

9040596

When Recorded, Return To:  
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201 South Main Street, Suite 1800  
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Book - 8976 Pg - 3225-3235  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
PARSONS, BEHLE & LATIMER  
201 S MAIN ST STE. 1800  
SLC UT 84145-0898  
BY: ZJM, DEPUTY - WI 11 P.

Tax Parcel No.:

**FIRST AMENDMENT TO  
AMENDED AND RESTATED  
DECLARATION OF CONDOMINIUM  
FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

**THIS AMENDMENT ("Amendment")** is made and executed by **CREEK ROAD ASSOCIATES, LC**, a Utah limited liability company ("**Declarant**"), who hereby amends the Amended and Restated Declaration of Condominium for Creek Road Office Condominiums (the "**Declaration**") recorded as Entry No. 8867900 in Book 8901 at Page 6778, Salt Lake County Records, for the purpose of amending and restating that certain Declaration of Condominium for Creek Road Office Condominiums recorded as Entry No. 7826335 in Book 8426 at Page 4781, Salt Lake County Records, as previously amended (the "**Original Declaration**") regarding the real property legally described on **Exhibit A** attached hereto, as set forth herein.

**1. DEFINITIONS.** Terms used but not otherwise defined herein shall be defined as set forth in the Declaration.

**2. CONVERSION OF SPACE.** The following Unconverted Space is hereby converted to the following Units, and the following corrections and/or restatements of Unit or Unconverted Space designations are hereby made, as shown on the supplemental map being recorded concurrently herewith:

<u>PREVIOUSLY UNCONVERTED SPACE:</u>	<u>NEW UNIT:</u>
Condo Unit 1D	Condo Units 104D and Unconverted Space 1Da, 1Db, 1Dc
Free Space 1D	Free Spaces 104D and D1
Condo Unit 1C	Unconverted Space 1Ca, 1Cb, and 1Cc

3. **SUBDIVISION OF UNIT.** In accordance with that certain Fourth Amendment to the Original Declaration, recorded as Entry No. 8319150, in Book 8631 at Page 6878, Salt Lake County Records, Units 202B and 204B were created, however, as a result of a scrivener's error, Declarant neglected to create Unit 203B as a legally separate Unit. To correct such scrivener's error, the following subdivision is hereby effectuated, as shown on the supplemental map being recorded concurrently herewith:

<u>PREVIOUS UNIT DESIGNATION</u>	<u>NEW UNIT DESIGNATION:</u>
Condo Unit 202B	Condo Units 202B and 203B
Free Space 202B	Free Spaces 202B and 203B

4. **VOTES.** The number votes appurtenant to each Unit shall be equal to the Interest of the Unit, as set forth in **Exhibit B**, as such Exhibit may be amended from time to time.

5. **ACCESS EASEMENT.** The owners and occupants of all units within Building D shall have a perpetual, non-exclusive easement for pedestrian ingress and egress to and from such Units through the Unit 1Db as shown on the above-referenced supplemental plat. The owners and occupants of all units within Building C shall have a perpetual, non-exclusive easement for pedestrian ingress and egress to and from such Units through the Unit 1Cb as shown on the above-referenced supplemental plat

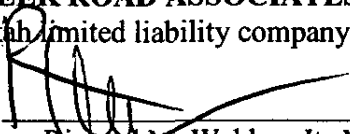
6. **ADDITIONAL LAND.** Pursuant to the Declaration, Declarant identified the Additional Land, as is more particularly described on "Exhibit C" attached hereto, as real property which may be incorporated into the Project in the future. As of the recording of this Amendment, certain portions of the Additional Land are not owned by Declarant, but rather title to such property is held by third parties (the "Third Party Property"). The inclusion of the Third Party Property in the Declaration is only for the purposes of complying with the Act and identifying such Third Party Property as property which may be incorporated into the Project in the future. The recording of the Declaration should not affect current title to any of the Additional Land, nor should the Declaration be indexed as an encumbrance against the Additional Land. The ability to expand the Project onto the Third Party Property is expressly contingent upon (i) the Declarant, its successors or assigns, or the Association obtaining record title ownership of the Third Party Property, or (ii) the record title owner of the Third Party Property consenting to the inclusion of the Third Party Property in the Project.

