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Gary W. Ott  
Recorder, Salt Lake County, UT  
MT OLYMPUS TITLE  
BY: eCASH, DEPUTY - EF 9 P.

When Recorded Return To:

John D. Morris  
Quinn A. Sperry  
MCKAY, BURTON & THURMAN  
170 South Main Street, Suite 800  
Salt Lake City, Utah 84101

**SECOND AMENDMENT TO  
DECLARATION FOR  
ROOFTOPS AT 78 HUNDRED**

This Amendment is made and executed this 3<sup>rd</sup> day of Sept, 2013, 2013, by Solstice Homes, LLC (the "Declarant").

*Rooftops - Phase 3*

Recitals

A. The DECLARATION FOR ROOFTOPS AT 78 HUNDRED was recorded on September 2, 2011 in the Salt Lake County Recorder's office as Entry No. 11238221, Book 9947, beginning at Page 7647 ("Enabling Declaration").

B. The AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED was recorded on October 9, 2012 in the Salt Lake County Recorder's office as Entry No. 11487060, Book 10064, beginning at Page 1382 (the "First Amendment")(the First Amendment and the Enabling Declaration shall be referred to as the "Declaration").

C. The initial Plat for the Project and the Plat for Phase 2 have also been recorded in Salt Lake County Recorder's office.<sup>1</sup>

D. Exhibit A of the Enabling Declaration identifies certain real property located within the Project, which real property is hereinafter referred to as Phase 1 Property of the Project.

E. Exhibit A of the First Amendment identifies certain real property located within the Project, which real property is hereinafter referred to as Phase 2 Property of the Project.

F. Pursuant to Article 2, Section 2.6 and Article 22, Section 22.8 of the Declaration, the Declarant may add land to the Project at any time and for any reason.

G. The Declarant desires to add additional property to the Project. This additional property is identified on Exhibit A attached hereto under the heading "Phase 3" and is hereinafter referred to as the "Phase 3 Property".

H. Declarant intends to expand the Project by constructing Units on the Phase 3 Property.

I. Declarant now intends that the Phase 3 Property shall become subject to the

<sup>1</sup> Unless otherwise set forth herein, defined terms used in this Amendment shall have the same meaning as that set forth in the Declaration.

Declaration.

NOW, THEREFORE, pursuant to the foregoing Recitals which are incorporated herein by reference, the Declarant hereby makes and executes this SECOND AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED (the "Second Amendment"), which shall be effective as of its recording date.

1. Addition of Phase 3 Property. Declarant hereby declares that the Phase 3 Property shall be added to the Project and become subject to the Declaration upon recordation of this Second Amendment and the plat for the Phase 3 Property. The plat for the Phase 3 Property shall be included within the definition of the term "Plat" as used in the Declaration.

2. Total Number of Units Revised. As shown on the plat for the Phase 3 Property, 29 additional Units will be constructed in the Project on the Phase 3 Property. Upon Recordation of the plat for the Phase 3 Property and this Second Amendment, the total number of Units in the Project will be 67. Article 2, Section 2.2 of the Declaration is deleted in its entirety and replaced with the following:

2.2 Nature of the Project. The Project is a townhome style community containing 67 Units in 8 separate buildings. It includes roadways, parking areas, and open space. The Project is not a cooperative.

3. Allocated Interests Revised. With the expansion of the Project, the revised Allocated Interests applicable to each Unit within the Project is expressed as the percentage set forth in the document attached hereto identified as Exhibit C.

4. Second Amendment's Exhibits Replace Declaration's Exhibits.<sup>2</sup> The exhibits attached hereto and identified as Exhibit A and Exhibit C shall replace the Exhibits A and C attached to the Declaration. Exhibit A sets forth the legal description for the Phase 1 Property, Phase 2 Property, and Phase 3 Property. Exhibit C sets forth the revised Allocated Interests for the Units.

5. Conflicts. All remaining provisions of the Declaration and any prior amendments not specifically amended in this Second Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall govern and control in all respects.

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<sup>2</sup> As this Amendment does not contain an Exhibit B, the Exhibit B to the Declaration shall remain in effect.

EXECUTED this 3<sup>rd</sup> day of Sept, 2013.

SOLSTICE HOMES, LLC

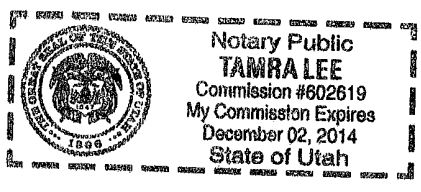
By: Tore, 43, INC, Manager

Its: By Mason Dutton

STATE OF UTAH )  
 )SS:  
COUNTY OF Salt Lake

[Signature]  
\_\_\_\_\_  
president

On the 3<sup>rd</sup> day of Sept, 2013, personally appeared before me Mason Dutton, pres. of Tore 43, Manager member of Solstice Homes LLC the signer of the foregoing SECOND AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED TOWNHOMES on behalf of Solstice Homes, LLC, who duly acknowledged to me that he executed the same.



