

When Recorded Return to:
Read R. Hellewell, Esq.
KIRTON & McCONKIE
60 East South Temple, Suite 1800
Salt Lake City, UT 84111-1004

10790212
9/2/2009 10:48:00 AM \$27.00
Book - 9760 Pg - 2610-2617
Gary W. Ott
Recorder, Salt Lake County, UT
TITLE WEST
BY: eCASH, DEPUTY - EF 8 P.

For information only: Tax Parcel No. 14-25-226-009

**THIRD SUPPLEMENT TO MASTER DECLARATION
OF
EASEMENTS, COVENANTS AND RESTRICTIONS
FOR
HIGHBURY COMMONS AT LAKE PARK**

THIS THIRD SUPPLEMENT TO MASTER DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HIGHBURY COMMONS AT LAKE PARK (this "Third Supplement") is executed this 2nd day of July, 2009 by ZIONS SECURITIES CORPORATION, a Utah corporation ("Declarant") in contemplation of the following facts and circumstances:

A. The MASTER DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HIGHBURY COMMONS AT LAKE PARK dated September 26, 2006 was recorded October 6, 2006 as Entry No. 9868362 in Book 9362 beginning at Page 804 in the official records of the Salt Lake County Recorder, State of Utah (the "Declaration").

B. The Declaration has been supplemented by the annexation of additional real property pursuant to that certain FIRST SUPPLEMENT TO MASTER DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HIGHBURY COMMONS AT LAKE PARK, dated September 21, 2007, which was recorded September 21, 2007 as Entry No. 10229748 in Book 9518 beginning at Page 149 in the official records of the Salt Lake County Recorder, State of Utah (the "First Supplement"), and that certain SECOND SUPPLEMENT TO MASTER DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HIGHBURY COMMONS AT LAKE PARK, dated September 29, 2008, which was recorded September 30, 2008 as Entry No. 10530895 in Book 9646 beginning at Page 9423 in the official records of the Salt Lake County Recorder, State of Utah (the "Second Supplement," and together with the First Supplement, the "Supplements").

C. The Declaration provides for easements, covenants and restrictions which encumber certain real property described in the Declaration and in the Supplements (collectively, the "Property"), which is located in Salt Lake County, State of Utah.

D. The Declaration provides procedures for the adoption, execution and recordation of amendments and supplements to the Declaration, and this Third Supplement is being executed and recorded as authorized under the provisions of the Declaration.

E. In compliance with the provisions of the Declaration, Declarant hereby executes and shall record this Third Supplement for the purpose of supplementing the Declaration to add additional real property which shall be hereafter subject to the terms of the Declaration.

NOW, THEREFORE, the Declaration is hereby supplemented, and to the extent required to implement the provisions hereof, amended, in accordance with the provisions of this Third Supplement, as follows:

1. Defined Terms. A term which appears initially in quotation marks and is not there defined denotes that it is a defined term which shall have the meaning set forth in the Declaration.

2. Compliance with Procedures. As provided in Article IX of the Declaration, Declarant has the right to annex additional real property which shall become subject to the Declaration by the recordation of a supplemental declaration in the office of the County Recorder of Salt Lake County, State of Utah. Provided that Declarant is the owner of the real property to be annexed, such right of annexation shall be exercised without the consent or signature of any other party. The real property described herein is contiguous with real property which is subject to the Declaration. By this Third Supplement, Declarant intends to annex the additional real property described herein to the Declaration and cause said real property to be subject to the Declaration.

3. Description of Property. The property to be annexed under this Third Supplement constitutes approximately ninety-two and twelve one-hundredths (92.12) acres of land located in Salt Lake County, State of Utah (the "Supplemental Property"), and is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

4. Declaration. Declarant hereby declares that the Supplemental Property and any and all Improvements that shall at any time be located upon any portion of the Supplemental Property shall be held, sold, conveyed, transferred, designed, constructed, operated, maintained, leased, subleased and occupied subject to the easements, covenants, conditions and restrictions set forth in the Declaration and which are for the purpose of establishing "Maintenance Areas," mutual easements, covenants and restrictions which shall provide for the common management and operation of certain portions of the "Project," to place certain use restrictions on the Supplemental Property, and to protect and preserve the value of the Project, all as set forth in the Declaration.

5. Effective Date. This Third Supplement shall be effective as of the date of the recordation hereof in the official records of the Salt Lake County Recorder, State of Utah.

EXECUTED to be effective as of the date of the recordation hereof.

ZIONS SECURITIES CORPORATION
a Utah corporation

By: P. David Jensen
P. David Jensen
Its Senior Vice President and COO

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

The foregoing instrument was acknowledged before me this 2 day of July, 2009 by P. David Jensen, as Senior Vice President and COO of Zions Securities Corporation, a Utah corporation.



