

10719914

Metro National Title File #13645

WHEN RECORDED RETURN TO:

Draper L.T.D., L.L.C.
Attn: Douglas Fielding
2398 Camelback Road, Suite 550
Phoenix, AZ 85016

Parcel #s: 28-30-151-049
28-30-151-053
28-30-151-048
28-30-151-046

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6/3/2009 4:26:00 PM \$21.00
Book - 9731 Pg - 5352-5356
Gary W. Ott
Recorder, Salt Lake County, UT
METRO NATIONAL TITLE
BY: eCASH, DEPUTY - EF 5 P.

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS
AND RECIPROCAL EASEMENTS

**FIRST AMENDMENT
TO
DECLARATION OF COVENANTS
AND RECIPROCAL EASEMENTS**

This First Amendment to Declaration of Covenants and Reciprocal Easements (this "Agreement") is made this 3rd day of JUNE, 2009, by DRAPER LTD., L.L.C., an Arizona limited liability company; STRATEGIC ASSETS LTD, LLC, an Arizona limited liability company, and SANCHEZ UTAH II, L.L.C., a Utah limited liability company ("Declarants"), collectively, Successors-in-Interest to FACTORY STORES OF AMERICA, INC., a Delaware corporation (formerly the "Declarant"), to amend the Declaration of Covenants and Reciprocal Easements dated September 27, 1995 ("DCRE") and recorded as Entry Number 6187092 in Book 7246, Pages 1646-1679 of the Official Records of Salt Lake County, Utah.

WITNESSETH:

WHEREAS, Declarants are the owners of Lot 1 and KIM FAMILY LIMITED LIABILITY COMPANY, a Utah limited liability company is the owner of Lot 3, of that tract or parcel of land located in Draper City, Salt Lake County, Utah, commonly known as Factory Stores of America Subdivision ("Subdivision Plat") being more particularly described as Entry Number 6168179 in Book 95-9P, Page 235 of the Official Records of Salt Lake County, Utah; and

WHEREAS, the DCRE erroneously identifies "Parcel 1" as Lot 3, and "Parcel 2" as Lot 1 of the Subdivision Plat; and

WHEREAS, Declarants desire to correct the erroneous identification of Parcels 1 and 2;

NOW, THEREFORE, considering the mutual covenants and promises, and other benefits to be derived by Declarants and each and every subsequent owner and its successors and assigns of each of the Parcels, the DCRE is amended as follows:

1. All references to Parcel 2 in the DCRE shall heretofore be described as and shall hereafter mean each party's interest in Lot 3, and all references in the DCRE to Parcel 1 shall heretofore be described as and shall hereafter mean each party's interest in Lot 1.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK;

SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Declarants have signed and sealed this Agreement effective as of the day and year first above written.

DRAPER LTD, LLC,
an Arizona limited liability company

By: [Signature]
Name: Douglas R. Fielding
Its: managing member

STRATEGIC ASSETS LTD, LLC, an
Arizona limited liability company

By: [Signature]
Name: Douglas R. Fielding
Its: managing member

SANCHEZ UTAH II, LLC,
a Utah limited liability company

By: [Signature] [Signature]
Name: Joshua Sanchez Augustus Sanchez
Its: Manager Manager

IN WITNESS WHEREOF, KIM FAMILY LIMITED LIABILITY COMPANY, a Utah limited liability company agrees to this Amendment to the extent it affects KIM FAMILY LIMITED LIABILITY COMPANY's rights in Parcel 2 (Lot 3).

KIM FAMILY LIMITED LIABILITY
COMPANY, a Utah limited liability company

By: [Signature]
Its: MANAGER

By: [Signature]
Its: [Signature]

STATE OF ARIZONA)

COUNTY OF MARICOPA)

On 26th DAY OF MAY, 2009, before me, JASON MABEE, Notary Public, personally appeared DOUGLAS FIELDING, to me personally known to be Manager of DRAPER LTD., L.L.C., an Arizona limited liability company, and STRATEGIC ASSETS LTD, LLC an Arizona limited liability company, that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said limited liability companies therein named, and acknowledged to me that such limited liability companies executed the within instrument pursuant to their respective Operating Agreements.

WITNESS my hand and official seal.

Signature 

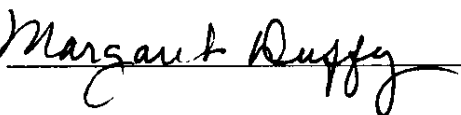


STATE OF UTAH)

COUNTY OF SALT LAKE)

On MAY 29, 2009, before me, MARGARET DUFFY, Notary Public, personally appeared JOSHUA SANCHEZ AUGUSTUS SANCHEZ to me personally known to be Manager of SANCHEZ UTAH II, L.L.C., a Utah limited liability company, that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said limited liability company therein named, and acknowledged to me that such limited liability company executed the within instrument pursuant to its Operating Agreement.

WITNESS my hand and official seal.

Signature 

(Seal)

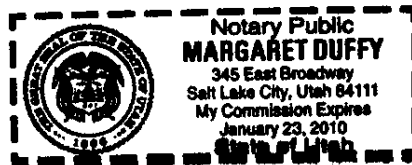


Exhibit "A"

Parcel 1:

Lots 101 and 102, Eastgate Subdivision Amending Lot 1, Factory Stores of America Subdivision, according to the official plat thereof, filed in the office of the Salt Lake County Recorder's Office in Plat Book 2008P, at Page 303.

Also together with the following described property:

A part of Lot 103 of the Eastgate Subdivision within the Northwest quarter of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at the Northeast corner of Lot 104 of said Eastgate Subdivision on the South line of 11950 South Street as it exists at 30.00 foot half-width located 1366.58 feet South 0 deg. 03'30" East along the quarter section line; and 2110.10 feet North 89 deg. 57'50" West from the North quarter corner of said Section 30; and running thence South 89 deg. 57'50" East 319.83 feet along said South line to the Northwest corner of Lot 101 of said Eastgate Subdivision; thence South 0 deg. 02'32" East 629.11 feet (629.08 feet record) along the West line of said Lot 101 to the North line of Lot 102 of said subdivision; thence South 89 deg. 57'28" West 765.70 feet along the said North line to the Easterly line of Factory Outlet Drive; thence North 11 deg. 35'00" West 241.74 feet along said Easterly line to the Southwest corner of Lot 3 of the Factory Stores of America Subdivision; thence South 89 deg. 57'50" East 493.69 feet along the South line of said Lot 3 and the South line of Lot 104 of said Eastgate Subdivision to the Southeast corner thereof; thence North 0 deg 02'10" East 181.16 feet along the East line of said Lot 104; thence South 89 deg. 57'50" East 54.00 feet; thence North 0 deg, 02'10" East 87.00 feet; thence North 89 deg. 57'50" West 54.00 feet to said East line of Lot 104; thence North 0 deg. 02'10" East 125.22 feet along said East line to the Northeast corner of said Lot 104 and the point of beginning.

Parcel 2:

Lot 3, FACTORY STORES OF AMERICA SUBDIVISION, according to the official plat thereof on file and of record in the office of the Salt Lake County Recorder, State of Utah.