

AFTER RECORDING, PLEASE RETURN TO:

Thomas E. Goodwin  
Parr Brown Gee & Loveless  
101 South 200 East, Suite 700  
Salt Lake City, UT 84111

For reference only, Tax Parcel Nos.: 45-703-0001 through -0009

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(Space above for Recorder's use only.)

**AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS**

THIS AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS (this "**Amendment**"), dated as of the 8 day of Sept., 2021, is executed by BOYER NW QUADRANT, L.C., a Utah limited liability company ("**Boyer NWQ**"), BOYER NW QUADRANT LEHI BLOCK OFFICE 1, L.C., a Utah limited liability company ("**Boyer Office**"), BG LEHI BLOCK GAS, L.C., a Utah limited liability company ("**BG Gas**") and BWG LEHI BLOCK APARTMENTS, LLC, a Utah limited liability company ("**BWG**").

RECITALS:

A. Boyer NWQ and Boyer Office, collectively as Declarant, entered into that certain Declaration of Covenants, Restrictions and Easements dated June 23, 2021, and recorded on June 24, 2021, as Entry No. 113571:2021 in the official records of the Utah County Recorder's office (the "**Declaration**"). Capitalized terms used but not defined herein have the meanings set forth for such terms in the Declaration.

B. The Declaration encumbers certain parcels of real property, the legal descriptions of which are set forth on Exhibit "A" attached hereto and made a part hereof.

C. Boyer NWQ, Boyer Office, BWG and BG Gas constitute all of the owners of the Parcels subject to the Declaration.

D. Owners desire to amend the Declaration as set forth below.

NOW, THEREFORE, for the foregoing purposes, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owners hereby amend the Declaration as follows:.

1. Definition of Storm Water Facilities. The definition of “**Storm Water Facilities**” set forth in Section 1(II) of the Declaration is hereby deleted and replaced with the following new definition:

(II) “**Storm Water Facilities**” means the detention ponds and related storm water improvements located in the detention easements shown on the Plat with respect to all Lots other than Lot 8 and, with respect to Lot 8, as described on Exhibit “D” and depicted on Exhibit “E”.

2. Amendment to Plat. To the extent inconsistent with the terms of the Plat, the Stormwater Facilities located on Lot 8 on the Plat are hereby amended to be only those facilities with respect to Lot 8, as described on Exhibit “D” and depicted on Exhibit “E”.

3. Exhibits. The Declaration is hereby amended to include Exhibit “D” and Exhibit “E” attached to this Amendment as Exhibit “D” and Exhibit “E” to the Declaration.

4. Miscellaneous. This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from different counterparts may be detached from the original counterparts and attached to one counterpart and recorded. To the extent that the provisions of this Amendment are inconsistent with the provisions of the Declaration, the provisions of this Amendment shall control and the Declaration is modified accordingly. Except as amended herein, the terms and conditions of the Declaration shall remain the same and in full force and effect. All exhibits attached to this Amendment are incorporated herein by reference.

*(Signatures begin on following page)*

EXECUTED to be effective as of the day and year first above written.

"Owners"

BOYER NW QUADRANT, L.C., a Utah limited liability company, by its Manager

THE BOYER COMPANY, L.C., a Utah limited liability company

By: Nat RB  
Name: NATHAN R. BOYER  
Its: Manager

BOYER NW QUADRANT LEHI BLOCK OFFICE 1, L.C., a Utah limited liability company, by its Manager

THE BOYER COMPANY, L.C., a Utah limited liability company

By: Nat RB  
Name: NATHAN R. BOYER  
Its: Manager

BWG LEHI BLOCK APARTMENTS, LLC, a Utah limited liability company

By: JJP  
Name: Jeff Nielson  
Its: Manager

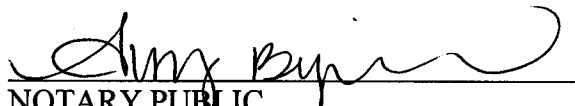
BG LEHI BLOCK GAS, L.C., a Utah limited liability company, by its Manager

THE BOYER COMPANY, L.C., a Utah limited liability company

By: Nat RB  
Name: NATHAN R. BOYER  
Its: Manager

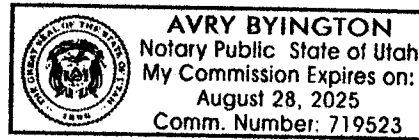
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 8 day of September, 2021, personally appeared before me Nathan R. Boyer, manager of The Boyer Company, L.C., a Utah limited liability company, a manager of Boyer NW Quadrant, L.C., a Utah limited liability company, who executed this instrument on behalf of said company.