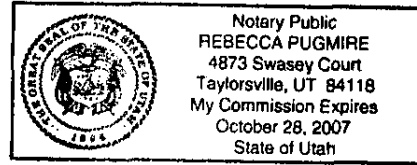
7. **EFFECT.** Except as so amended, the Declaration shall remain as presently constituted.

IN WITNESS WHEREOF, the undersigned has executed this instrument the date of notarization appearing below.

**DECLARANT:**

**CREEK ROAD ASSOCIATES, LC,**  
a Utah limited liability company

By:   
Richard M. Webber, Its Manager

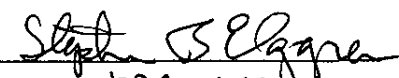


*Rebecca Pugmire*

STATE OF UTAH :  
COUNTY OF SALT LAKE :

The undersigned as owner of Unit 202B, hereby executes this Amendment for the purpose of consenting to the subdivision of such Unit into Units 202B and 203B in accordance with paragraph 3 herein.

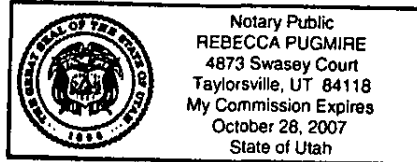
E & V, L.L.C.  
A Utah limited liability company

By:   
Its: manager

State of Utah  
County of SALT LAKE

The foregoing instrument was acknowledged before me on Apr. 6, 2004, by RICHARD M. WEBBER, who acknowledged that he execute the same in the capacity indicated.

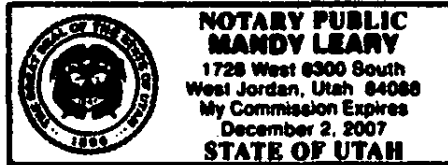
Rebecca Pugmire  
Notary Public



State of Utah  
County of SALT LAKE

The foregoing instrument was acknowledged before me on April 8, 2004, by Stephen B. Elgoren, who acknowledged that he execute the same in the capacity indicated.

Mandy Leary  
Notary Public



**EXHIBIT A  
TO  
FIRST AMENDMENT TO  
AMENDED AND RESTATED DECLARATION  
OF CONDOMINIUM FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

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**LEGAL DESCRIPTION OF THE PROPERTY**

A part of the East half of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the North Line of Curtis Subdivision No. 4 being 7.00 feet South 89°45'42" West from the Northeast corner of Lot 16 of said Curtis Subdivision; said point of beginning is 698.00 feet West; 184.15 feet South; and 208.33 feet South 89°45'42" West along the North line of said subdivision from the East Quarter Corner of said Section 29; said point of beginning is also on the Westerly Line of Creek Road (as widened to 40.00 foot half-width); and running thence South 89°45'42" West 316.40 feet along said North Line of Curtis Subdivision; thence South 14°52'29" West 42.10 feet to the Southwesterly Line of Lot 14 in said Curtis Subdivision; thence North 61°16'43" West 81.72 feet along said Lot Line; thence North 46°41'30" West 172.91 feet to a point of curvature; thence Northwesterly along the arc of a 15.00 foot radius curve to the right a distance of 11.60 feet (Central Angle equals 44°18'32" and Long Chord bears North 24°32'14" West 11.31 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 50.00 foot radius curve to the left a distance of 83.11 feet (Central Angle equals 95°14'23" and Long Chord bears North 50°00'09" West 73.87 feet); thence North 46°41'30" West 20.85 feet to the East Line of Union Park Avenue as it exists at 53.00 foot half-width; thence along said East Line the following two courses: Northeasterly along the arc of a 1001.69 foot radius curve to the right a distance of 33.44 feet (Central Angle equals 1°54'45" and Long Chord bears North 18°39'42" East 33.44 feet) to a point of compound curvature; and Northeasterly along the arc of a 2030.48 foot radius curve to the right a distance of 161.26 feet (Central Angle equals 4°33'01" and Long Chord bears North 21°53'35" East 161.21 feet); thence South 71°13' 30" East 101.16 feet; thence South 18°46'30" West 24.22 feet; thence South 71°13'30" East 197.54 feet; thence North 19°38'32" East 183.71 feet to a point on the Westerly Line of said Creek Road (as widened to 40.00 foot half-width); thence Southeasterly along the arc of a 534.75 foot radius curve to the right a distance of 464.72 feet (Central Angle equals 49°47'31" and Long Chord bears South 25°27'54" East 450.23 feet) and South 16.67 feet along said Westerly Line of Creek Road to the Point of Beginning.

