), requested that the title of the document on the title page be changed to add the phrase "for the Junction

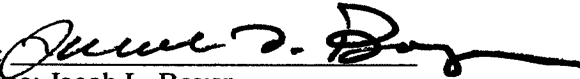
272622_1
#43317

Condominiums". Shortly thereafter, this phrase was in fact added to the title on the title page,¹ and the Master Declaration was then recorded.

6. As evidenced by the legal description attached to the Master Declaration, the Master Declaration is in fact intended to encumber the Overall Project and not merely the Condominium Project, and the addition of the phrase "for the Junction Condominiums" to the title on the title page should not be interpreted to mean that the Master Declaration covers only the Condominium Project.

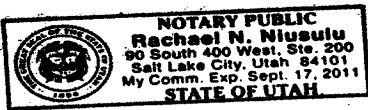
Boyer Ogden Mall, L.C.
a Utah limited liability company
by its manager

The Boyer Company, L.C.
a Utah limited liability company

By: 
Name: Jacob L. Boyer
Title: Manager

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

Subscribed and sworn to before me on January 14, 2009, by Jacob L. Boyer, a manager of The Boyer Company, L.C., the manager of Boyer Ogden Mall, L.C.




Notary Public

¹ The title was not changed anywhere else in the document.

Exhibit A

Lot 10A, Ogden City Entertainment Subdivision – Phase 2 (Amended), according to the official plat thereof, filed at Page 78 in Book 64 of Plats in the official records of Weber County, Utah.

[For Reference Only: Assessor's Parcel Number 01-099-0006] *pd*

Lot 11C, Ogden City Entertainment Subdivision – Phase 2 (Amended) Lot 11 2nd Amendment, according to the official plat thereof, filed at Page 56 in Book 65 of Plats in the official records of Weber County, Utah (as modified by the boundary line adjustment instrument recorded August 27, 2008, as Entry Number 2361731 in the official records of Weber County, Utah).

[For Reference Only: Assessor's Parcel Number 01-100-0004] ✓

Lots 11D and 11E, Ogden City Entertainment Subdivision – Phase 2 3rd Amendment, according to the official plat thereof, recorded November 10, 2008, as Entry Number 2374459 at Page 42 in Book 69 of Plats in the official records of Weber County, Utah.

[For Reference Only: Assessor's Parcel Numbers 01-104-0001 and 01-104-0002, respectively] *pd*

Residential Unit A-101, Residential Unit B-101, Residential Unit F-101, Retail Unit A-102, Retail Unit B-102, Retail Unit F-102, Residential Parking Unit A, Residential Parking Unit B, and the Retail Parking Unit, The Junction Condominiums, a Utah condominium project, according to the official plat thereof, recorded October 21, 2008, as Entry Number 2371302 at Pages 20 through 35 in Book 69 of Plats in the official records of Weber County, Utah, together with the undivided interests in the common elements appurtenant to such Units.

[For Reference Only: Assessor's Parcel Numbers 01-103-0001, 01-103-0002, 01-103-0003, 01-103-0004, 01-103-0005, 01-103-0006, 01-103-0007, 01-103-0008, and 01-103-0009, respectively] *pd*