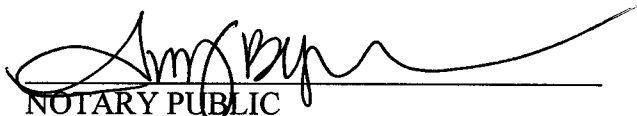
NOTARY PUBLIC  
Residing at: Davis County

My Commission Expires: 8/28/2025



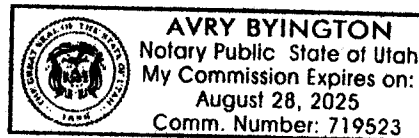
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 8 day of September, 2021, personally appeared before me Nathan R. Boyer, manager of The Boyer Company, L.C., a Utah limited liability company, a manager of Boyer NW Quadrant Lehi Block Office 1, L.C., a Utah limited liability company, who executed this instrument on behalf of said company.



NOTARY PUBLIC  
Residing at: Davis County

My Commission Expires: 8/28/2025



My Commission Expires:

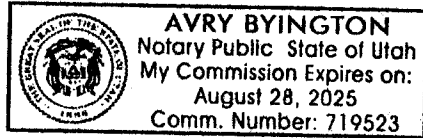
Residing at:

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

On this 8 day of September, 2021, personally appeared before me Nathan P. Boyer, manager of The Boyer Company, L.C., a Utah limited liability company, a manager of BG Lehi Block Gas, L.C., a Utah limited liability company, who executed this instrument on behalf of said company.

Avry Byington  
NOTARY PUBLIC  
Residing at: Davis County

My Commission Expires: 8/28/2025



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

On this 17<sup>th</sup> day of September, 2021, personally appeared before me Jeff Nielson, the manager of BWG Lehi Block Apartments, LLC, a Utah limited liability company, who executed this instrument on behalf of said company.



Lauren Ashley  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires: 2/14/2022

EXHIBIT "A"

TO

AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND  
EASEMENTS

Legal Description

Lots 1, 2, 3, 4, 5, 6, 7, and 8, LEHI BLOCK PLAT A, according to the official plat thereof as recorded in the office of the Utah County Recorder on March 12, 2020 as Entry No. 31840:2020.

EXHIBIT "D"

