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FIRST AMENDMENT TO  
DECLARATION OF PROTECTIVE  
COVENANTS FOR WEST POINT SHOPPING CENTER

*[Handwritten signature]*

FOUNDERS TITLE  
\$ \_\_\_\_\_ DEP \_\_\_\_\_

NOV 23 1 54 PM '84

ADAM B. DIXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

This First Amendment to Declaration is made this 7<sup>th</sup> day of November, 1984, by W.P.S. COMPANY, a Utah General Partnership ("Declarant").

WHEREAS, on May 2, 1984, Declarant executed the "Declaration of Protective Covenants for West Point Shopping Center" ("Declaration") which were recorded by Declarant with the Salt Lake County Recorder on May 11, 1984, as Entry No. 3940232, at Book 5554, and Page 2502, pertaining to the real property described on Exhibits A and B attached hereto and incorporated herein.

WHEREAS, Paragraph 6.2 of said Declaration provides that Declarant may amend said Declaration by recording a written amendment thereto.

NOW, THEREFORE, Declarant hereby amends said Declaration as follows:

1. Subparagraph 3.1 of Paragraph III is hereby deleted in its entirety.
2. Subparagraph 3.3 of Paragraph III is hereby amended to read and provide as follows:

Building Appearance. No change, modification, additional construction, or remodeling, including the change of paint or panel color, to any exterior surface, shall be performed on any Building located on Pad A without the prior written consent of Declarant, its successors, or assigns, which consent shall not be unreasonably withheld.

*FD-698*

BOOK 5608 PAGE 2398

3. Subparagraph 3.6 of Paragraph III is deleted in its entirety.

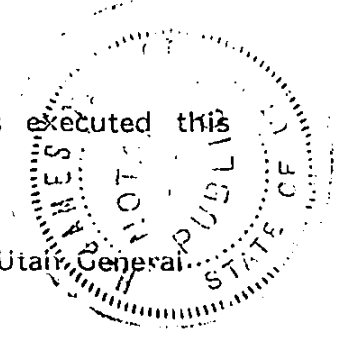
4. Subparagraph 3.7 of Paragraph III is hereby deleted in its entirety.

IN WITNESS WHEREOF, W.P.S. Company has executed this First Amendment the day and year first above written.

W.P.S. COMPANY, a Utah General Partnership


By: C.D.I., LTD., General Partner

  
G: Walter Gasser



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

On the 7<sup>th</sup> day of November, 1984, personally appeared before me G. Walter Gasser, General Partner of C.D.I., LTD., who, being by me duly sworn, did say that C.D.I., LTD., is the General Partner of W.P.S. COMPANY, a Utah General Partnership, and that the within and foregoing First Amendment to Declaration of Protective Covenants for West Point Shopping Center was signed by him in behalf of said General Partnership.

  
Notary Public

My Commission Expires:

11/09/87

Residing at SALT LAKE CITY

BOOK 5608 PAGE 2399

EXHIBIT "A"

BEGINNING at a point on the South right-of-way line of 5400 South Street, North  $89^{\circ}56'30''$  East, 823.9 feet, and South  $0^{\circ}03'30''$  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  $89^{\circ}56'30''$  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  $13^{\circ}24'08''$  East along said East line, 196.92 feet; thence South  $17^{\circ}01'08''$  East 886.50 feet along said line; thence North  $89^{\circ}54'30''$  West, 876.41 feet; thence North  $0^{\circ}03'30''$  West, 531.25 feet; thence South  $89^{\circ}56'30''$  West, 133.90 feet; thence North  $0^{\circ}03'30''$  West, 276.00 feet; thence North  $89^{\circ}56'30''$  East, 133.90 feet; thence North  $0^{\circ}03'30''$  West, 230.00 feet to BEGINNING.

EXHIBIT "B"

Legal Description  
Pad "A"

WEST POINT SHOPPING CENTER

Beginning at a point on the South R/W line of 5400 South Street, Kearns, Utah, said point being N 89°56'30" E, 863.90 ft. and S 0°03'30" E, 53.00 ft. from the NW Cor of Sec 17, T2S, R1W, SLB&M, and running thence N 89°56'30" E, 160.37 ft. along said South R/W line to a point on a 40.00 ft. radius curve to the right, (radius point bears S 40°15'24" W) thence southeasterly along the arc of said curve, 48.09 ft. thence S 19°08'16" W, 102.02 ft; thence S 89°56'30" W, 138.72 ft; thence N 0°03'30" W, 140.00 ft. to the point of beginning.

Containing 0.5155 Acres.

C3-008

BOOK 5668 PAGE 2401