Contains 164,777 sq. ft. or 3.783 acres

**EXHIBIT B  
TO  
FIRST AMENDMENT TO  
AMENDED AND RESTATED DECLARATION  
OF CONDOMINIUM FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

<u>UNIT NO.</u>	<u>SQ. FT.</u>	<u>% INTEREST</u>
Condo Unit 101A:	1,434	2%
Condo Unit 102A:	1,409	2%
Condo Unit 103A:	914	1%
Condo Unit 104A:	1,929	3%
Condo Unit 201A:	1,280	2%
Condo Unit 202A:	1,564	2%
Condo Unit 203A:	1,298	2%
Condo Unit 204A:	1,546	2%
Condo Unit 205A:	452	1%
Condo Unit 101B:	2,843	4%
Condo Unit 103B:	927	1%
Condo Unit 104B:	1,894	3%
Condo Unit 201B:	2,844	4%
Condo Unit 202B:	511	1%
Condo Unit 203B:	1,162	2%
Condo Unit 204B:	1,696	2%
Condo Unit 100E:	1,218	2%
Condo Unit 104D:	2,652	4%
Condo Unit 203D:	2,054	3%

Condo Unit 300C	4,580	6%
Condo Unit 300D	1,644	2%
Condo Unit 302D	6,376	9%
<u>Unconverted Space:</u>	<u>29,685</u>	<u>40%</u>
TOTAL:	71,912	100%

**EXHIBIT C  
TO  
FIRST AMENDMENT TO  
AMENDED AND RESTATED DECLARATION  
OF CONDOMINIUM FOR  
CREEK ROAD OFFICE CONDOMINIUMS**

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**LEGAL DESCRIPTION OF ADDITIONAL LAND**

As some of the real property described in this Exhibit C is not owned by Creek Road Associates, L.C., or Creek Road Office Condominiums Owners Association, Inc., the Declaration, as amended, shall not be indexed as an encumbrance against the property listed herein. Such property is only referenced for the purpose of allowing future expansion of the Project.

**PARCEL 1:**

A part of Lot 1, Overlook at Union Point, a subdivision in Sandy City, Salt Lake County, Utah, within the Southeast Quarter of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the most Northerly Corner of said Lot 1 and running thence along the Northeasterly Line of said Lot 1 the following two courses: South 46°41'30" East 297.447 feet to a point of curvature; and Southeasterly along the arc of 269.94 foot radius curve to the Right a distance of 48.13 feet (Central Angle equals 10°12'57" and Long Chord bears South 41°35'02" East 48.07 feet) to the most Westerly Corner of said Lot 1; thence South 40°00'00" West 46.21 feet along the Southeasterly Line of said Lot 1 to the back or Northeasterly side of the existing concrete curb and gutter; thence North 48°33'58" West 96.20 feet along said back of curb and said Line extended Northwesterly; thence North 43°06'42" East 23.44 feet; thence North 46°53'18" West 233.41 feet to the Westerly Line of said Lot 1; thence Northeasterly along the arc of a 1001.69 foot radius curve to the Right a distance of 35.96 feet (Central Angle equals 2°03'26" and Long Chord bears North 12°36'20" East 35.96 feet) along said Westerly Line to the point of beginning.

