

12548051
6/2/2017 3:48:00 PM \$27.00
Book - 10564 Pg - 1803-1810
Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 8 P.

AFTER RECORDING, PLEASE RETURN TO:

Lamont Richardson, Esq.
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, Utah 84111

CT-91419-PM

TIN 21-26-276-0104
21-26-276-011

FIRST AMENDMENT

TO

DECLARATION AND ESTABLISHMENT OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS

THIS FIRST AMENDMENT TO DECLARATION AND ESTABLISHMENT OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS (this “**Amendment**”), dated as of the 10th day of May, 2017, is executed by ARBOR GARDNER BINGHAM JUNCTION OFFICE 3, L.C., a Utah limited liability company (“**Office 3**”), and ARBOR GARDNER BINGHAM JUNCTION OFFICE 4, L.C., a Utah limited liability company (“**Office 4**”).

RECITALS:

A. Office 3 is the owner of two parcels of real property located in the City of Midvale, Salt Lake County, Utah, more particularly described on Exhibit A attached hereto and made a part hereof (the “**Office 3 Property**”), one of which parcels is identified on Exhibit A as the office parcel (the “**Office 3 Office Parcel**”), and one of which parcels is identified on Exhibit A as the parking parcel (the “**Office 3 Parking Parcel**”);

B. Office 4 is the owner of two parcels of real property located in the City of Midvale, Salt Lake County, Utah, more particularly described on Exhibit A attached hereto and made a part hereof (the “**Office 4 Property**”; and together with the Office 3 Property, the “**Property**”), one of which parcels is identified on Exhibit B as the office parcel (the “**Office 4 Office Parcel**”), and one of which parcels is identified on Exhibit B as the parking parcel (the “**Office 4 Parking Parcel**”);

C. Office 3 and Office 4 executed that certain Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements dated April 20, 2016, and recorded April 26, 2016, in the official records of the Salt Lake County Recorder’s Office as Entry No. 12266951 in Book 10424 at Page 7958 (the “**Declaration**”), and which encumbers the Property.

D. The Declaration provides that an easement will be granted for an encroachment that does not materially adversely affect the use of the property being encroached upon or that does not exceed 24 inches.

E. Declarant now desires to amend the Declaration to make certain changes to the encroachment easement granted pursuant to the Declaration in accordance with the terms of this Amendment.

AMENDMENT:

NOW, THEREFORE, in consideration of the foregoing, Office 3 and Office 4 hereby amend the Declaration as follows:

1. Definitions. Capitalized terms used in this Amendment, but not defined herein, shall have the meanings set forth for such terms in the Declaration.

2. Amendment. Section 4.5 of the Declaration is hereby amended by deleting the phrase "24 inches" and replacing it with the phrase "36 inches."

3. Consent. Pursuant to Section 9.20 of the Declaration, the Redevelopment Agency of Midvale City hereby consents to this Amendment.

4. General Provisions. In the event of any conflict between the provisions of the Declaration and the provisions of this Amendment, the provisions of this Amendment shall control. Except as set forth in this Amendment, the Declaration is ratified and affirmed in its entirety. This Amendment shall inure to the benefit of, and be binding on, all persons holding any interest in the Office 3 Property and the Office 4 Property and their respective successors, assigns, heirs and lien holders. This Amendment shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

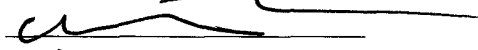
(Signatures begin on following page)

EXECUTED the day and year first above written.


OFFICE 3

ARBOR GARDNER BINGHAM JUNCTION
OFFICE 3, L.C., a Utah limited liability company, by
its Managers

KC Gardner Company, L.C., a Utah limited liability
company

By: 
Name: Christen Gardner
Its: Manager

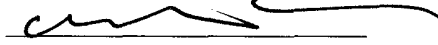
Arbor Commercial Real Estate L.L.C., a Utah limited
liability company

By: 
Name: Cony Gust
Its: Manager


OFFICE 4

ARBOR GARDNER BINGHAM JUNCTION
OFFICE 4, L.C., a Utah limited liability company, by
its Managers

KC Gardner Company, L.C., a Utah limited liability
company

By: 
Name: Christen Gardner
Its: Manager

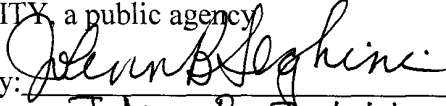
Arbor Commercial Real Estate L.L.C., a Utah limited
liability company

By: 
Name: Cony Gust
Its: Manager

Consented to by:

REDEVELOPMENT AGENCY OF MIDVALE
CITY, a public agency

By:

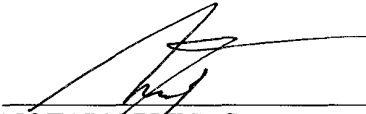

Name: JoAnn B. Seghini

Title: Chief Administrative

Officer

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

On this 25th day of May, 2017, personally appeared before me Christian Gardner, a Manager of KC Gardner Company, L.C., a Utah limited liability company, and Cory Gust a Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, managers of Arbor Gardner Bingham Junction Office 3, L.C., a Utah limited liability company, on behalf of said company.



NOTARY PUBLIC
Residing at: ~~DAVIS COUNTY, UT~~

My Commission Expires: 10.16.20



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

On this 25th day of May, 2017, personally appeared before me Christian Gardner, a Manager of KC Gardner Company, L.C., a Utah limited liability company, and Cory Gust a Manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, managers of Arbor Gardner Bingham Junction Office 4, L.C., a Utah limited liability company, on behalf of said company.



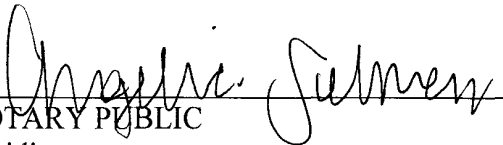
NOTARY PUBLIC
Residing at: ~~DAVIS COUNTY, UT~~

My Commission Expires:
10.16.20



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

On this 19th day of May, 2017, personally appeared before me Joanne Seghini, the Chief Administrative Officer of the REDEVELOPMENT AGENCY OF MIDVALE CITY, a public agency, and acknowledged to me that the REDEVELOPMENT AGENCY OF MIDVALE CITY, a public agency executed the within instrument.


NOTARY PUBLIC
Residing at:

My Commission Expires:

Exhibit A

Legal Description of Office 3 Property

Office 3 Office Parcel

Lot 1 of the "View 72 Retail Subdivision 3rd Amended" recorded with the County Recorder for Salt Lake County, Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

Office 3 Parking Parcel

Lot 2 of the "View 72 Retail Subdivision 3rd Amended" recorded with the County Recorder for Salt Lake County, Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

Tax Parcel ID Number:

Lot 1: 21-26-276-010

Lot 2: 21-26-276-011

Exhibit B

Legal Description of Office 4 Property

Office 4 Office Parcel

Lot 4 of the "View 72 Retail Subdivision 3rd Amended" recorded with the County Recorder for Salt Lake County, Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

Office 4 Parking Parcel

Lot 3 of the "View 72 Retail Subdivision 3rd Amended" recorded with the County Recorder for Salt Lake County, Utah on July 27, 2015 as Entry No. 12099886 in Book 2015P at Page 165.

Tax Parcel ID Numbers:

Lot 3: 21-26-276-009

Lot 4: 21-26-276-008