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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
MASON DUTTON
84 MINILA DR
DRAPER UT 84020
BY: TWP, DEPUTY - WI 12 P.

When Recorded Return To:

John D. Morris
MORRIS SPERRY
7070 South Union Park Center, Suite 220
Midvale, Utah 84043

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

This Amendment is made and executed this ____ day of _____, 2014, by Solstice Homes, LLC (the "Declarant").

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 (the "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").

C. The initial Plat for the Project and the Plats for Phase 2 and Phase 3 have also been recorded in Salt Lake County Recorder's office.¹

D. The SECOND AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED was recorded on September 5, 2013 in the Salt Lake County Recorder's office as Entry No. 11718837, Book 10175, beginning at Page 1574 (the "Second Amendment").

E. The THIRD AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED was recorded on August 21, 2013 in the Salt Lake County Recorder's office as Entry No. 11709759, Book 10171, beginning at Page 561 (the "Third Amendment").

F. The FOURTH AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED was recorded on November 25, 2013 in the Salt Lake County Recorder's office as Entry No. 11766117, Book 10195, beginning at Page 1186 (the "Fourth Amendment"). (the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and the Enabling Declaration shall be collectively referred to as the "Declaration").

G. 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.

H. 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.

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

I. Exhibit A of the Second Amendment identifies certain real property located within the Project, which real property is hereinafter referred to as Phase 3 Property of the Project.

J. 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.

K. The Declarant desires to add additional property to the Project. This additional property is identified on Exhibit A attached hereto under the heading "Phase 4" and is hereinafter referred to as the "Phase 4 Property".

L. Declarant intends to expand the Project by constructing Units on the Phase 4 Property.

M. Subject to all other provisions in the Declaration, Declarant intends that Parcels 1M, 1N, 1P, & 1Q, depicted on the ROOFTOPS AT 78 HUNDRED TOWNHOMES PHASE 4 Plat, be reserved for development of future phases of the Project, at Declarant's sole discretion.

N. Declarant now intends that the Phase 4 Property shall become subject to the Declaration.

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

1. Addition of Phase 4 Property. Declarant hereby declares that the Phase 4 Property shall be added to the Project and become subject to the Declaration upon recordation of this Fifth Amendment and the plat for the Phase 4 Property. The plat for the Phase 4 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 4 Property, 30 additional Units will be constructed in the Project on the Phase 4 Property. Upon Recordation of the plat for the Phase 4 Property and this Fifth Amendment, the total number of Units in the Project will be 97. 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 97 Units in 12 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. Fifth Amendment's Exhibits Replace Declaration's Exhibits.² The exhibits attached hereto and identified as Exhibit A and Exhibit C shall replace the Exhibits A and C

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

attached to the Declaration, the First Amendment and the Second Amendment. Exhibit A sets forth the legal description for the Phase 1 Property, Phase 2 Property, Phase 3 Property, and Phase 4 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 Fifth 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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EXECUTED this 27 day of August, 2014.

SOLSTICE HOMES, LLC

By: _____

Its: Partner

STATE OF UTAH)

COUNTY OF Salt Lake)^{SS:}

On the 27 day of August, 2014, personally appeared before me CHRIS ENSIGN, the signer of the foregoing FIFTH AMENDMENT TO DECLARATION FOR ROOFTOPS AT 78 HUNDRED on behalf of Solstice Homes, LLC, who duly acknowledged to me that he executed the same.

Crystal Brereton
Notary Public



PHASE 4 PROPERTY LANDOWNER'S CONSENT:

Uncle Navarro, LLC, the owner of the real property identified herein as the Phase 4 Property, hereby consents to the addition of the Phase 4 Property to the Project and subjecting the Phase 4 Property to the provisions, conditions, covenants, restrictions, and all other terms of the Declaration.

EXECUTED this 26 day of August, 2014.

UNCLE NAVARRO, LLC

By: [Signature]
Its: MEMBER

STATE OF UTAH)
)SS:
COUNTY OF Utah)

On the 26 day of August, 2014, personally appeared before me Dan Burffon, the signer of the foregoing on behalf of Uncle Navarro, LLC, who duly acknowledged to me that he executed the same.