[Signature]  
\_\_\_\_\_  
Notary Public

PHASE 3 PROPERTY LANDOWNER'S CONSENT:

Uncle Navarro, LLC, the owner of the real property identified herein as the Phase 3 Property, hereby consents to the addition of the Phase 3 Property to the Project and subjecting the Phase 3 Property to the provision, conditions, covenants, restrictions, and all other terms of the Declaration.

EXECUTED this 3 day of SEPT, 2013.

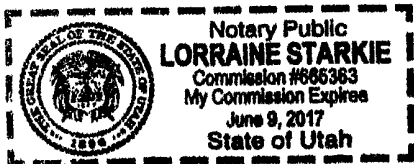
UNCLE NAVARRO, LLC

By: *Dan Burton*

Its: MEMBER

STATE OF UTAH )  
  )SS:  
COUNTY OF Salt Lake

On the 3rd day of September, 2013, personally appeared before me Dan Burton, the signer of the foregoing on behalf of Uncle Navarro, LLC, who duly acknowledged to me that he executed the same.



*Lorraine Starkie*  
Notary Public

## EXHIBIT A

### Phase 1.

Beginning at a point on the Northerly Right-Of-Way Line of 7800 South Street, said point also being North  $00^{\circ}08'36''$  East 267.97 feet along the Section Line and West 2,348.26 feet from the Southeast Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running

thence Southwesterly 160.11 feet along the arc of a 2,936.90 foot radius curve to the left (center bears South  $1204'36''$  East and the chord bears South  $7621'42''$  West 160.09 feet with a central angle of  $0307'25''$ ) along the Northerly Right-Of-Way Line of said 7800 South Street;

thence South  $7448'00''$  West 39.12 feet along the Northerly Right-Of-Way Line of said 7800 South Street;

thence North  $1443'56''$  West 144.11 feet;

thence South  $7504'55''$  East 25.37 feet;

thence Southeasterly 30.27 feet along the arc of a 58.50 foot radius curve to the left (center bears North  $1455'05''$  East and the chord bears South  $8954'25''$  East 29.94 feet with a central angle of  $2939'00''$ );

thence North  $7516'05''$  East 178.58 feet to the Westerly Right-Of-Way Line of Euro Drive;

thence Southeasterly 33.51 feet along the arc of a 633.00 foot radius curve to the left (center bears North  $8251'28''$  East and the chord bears South  $0839'32''$  East 33.51 feet with a central angle of  $0302'00''$ ) along the Westerly Right-Of-Way Line of said Euro Drive;

thence South  $1010'32''$  East 75.16 feet along the Westerly Right-Of-Way Line of said Euro Drive;

thence Southwesterly 30.75 feet along the arc of 20.00 foot radius curve to the right (center bears South  $7949'28''$  West and the chord bears South  $3352'27''$  West 27.81 feet with a central angle of  $8805'56''$ ) along the Westerly Right-Of-Way Line of said Euro Drive to the point of beginning.

Contains 28,163 Square Feet or 0.646 Acres.

**Phase 2.**

Beginning at a point on the Northerly Right-of-Way Line of 7800 South Street, said point also being North 00°08'36" East 219.96 feet along the Section Line and West 2,541.47 feet from the Southeast Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running

thence South 74°48'00" West 337.90 feet along the Northerly Right-of-Way of said 7800 South Street to the Southeast Corner of Parcel A of the Junction at Midvale-West Residential Plat;

thence North 05°03'12" West 59.29 feet along the Easterly Boundary Line of said Parcel A;

thence North 05°45'16" West 99.00 feet along the Easterly Boundary Line of said Parcel A;

thence North 10°26'27" East 49.58 feet along the Easterly Boundary Line of said Parcel A;

thence South 75°04'55" East 90.35 feet;

thence North 14°55'05" East 15.81 feet;

thence North 75°16'05" East 74.17 feet;

thence South 75°04'55" East 39.04 feet;

thence North 14°55'05" East 17.00 feet;

thence Northeasterly 43.20 feet along the arc of a 27.50 foot radius curve to the right (center bears South 75°04'55" East and the chord bears North 59°55'05" East 38.89 feet with a central angle of 90°00'00");

thence South 75°04'55" East 58.72 feet to the Westerly Boundary Line of the Rooftops at 78 Hundred Townhomes Phase 1;

thence South 14°43'56" East 144.11 feet along the Westerly Boundary Line of said Rooftops at 78 Hundred Townhomes Phase 1 to the point of beginning.

Contains 54,818 Square Feet or 1.258 Acres.

