

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.)

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

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS (this "**Amendment**"), dated as of the 11 day of <sup>February</sup> ~~January~~, 2022, 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, as amended by that certain Amendment to Declaration of Covenants, Restrictions and Easements dated September 8, 2021, and recorded on September 27, 2021, as Entry No. 166462:2021 (as amended, 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. Amendment to Exhibits. The Declaration is hereby amended to replace Exhibit “D” and Exhibit “E” attached to the Declaration with the new Exhibit “D” and Exhibit “E” attached to this Amendment.

2. 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”

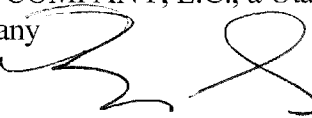
BOYER NW QUADRANT, L.C., a Utah limited liability company, by its Manager

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


By:   
Name: \_\_\_\_\_  
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

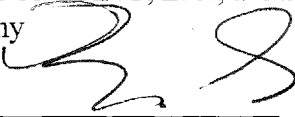
By:   
Name: \_\_\_\_\_  
Its: Manager

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

By:   
Name: Jeff Niplo  
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

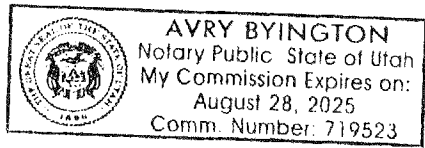
By:   
Name: \_\_\_\_\_  
Its: Manager

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

On this 17 day of February, 2022, personally appeared before me Brian Gochnow, 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.

My Commission Expires: 8/28/2025

Avry Byington  
NOTARY PUBLIC  
Residing at: Davis County

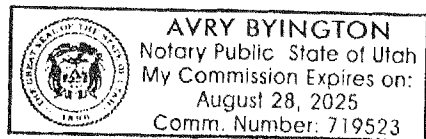


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 17 day of February, 2022, personally appeared before me Brian Gochnow, 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.

My Commission Expires: 8/28/2025

Avry Byington  
NOTARY PUBLIC  
Residing at: Davis County

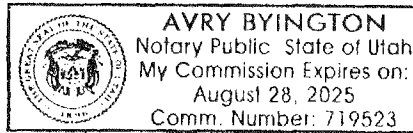


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On this 17 day of February, 2022, personally appeared before me Brian Grochans, 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.

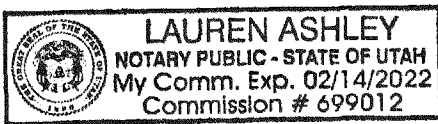
My Commission Expires: 8/28/2025

Amy Byington  
NOTARY PUBLIC  
Residing at: Davis County



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

On this 11<sup>th</sup> day of February, 2022, 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.



My Commission Expires: 2/14/22

Lauren Ashley  
NOTARY PUBLIC  
Residing at: Salt Lake

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

**Lehi Block Plat 'A'**

**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:

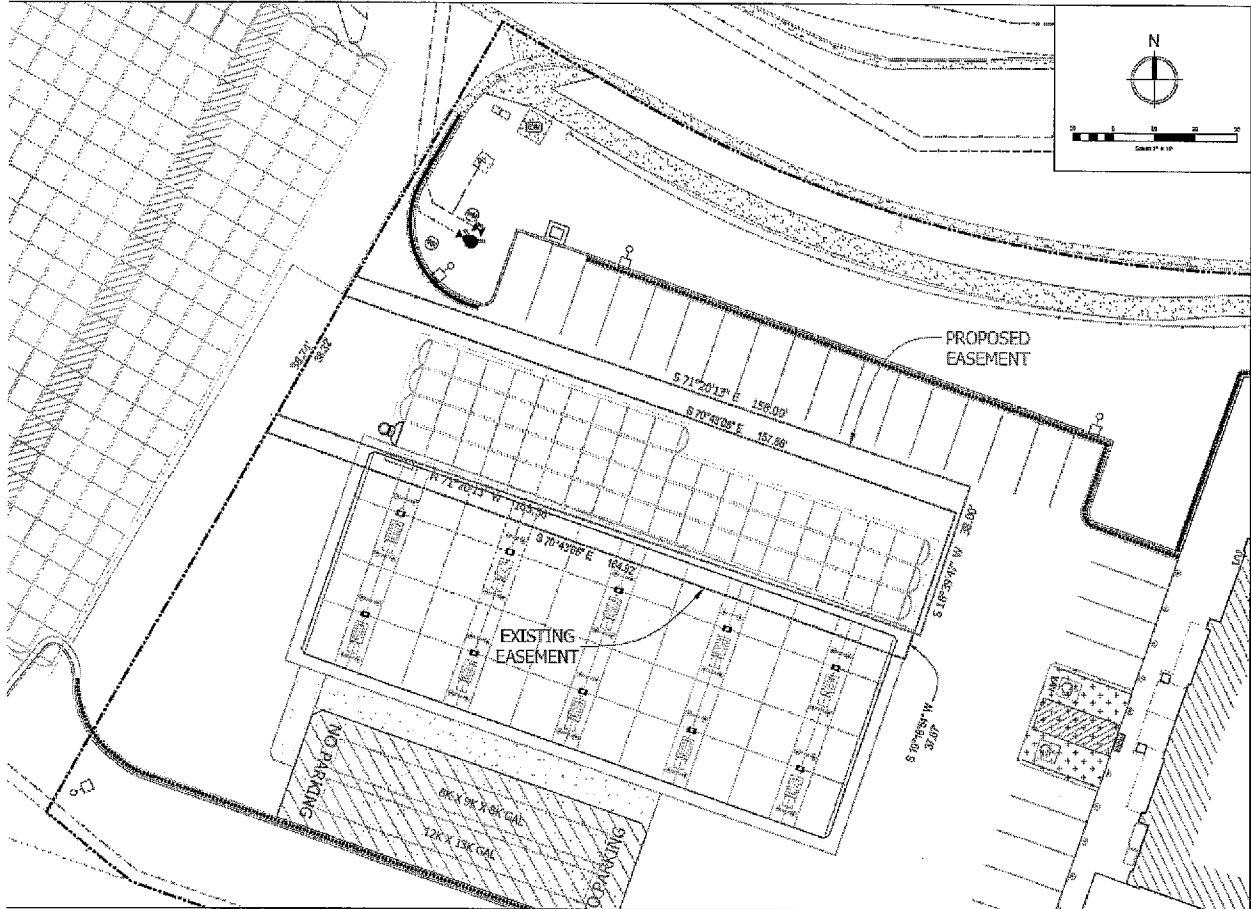
Beginning at a point being South 00°14'45" West 1,822.01 feet and West 212.29 feet from the Northeast Corner of Section 6, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running

thence South 18°39'47" West 38.00 feet;  
thence North 71°20'13" West 165.56 feet;  
thence North 29°54'28" East 38.74 feet;  
thence South 71°20'13" East 158.00 feet to the point of beginning.

Contains 6,148 Square Feet or 0.141 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 Second Amendment to Declaration of Covenants, Restrictions and Easements and subordinates its lien thereto.

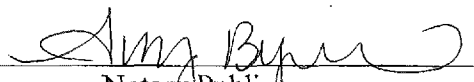
WELLS FARGO BANK, NATIONAL ASSOCIATION,  
a national banking association

By:   
Name: Erik Bengtzen  
Title: Director

STATE OF Utah )  
COUNTY OF Salt Lake

: ss.

On the 22 day of February, 2022, personally appeared before me Erik Bengtzen, who acknowledged to me that he executed the foregoing instrument as the Director of Wells Fargo Bank, National Association.

  
Notary Public

