

When recorded, mail to:
Scott O. Mercer
Kesler & Rust
68 S. Main St. Ste 200
Salt Lake City, Utah 84101

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9/30/2020 11:29:00 AM \$40.00
Book - 11029 Pg - 6725-6729
RASHELLE HOBBS
Recorder, Salt Lake County, UT
FIRST AMERICAN NCS
BY: eCASH, DEPUTY - EF 5 P.

Parcels Nos: 21171011000000
21171010850000
21171010740000
21171010960000
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SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR WEST POINT SHOPPING CENTER

WHEREAS, W.P.S. Company, a Utah general partnership, executed that Declaration of Protective Covenants for West Point Shopping Center dated May 2, 1984 and recorded with the Salt Lake County Recorder on May 11, 1984 as Entry No. 3940232 in Book 5554 at Page 2502, as amended by that certain First Amendment to Declaration of Protective Covenants for West Point Shopping Center dated November 7, 1984 and recorded with the Salt Lake County Recorder on November 23, 1984 as Entry No. 4019298 in Book 5608 at Page 2398 ("Declaration"); and

WHEREAS, FPA West Point, LLC, a Delaware limited liability company, is the successor-in-interest to W.P.S. Company; and

WHEREAS, the owner of Parcel A referenced in the Declaration desires to make changes to the building on Parcel A; and

WHEREAS, such changes require a change to the Declaration.

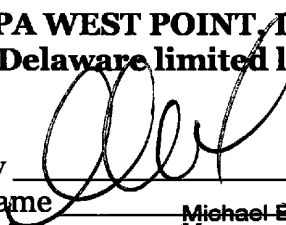
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Except as modified herein, the Declaration shall remain in force and effect.
2. The Declaration is hereby amended to the extent necessary to allow, on a one-time basis only, the changes, modifications, additional construction, remodeling, including parking configuration, elevations, and exterior materials and paint colors proposed by the current owner of Parcel A for a Dutch Bros. Coffee Shop, as depicted on the attached architectural drawings attached hereto as Exhibits A and B. The Parties waive any restriction, covenant, or other provision of the Declaration inconsistent with the specifications in Exhibits A and B.
3. The Declaration, as amended herein, includes the entire agreement between the parties regarding the matters described above and all prior discussions,

promises or understandings are merged herein. This Second Amendment shall run with the land and be binding upon and inure to the benefit of each party hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties have set their hands as of the date shown above.

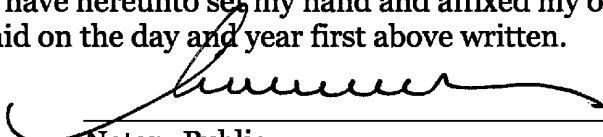
FPA WEST POINT, LLC
a Delaware limited liability company

By 
Name Michael B. Earl
Title Manager

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

On this 25 day of Aug, 2020, before me appeared Michael B. Earl, to me personally known, who, being by me duly sworn, did say that she/he is a Manager of **FPA West Point, LLC**, a Delaware limited liability company, and that said instrument was signed on behalf of said limited liability company, and said FPA West Point, LLC acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.


Notary Public

Print Name:

My commission expires: _____

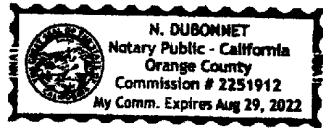


EXHIBIT "A"

BEGINNING at a point on the South right-of-way line of 5400 South Street, North 89°56'30" East, 823.9 feet, and South 0°03'30" East 53.0 feet from the Northwest Corner of Section 17, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°56'30" East, 572.40 feet along said South right-of-way line to the East line of a permanent Easement of the Jordan Aqueduct recorded in Book 3235, Page 127, and referred to as Parcel No. JA-204(F); thence South 13°24'08" East along said East line, 196.92 feet; thence South 17°01'08" East 886.50 feet along said line; thence North 89°54'30" West, 876.41 feet; thence North 0°03'30" West, 531.25 feet; thence South 89°56'30" West, 133.90 feet; thence North 0°03'30" West, 276.00 feet; thence North 89°56'30" East, 133.90 feet; thence North 0°03'30" West, 230.00 feet to BEGINNING.

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Agency hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.