

MNT# 03037237

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

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 12/31/2003 02:06 PM 26.00  
 Book - 8929 Pg - 4404-4407  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 METRO NATIONAL TITLE  
 BY: BRB, DEPUTY - W 4 P.

**SUPPLEMENT NO. 3 TO DECLARATION OF  
 COVENANTS, CONDITIONS AND RESTRICTIONS  
 FOR BINGHAM BUSINESS PARK**

THIS SUPPLEMENT NO. 3 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BINGHAM BUSINESS PARK (this "Supplement No. 3") is made this 31 day of December, 2003, 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 that certain Supplement No. 1 to Declaration of Covenants, Conditions and Restrictions for Bingham Business Park dated September 14, 2000 ("Supplement No. 1"), which was recorded in the Office of the Recorder of Salt Lake County, Utah on September 19, 2000 as Entry No. 7721491 in Book 8388 at Pages 5212 through 5215. As the result of recording Supplement No. 1, Lot 18 of Bingham Business Park was subjected to the terms of the Initial Declaration, as amended by Supplement No. 1.

E. The Initial Declaration and Supplement No. 1 was supplemented and amended by that certain Supplement No. 2 to Declaration of Covenants, Conditions and Restrictions for

Bingham Business Park dated April 11, 2003 ("Supplement No. 2"), which was recorded in the Office of the Recorder of Salt Lake County, Utah on April 18, 2003 as Entry No. 8616880 in Book 8780 at Pages 3134 through 3137. As the result of recording Supplement No. 2, Lot 20 of Bingham Business Park was subjected to the terms of the Initial Declaration, as amended by Supplement No. 1.

F. Declarant owns Lot(s) 26, 38 and 41 of Bingham Business Park (herein referred to as "Lot 26 and Lot 38 and Lot 41"). Pursuant to Section 1.1(l), Declarant desires to subject Lot 26, Lot 38 and Lot 41 to the Initial Declaration.

G. Declarant will develop and convey all of Lot 26, Lot 38 and Lot 41 subject to all the covenants, conditions and restrictions as set forth in the Initial Declaration, as supplemented and amended by Supplement No. 1 and Supplement No 2, and as supplemented and amended by this Supplement No. 3, 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 Supplement No. 1 and 2 and as supplemented and amended by this Supplement No. 3

## ARTICLE I

### DECLARATION

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

1.2 Lot 26, Lot 38 Lot 41 Subjected to this Declaration. Declarant hereby declares that all of Lot 26, Lot 38 and Lot 41 is subject to this Declaration, and Lot 26, Lot 38 and Lot 41, together with all of Lots 1 through 10, inclusive and Lot 18, 19, and 20 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, and 2 and as supplemented and amended by this Supplement No. 3, together with any subsequent supplements or amendments to this Declaration.

(l) "Property" shall mean all of Lots 1 through 10, inclusive, Lots 18, 19, 20, 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

### ADDITIONAL AMENDMENT

3.1 Section 5.3 of the Declaration is hereby amended by adding at the end thereof the following additional language:

Notwithstanding any provision of this Declaration to the contrary, the Building to be constructed on Lot 20 of Bingham Business Park may consist of a metal R-span building with a stucco exterior finish on the front and with a metal exterior on the sides and the rear thereof, as outlined on the site plans prepared by Steven N. Warr & Associates, Architects, dated January 23, 2003, which have been delivered to and approved by the Architectural Committee.

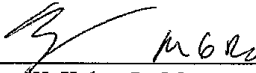
## ARTICLE IV

Except as expressly provided in this Supplement No. 2, 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. 3 as of the date first above written.

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

By: AN-ROB, L.C., a Utah limited liability company, acting as its duly authorized operating manager

By:   
Robert W. Kelez, Its Manager

STATE OF UTAH            )  
  : ss  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 31st day of December, 2003 by Robert W. Kelez in his capacity as the Manager of AN-ROB, L.C., a Utah limited liability company which executed the foregoing instrument in its capacity as the Operating Manager of Bingham Park, L.C., a Utah limited liability company.

  
NOTARY PUBLIC

Residing at: Midvale, Utah  
My Commission Expires: 8-9-07