**Contains 12,272 sq. ft.  
or 0.282 acre**

**PARCEL 2:**

A part of Lot 2, Overlook at Union Point, a subdivision in Sandy City, Salt Lake County, Utah, within the Southeast Quarter of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:



Beginning at the most Northerly Corner of said Lot 2 and running thence along the Northeasterly Line of said Lot 2 the following three courses: Southeasterly along the arc of a 269.94 foot radius curve to the Right a distance of 58.43 feet (Central Angle equals 12°24'03" and Long Chord bears South 30°16'32" East 58.31 feet) to a point of tangency South 24°04'30" East 68.20 feet to a point of curvature; and Southeasterly along the arc of a 416.06 foot radius curve to the Left a distance of 58.54 feet (Central Angle equals 8°03'42" and Long Chord bears South 28°06'21" East 58.49 feet) to the most Westerly Corner of said Lot 2; thence South 40°00'00" West 48.21 feet along the Southeasterly Line of said Lot 2 to the back or Northeasterly side of the existing concrete curb and gutter; thence Northwesterly along the arc of a 160.00 foot radius curve to the Right a distance of 45.93 feet (Central Angle equals 16°26'45" and Long Chord bears North 19°27'00" West 45.77 feet) to a point of reverse curvature on the back or Westerly side of the existing concrete curb and gutter; thence along the back of said curb and gutter the following four courses: Northwesterly along the arc of a 140.00 foot radius curve to the Left a distance of 102.64 feet (Central Angle equals 42°00'21" and Long Chord bears North 32°13'48" West 100.36 feet) to a point of tangency; North 53°13'59" West 20.93 feet; North 38°10'53" East 20.26 feet; and North 48°33'58" West 13.98 feet to the Northwesterly Line of said Lot 2; thence North 40°00'00" East 46.21 feet along said Northwesterly Line to the point of beginning.

**Contains 7,562 sq. ft.  
or 0.174 acre**

**PARCEL 3:**

A part of Lot 3, Overlook at Union Point, a subdivision in Sandy City, Salt Lake County, Utah, within the Southeast Quarter of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the most Northerly Corner of said Lot 3 and running thence along the Northeasterly Line of said Lot 3 the following two courses: Southeasterly along the arc of a 416.06 foot radius curve to the Left a distance of 178.61 feet (Central Angle equals 24°35'48" and Long Chord bears South 44°26'06" East 177.24 feet) to a point of tangency; and South 56°44'00" East 83.17 feet to the most Westerly Corner of said Lot 3; thence South 40°00'00" West 38.86 feet along the Southeasterly Line of said Lot 3; thence North 50°00'51" West 15.44 feet; thence South 39°59'09" West 13.86 feet to the back or Northeasterly side of the existing concrete curb and gutter; thence North 50°00'51" West 182.74 feet along the back of said curb and gutter and said Line extended; thence Northwesterly along the arc of a 160.00 foot radius curve to the Right a distance of 62.39 feet (Central Angle equals 22°20'29" and Long Chord bears North 38°50'37" West 62.00 feet) to the Northwesterly Line of said Lot 3; thence North 40°00'00" East 48.21 feet along said Northwesterly Line to the point of beginning.

**Contains 11,472 sq. ft.  
or 0.263 acre**

**PARCEL 4:**

A part of Lot 4, Overlook at Union Point, a subdivision in Sandy City, Salt Lake County, Utah, within the Southeast Quarter of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the most Northerly Corner of said Lot 4 and running thence along the Northeasterly Line of said Lot 4 the following four courses: South 56°44'00" East 30.09 feet to a point of curvature; Southeasterly along the arc of a 408.68 foot radius curve to the Right a distance of 196.93 feet (Central Angle equals 27°36'30" and Long Chord bears South 42°55'45" East 195.03 feet) to a point of tangency; South 29°07'30" East 162.06 feet to a point of curvature; and Southeasterly along the arc of a 416.06 foot radius curve to the Left a distance of 28.15 feet (Central Angle equals 3°52'37" and Long Chord bears South 31°03'49" East 28.15 feet) to the most Westerly Corner of said Lot 4; thence along the Southeasterly Line of said Lot 4 the following two courses: South 56°59'54" West 32.41 feet; and South 40°00'00" West 19.93 feet; thence North 29°07'30" West 252.47 feet to a point on the back or Northeasterly side of existing concrete curb and gutter; thence North 50°13'58" West 132.64 feet along said existing curb; thence North 39°59'09" East 10.00 feet; thence North 50°00'51" West 23.47 feet to the Northwesterly Line of said Lot 4; thence North 40°00'00" East 38.86 feet along said Northwesterly Line to the point of beginning.