**Phase 3.**

Beginning at the intersection point of the Northerly Right-of-Way Line of Rooftop Drive, said point being North 00°08'36" East 399.09 feet along the Section Line and West 2,607.36 feet from the Southeast Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence North 75°04'55" West 81.65 feet along the Right-of-Way Line of said Rooftop Drive;  
thence Northwesterly 43.20 feet along the arc of a 27.50 foot radius curve to the right (center bears North 14°55'05" East and the chord bears North 30°04'54" West 38.89 feet with a central angle of 90°00'01") along the Right-of-Way Line of said Rooftop Drive;  
thence North 75°04'54" West 31.00 feet along the Right-of-Way Line of said Rooftop Drive;  
thence Southeasterly 80.25 feet along the arc of a 58.50 foot radius curve to the left (center bears South 75°04'54" East and the chord bears South 24°22'44" East 74.10 feet with a central angle of 78°35'39") along the Right-of-Way Line of said Rooftop Drive;  
thence Southeasterly 34.74 feet along the arc of a 27.50 foot radius curve to the right (center bears South 32°47'14" West and the chord bears South 21°01'12" East 32.48 feet with a central angle of 72°23'08") along the Right-of-Way Line of said Rooftop Drive;  
thence South 14°55'05" West 19.36 feet along the Right-of-Way Line of said Rooftop Drive to Northerly Boundary Line of the Rooftops at 78 Hundred Townhomes Phase 2;  
thence North 75°04'55" West 13.04 feet along the Northerly Boundary Line of said Rooftops at 78 Hundred Townhomes Phase 2;  
thence South 75°16'05" West 74.17 feet along the Northerly Boundary Line of said Rooftops at 78 Hundred Townhomes Phase 2;  
thence South 14°55'05" West 15.81 feet along the Northerly Boundary Line of said Rooftops at 78 Hundred Townhomes Phase 2;  
thence North 75°04'55" West 90.35 feet along the Northerly Boundary Line of said Rooftops at 78 Hundred Townhomes Phase 2 to the Easterly Boundary Line of Parcel A of The Junction at Midvale-West Residential Plat;  
thence North 10°26'27" East 36.61 feet along the Easterly Boundary Line of said Parcel A;  
thence North 14°55'02" East 110.85 feet along the Easterly Boundary Line of said Parcel A;  
thence North 14°30'17" East 117.25 feet along the Easterly Boundary Line of said Parcel A;  
thence North 15°15'07" East 15.40 feet along the Easterly Boundary Line of said Parcel A;  
thence South 75°04'55" East 98.47 feet;  
thence Northeasterly 14.92 feet along the arc of a 9.50 foot radius curve to the left (center bears North 14°55'05" East and the chord bears North 59°55'05" East 13.44 feet with a central angle of 90°00'00");  
thence South 75°13'15" East 15.50 feet;  
thence North 14°55'05" East 3.96 feet;  
thence South 75°04'55" East 15.50 feet;  
thence Southeasterly 21.21 feet along the arc of a 13.50 foot radius curve to the left (center bears South 75°04'55" East and the chord bears South 30°04'55" East 19.09 feet with a central angle of 90°00'00");  
thence South 75°04'55" East 93.17 feet;  
thence South 14°55'25" West 152.00 feet to the point of beginning.

Contains 54,167 Square Feet or 1.244 Acres and 29 Townhome Units

**EXHIBIT C**

**Allocated Interests**

<u>Unit No.</u>	<u>Square Footage</u>	<u>Allocated Interest</u>
101	738	0.79%
102	1,328	1.43%
103	1,328	1.43%
104	1,328	1.43%
105	738	0.79%
106	1,626	1.75%
107	1,328	1.43%
108	1,328	1.43%
109	1,490	1.61%
110	1,490	1.61%
111	1,328	1.43%
112	1,328	1.43%
113	1,626	1.75%
114	1,626	1.75%
301	849	0.92%
302	1,624	1.75%
303	1,329	1.43%
304	1,329	1.43%
305	1,538	1.66%
306	1,538	1.66%
307	1,329	1.43%
308	1,329	1.43%
309	1,624	1.75%
310	1,624	1.75%
401	849	0.92%
402	1,624	1.75%
403	1,329	1.43%
404	1,329	1.43%
405	1,538	1.66%
406	1,538	1.66%
407	1,329	1.43%
408	1,329	1.43%
409	1,624	1.76%
410	1,624	1.76%
501	1,329	1.43%
502	1,329	1.43%
503	1,329	1.43%
504	849	0.92%
601	1,626	1.76%
602	1,626	1.76%
603	1,328	1.43%



604	1,328	1.43%
605	1,592	1.72%
606	1,592	1.72%
607	1,328	1.43%
608	1,328	1.43%
609	1,626	1.75%
610	862	0.93%
701	862	0.93%
702	1,626	1.75%
703	1,328	1.43%
704	1,328	1.43%
705	1,592	1.72%
706	1,592	1.72%
707	1,328	1.43%
708	1,328	1.43%
709	1,626	1.75%
710	1,626	1.75%
801	1,626	1.75%
802	1,328	1.43%
803	1,328	1.43%
804	1,592	1.72%
805	1,592	1.72%
806	1,328	1.43%
807	1,328	1.43%
808	1,626	1.75%
809	862	0.93%
<b>Total =</b>	<b>92,774</b>	<b>100%</b>