[Signature]
Notary Public

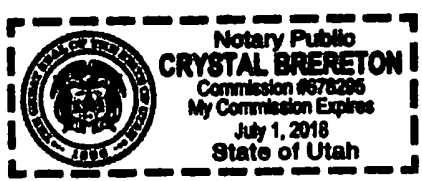


EXHIBIT A

Phase 1.

Beginning at a point on the Northerly Right-of-Way Line of 7800 South Street, said point also being North 00°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 12°04'36" East and the chord bears South 76°21'42" West 160.09 feet with a central angle of 03°07'25") along the Northerly Right-of-Way Line of said 7800 South Street;

thence South 74°48'00" West 39.12 feet along the Northerly Right-of-Way Line of said 7800 South Street;

thence North 14°43'56" West 144.11 feet;

thence South 75°04'55" 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 14°55'05" East and the chord bears South 89°54'25" East 29.94 feet with a central angle of 29°39'00");

thence North 75°16'05" 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 82°51'28" East and the chord bears South 08°39'32" East 33.51 feet with a central angle of 03°02'00") along the Westerly Right-of-Way Line of said Euro Drive;

thence South 10°10'32" East 75.16 feet along the Westerly Right-of-Way Line of said Euro Drive;

thence Southwesterly 30.75 feet along the arc of a 20.00 foot radius curve to the right (center bears South 79°49'28" West and the chord bears South 33°52'27" West 27.81 feet with a central angle of 88°05'56") 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 $00^{\circ}08'36''$ 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 $74^{\circ}48'00''$ 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 $05^{\circ}03'12''$ West 59.29 feet along the Easterly Boundary Line of said Parcel A;

thence North $05^{\circ}45'16''$ West 99.00 feet along the Easterly Boundary Line of said Parcel A;

thence North $10^{\circ}26'27''$ East 49.58 feet along the Easterly Boundary Line of said Parcel A;

thence South $75^{\circ}04'55''$ East 90.35 feet;

thence North $14^{\circ}55'05''$ East 15.81 feet;

thence North $75^{\circ}16'05''$ East 74.17 feet;

thence South $75^{\circ}04'55''$ East 39.04 feet;

thence North $14^{\circ}55'05''$ 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 $75^{\circ}04'55''$ East and the chord bears North $59^{\circ}55'05''$ East 38.89 feet with a central angle of $90^{\circ}00'00''$);

thence South $75^{\circ}04'55''$ East 58.72 feet to the Westerly Boundary Line of the Rooftops at 78 Hundred Townhomes Phase 1;

thence South $14^{\circ}43'56''$ 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

Phase 4.

Beginning at the intersection point of the Northerly Right-of-Way Line of Rooftop Drive and the Westerly Right-of-Way Line of Euro Drive, said point being North 00°08'36" East 429.40 feet along the Section Line and West 2,354.61 feet from the Southeast Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 75°16'05" West 183.44 feet;
thence Northwesterly 14.28 feet along the arc of a 27.50 feet radius curve to the right (center bears North 14°49'48" West and the chord bears North 89°57'22" West 14.12 feet with a central angle of 29°44'53");
thence North 75°04'55" West 63.43 feet;
thence North 14°55'25" East 152.00 feet;
thence North 75°04'55" West 93.17 feet;
thence Northwesterly 21.21 feet along the arc of a 13.50 feet radius curve to the right (center bears North 14°55'05" East and the chord bears North 30°04'55" West 19.09 feet with a central angle of 90°00'00");
thence North 75°04'55" West 15.50 feet;
thence South 14°55'05" West 3.96 feet;
thence North 75°13'15" West 15.50 feet;
thence Southwesterly 14.92 feet along the arc of a 9.50 feet radius curve to the right (center bears North 75°04'55" West and the chord bears South 59°55'05" West 13.44 feet with a central angle of 90°00'00");
thence North 75°04'55" West 98.47 feet;
thence North 15°15'07" East 55.85 feet;
thence North 18°42'49" East 58.21 feet;
thence North 08°50'53" East 45.33 feet;
thence South 75°04'55" East 276.58 feet;
thence Northeasterly 35.34 feet along the arc of a 22.50 feet radius curve to the left (center bears North 14°55'05" East and the chord bears North 59°55'04" East 31.82 feet with a central angle of 90°00'02");
thence South 75°04'55" East 4.01 feet;
thence North 14°55'03" East 153.00 feet;
thence South 75°04'54" East 27.21 feet;
thence North 14°55'06" East 18.50 feet;
thence South 75°04'54" East 99.73 feet;
thence South 60°51'52" East 42.50 feet;
thence South 24°43'09" West 91.99 feet;
thence southerly 98.95 feet along the arc of a 633.00 feet radius curve to the left (center bears South 65°16'51" East and the chord bears South 20°14'27" West 98.85 feet with a central angle of 08°57'24");
thence southerly 221.66 feet along the arc of a 633.00 feet radius curve to the left (center bears South 74°14'15" East and the chord bears South 05°43'51" West 220.53 feet with a central angle of 20°03'47") to the point of beginning.