**Contains 20,609 sq. ft.  
or 0.473 acre**

**PARCEL 5:**

A part of the East Half of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the most Northerly Corner of Lot 1, Overlook at Union Point, a subdivision in Sandy, Salt Lake County, Utah as it is staked on the ground being 1124.34 feet North 89°46'05" West along the Quarter Section Line; and 59.41 feet South 0°13'55" East from the Center of said Section 29; and running thence Northeasterly along the arc of a 1001.69 foot radius curve to the Right a distance of 71.17 feet (Central Angle equals 4°04'16" and Long Chord bears North 15°40'11" East 71.16 feet) along the Easterly Line of Union Park Avenue as it exists at 53.00 foot half-width to the Northeasterly Line of Little Cottonwood Creek Road is it would exist on the ground; thence along said Northeasterly Line the following four courses: South 46°41'30" East 20.85 feet; Southeasterly along the arc of a 50.00 foot radius curve to the Right a distance of 83.11 feet (Central Angle equals 95°14'23" and Long Chord bears South 50°00'09" East 73.87 feet) to a point of reverse curvature; Southeasterly along the arc of a 15.00 foot radius curve to the Left a distance of 11.60 feet (Central Angle equals 44°18'32" and Long Chord bears South 24°32'14" East 11.31 feet) to a point of tangency; and South 46°41'30" East 172.91 feet to the North Easterly Line of Lot 13, Curtis Subdivision No. 4 as it exists on the ground; thence North 61°16'43" West 1.14 feet along said Lot Line to the most Northerly Corner thereof; thence along the Southwesterly Line of said Curtis Subdivision No. 4 as it exists on the ground the following six courses: South 46°51'29" East 56.31 feet to a point of curvature; Southeasterly along the arc of a 335.94 foot radius curve to the Right a distance of 132.61 feet (Central Angle equals 22°37'00" and Long Chord bears South 35°32'59" East 131.75 feet) to a

point of tangency; South 24°14'29" East 68.20 feet to a point of curvature; Southeasterly along the arc of a 350.06 foot radius curve to the Left a distance of 199.53 feet (Central Angle equals 32°39'30" and Long Chord bears South 40°34'13" East 196.84 feet) to a point of tangency; South 56°54'08" East 113.26 feet to a point of curvature; and Southeasterly along the arc of a 474.68 foot radius curve to the Right a distance of 53.21 feet (Central Angle equals 6°25'23" and Long Chord bears South 53°41'18" East 53.19 feet) to the Westerly Line of the new alignment of Cottonwood Creek Road; thence Southeasterly along the arc of a 450.74 foot radius curve to the Left a distance of 175.98 feet (Central Angle equals 22°22'11" and Long Chord bears South 18°16'23" East 174.86 feet) along said Westerly Line; thence North 28°20'01" West 3.27 feet to the Northeasterly Line of Lot 4 of said Overlook at Union Point Subdivision; thence along the Northeasterly Line of said Subdivision as it is staked on the ground the following six courses: Northwesterly along the arc of a 408.68 foot radius curve to the Left a distance of 196.93 feet (Central Angle equals 27°36'30" and Long Chord bears North 42°55'45" West 195.03 feet) to a point of tangency; North 56°44'00" West 113.26 feet to a point of curvature; Northwesterly along the arc of a 416.06 foot radius curve to the Right a distance of 237.15 feet (Central Angle equals 32°39'30" and Long Chord bears North 40°24'15" West 233.96 feet) to a point of tangency; North 24°04'30" West 68.20 feet to a point of curvature; Northwesterly along the arc of a 269.94 foot radius curve to the Left a distance of 106.56 feet (Central Angle equals 22°37'00" and Long Chord bears North 35°23'00" West 105.86 feet) to a point of tangency; and North 46°41'30" West 297.447 feet to the point of beginning.

**Contains 60,462 sq. ft.  
or 1.388 acres**