TO

DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS

**Revised Detention Easement**

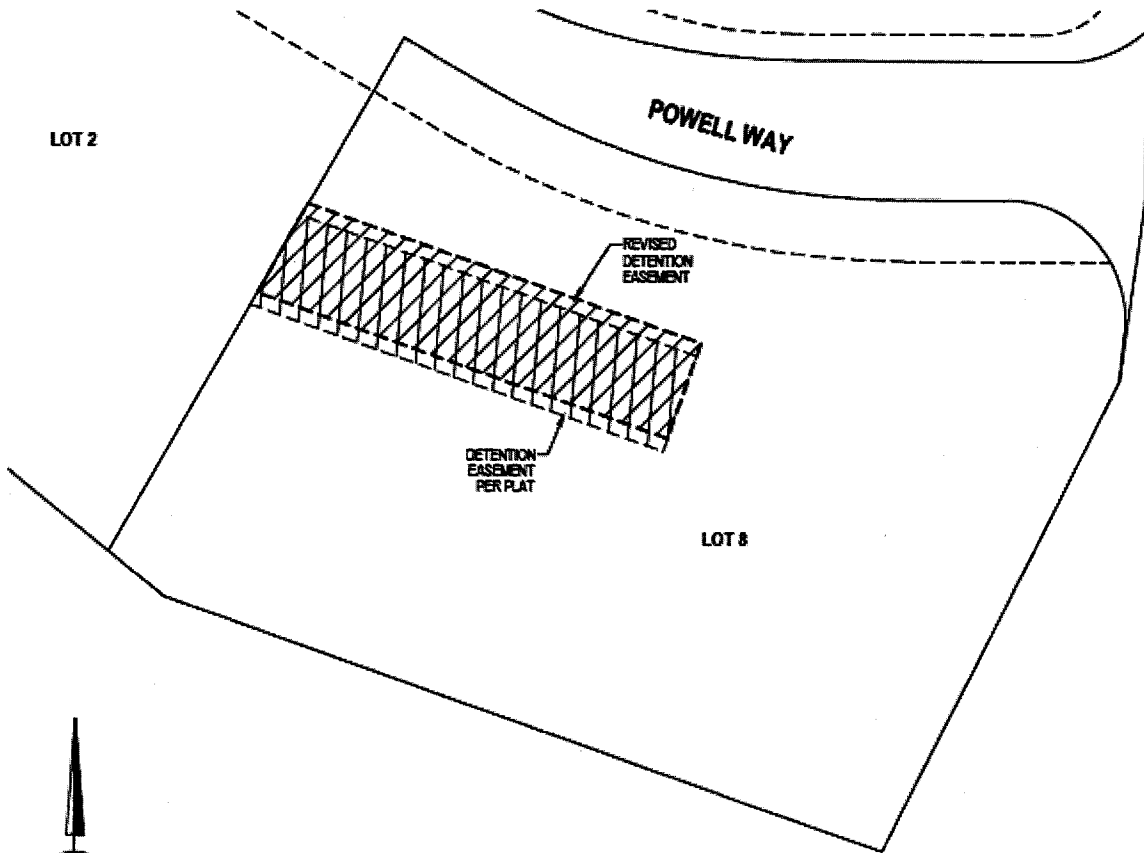
A parcel of land situate in the Northeast Quarter of Section 6, Township 5 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point being South 00°14'45" West 1,823.58 feet and West 214.04 feet from the Northeast Corner of Section 6, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running

thence South 19°16'54" West 37.67 feet;  
thence North 70°43'06" West 163.98 feet;  
thence North 29°54'28" East 38.32 feet;  
thence South 70°43'06" East 156.92 feet to the point of beginning.

Contains 6,044 Square Feet or 0.139 Acres.

EXHIBIT "E"  
TO  
DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS





**CONSENT AND SUBORDINATION**

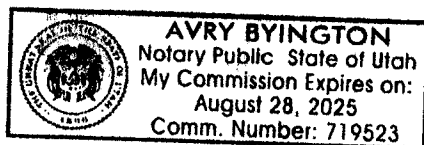
Wells Fargo Bank, National Association (the "Lender"), as the holder of a lien encumbering certain real property pursuant to (i) that certain Leasehold and Fee Construction Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing executed by Gardner Lehi Block Office 1, L.C. a Utah limited liability company, Gardner Lehi Block Office 1, L.C., a Utah limited liability company, as tenants-in-common, and Boyer NW Quadrant Lehi Block Office 1, L.C., a Utah limited liability company, collectively as trustor, to the trustee named therein for the benefit of the Lender, as beneficiary, which was recorded on April 17, 2020, as Entry No. 50508:2020, in the Utah County Recorder's Office, as amended, and (ii) that certain Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing executed by Boyer NW Quadrant, L.C., a Utah limited liability company, as trustor, to the trustee named therein for the benefit of the Lender, as beneficiary, which was recorded on January 17, 2020, as Entry No. 6813:2020, in the Utah County Recorder's Office, as amended, hereby consents to the recording of this Amendment to Declaration of Covenants, Restrictions and Easements and subordinates its lien thereto.

WELLS FARGO BANK, NATIONAL ASSOCIATION,  
a national banking association

By: Ben Bliss  
Name: Ben Bliss  
Title: Director

STATE OF Utah )  
COUNTY OF Salt Lake : ss.

On the 23 day of September, 2021, personally appeared before me Ben Bliss, who acknowledged to me that he executed the foregoing instrument as the Director of Wells Fargo Bank, National Association.



Avry Byington  
Notary Public