Contains 128,515 square feet or 2.950 acres

EXHIBIT C

Allocated Interests

<u>Unit No.</u>	<u>Square Footage</u>	<u>Allocated Interest</u>
101	738	0.54%
102	1,328	0.97%
103	1,328	0.97%
104	1,328	0.97%
105	738	0.54%
106	1,626	1.19%
107	1,328	0.97%
108	1,328	0.97%
109	1,490	1.09%
110	1,490	1.09%
111	1,328	0.97%
112	1,328	0.97%
113	1,626	1.19%
114	1,626	1.19%
301	849	0.62%
302	1,624	1.19%
303	1,329	0.98%
304	1,329	0.98%
305	1,538	1.13%
306	1,538	1.13%
307	1,329	0.98%
308	1,329	0.98%
309	1,624	1.19%
310	1,624	1.19%
401	849	0.62%
402	1,624	1.19%
403	1,329	0.98%
404	1,329	0.98%
405	1,538	1.13%
406	1,538	1.13%
407	1,329	0.98%
408	1,329	0.98%
409	1,624	1.19%
410	1,624	1.19%
501	1,329	0.98%

502	1,329	0.98%
503	1,329	0.98%
504	849	0.62%
601	1,624	1.19%
602	1,624	1.19%
603	1,329	0.98%
604	1,329	0.98%
605	1,592	1.17%
606	1,592	1.17%
607	1,329	0.98%
608	1,329	0.98%
609	1,624	1.19%
610	862	0.63%
701	862	0.63%
702	1,624	1.19%
703	1,329	0.98%
704	1,329	0.98%
705	1,592	1.17%
706	1,592	1.17%
707	1,329	0.98%
708	1,329	0.98%
709	1,624	1.19%
710	1,624	1.19%
801	862	0.63%
802	1,624	1.19%
803	1,329	0.98%
804	1,329	0.98%
805	1,592	1.17%
806	1,592	1.17%
807	1,329	0.98%
808	1,329	0.98%
809	1,624	1.19%
901	1,624	1.19%
902	1,329	0.98%
903	1,329	0.98%
904	1,592	1.17%
905	1,592	1.17%
906	1,329	0.98%
907	1,329	0.98%
908	1,624	1.19%
909	862	0.63%

1001	1,624	1.19%
1002	1,329	0.98%
1003	1,329	0.98%
1004	1,624	1.19%
1005	1,624	1.19%
1101	1,624	1.19%
1102	1,624	1.19%
1103	1,329	0.98%
1104	1,329	0.98%
1105	1,624	1.19%
1106	1,624	1.19%
1201	862	0.63%
1202	1,624	1.19%
1203	1,329	0.98%
1204	1,329	0.98%
1205	1,592	1.17%
1206	1,592	1.17%
1207	1,329	0.98%
1208	1,329	0.98%
1209	1,624	1.19%
1210	1,624	1.19%
	136,298	100%