Ruth Ellen McClure
Notary Public

EXHIBIT "A"
TO
THIRD SUPPLEMENT TO MASTER DECLARATION
OF
EASEMENTS, COVENANTS AND RESTRICTIONS
FOR
HIGHBURY COMMONS AT LAKE PARK

[Legal Description of Supplemental Property]

Real property located in Salt Lake County, State of Utah, and more particularly described as follows:

Parcel A:

A parcel of land located in the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the south right-of-way line of Lake Park Boulevard, said point being North 89°48'42" East 1,448.74 feet along the north line of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian and North 416.70 feet from the Northwest Corner of said Section 25, and thence along said south line East 842.16 feet to the west line of property described in that certain Special Warranty Deed recorded September 30, 2008 as Entry No. 10530896 in Book 9646 at Page 9430 of the Salt Lake County records; thence along said west line the following two courses: 1) South 398.13 feet and 2) South 40°05'54" East 450.53 feet to the northerly right-of-way line of Highbury Parkway; thence along said northerly line the following seven courses: 1) South 49°54'06" West 994.66 feet to a point of tangency of a 407.50 foot radius curve to the right, 2) Westerly 285.19 feet along said curve through a central angle of 40°05'54" and a long chord of South 69°57'03" West 279.40 feet, 3) West 20.31 feet to a point of tangency of a 111.85 foot radius curve to the left, 4) Westerly 39.80 feet along said curve through a central angle of 20°23'14" and a long chord of South 79°48'23" West 39.59 feet to a point of reverse curvature of a 70.00 foot radius curve to the right, 5) Westerly 59.18 feet along said curve through a central angle of 48°26'16" and a long chord of North 86°10'06" West 57.43 feet, 6) North 61°56'57" West 5.34 feet to a point on the arc of a 111.49 foot radius non-tangent curve to the right, the center of which bears North 28°01'02" East and 7) Northwesterly 40.15 feet along said curve through a central angle of 20°37'55" and a long chord of North 51°40'01" West 39.93 feet to the easterly right-of-way line of Daybury Drive and a point on the arc of a 101.22 foot radius non-tangent curve to the left, the center of which bears South 48°50'53" West; thence along said easterly line the following eleven courses: 1) Northwesterly 0.37 feet along said curve through a central angle of 00°12'31" and a long chord of North 41°15'23" West 0.37 feet to a point of reverse curvature of a 112.50 foot

radius curve to the right, 2) Northwesterly 47.98 feet along said curve through a central angle of 24°26'15" and a long chord of North 29°08'31" West 47.62 feet to a point of compound curvature of a 237.50 foot radius curve to the right, 3) Northerly 70.15 feet along said curve through a central angle of 16°55'23" and a long chord of North 08°27'42" West 69.89 feet, 4) North 214.61 feet to a point of tangency of a 343.00 foot radius curve to the left, 5) Northwesterly 400.76 feet along said curve through a central angle of 66°56'41" and a long chord of North 33°28'20" West 378.35 feet to a point of reverse curvature of a 423.52 foot radius curve to the right, 6) Northwesterly 261.88 feet along said curve through a central angle of 35°25'42" and a long chord of North 49°13'50" West 257.73 feet to a point of reverse curvature of a 112.50 foot radius curve to the left, 7) northwesterly 30.42 feet along said curve through a central angle of 15°29'29" and a long chord of North 39°15'43" West 30.32 feet to a point of reverse curvature of a 90.00 foot radius curve to the right, 8) Northerly 93.97 feet along said curve through a central angle of 59°49'26" and a long chord of North 17°05'44" West 89.76 feet, 9) North 12°48'59" East 25.66 feet to a point of tangency of a 88.00 foot radius curve to the right, 10) Northeasterly 36.58 feet along said curve through a central angle of 23°49'09" and a long chord of North 24°43'33" East 36.32 feet to a point of reverse curvature of a 100.00 foot radius curve to the left and 11) Northerly 68.21 feet along said curve through a central angle of 39°04'49" and a long chord of North 17°05'43" East 66.89 feet to said south line of Lake Park Boulevard and a point of reverse curvature of a 338.00 foot radius curve to the right; thence along said south line the following two courses: 1) Northerly 278.22 feet along said curve through a central angle of 47°09'46" and a long chord of North 21°08'11" East 270.43 feet to a point of compound curvature of a 547.00 foot radius curve to the right and 2) Northeasterly 432.31 feet along said curve through a central angle of 45°16'56" and a long chord of North 67°21'32" East 421.14 feet to the POINT OF BEGINNING. Said parcel contains 1,597,842 square feet or 36.68 acres, more or less.

Parcel B:

A parcel of land located in the Southeast Quarter of Section 24 and the North Half of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the west right-of-way line of Corporate Park Drive, said point being South 00°01'15" East 1,325.86 feet along the east line of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian and South 89°51'11" West 40.00 feet from the Northeast Corner of said Section 25, and thence along the north line of Lakeview Farms Subdivision Phase 2 recorded March 25, 1996 as Entry No. 6311582 in Book 96-3P at Page 87 of the Salt Lake County records and the north line of Lakeview Farms Subdivision Phase 4, recorded March 04, 1997 as Entry No. 6585423 in Book 97-3P at Page 61 of said records South 89°51'11"

West 955.96 feet; thence North 00°09'01" West 0.48 feet; to the south line of the Northeast Quarter of said Section 25; thence South 89°50'59" West 1,659.56 feet to the west line of said Northeast Quarter; thence along said west line South 00°04'43" East 0.22 feet to the northeasterly line of Highbury Place Phase 2 P.U.D, a subdivision recorded May 28, 2008 as Entry No. 10438115 in Book 2008P at Page 139 of said records; thence along said northeasterly line and the northeasterly line of Highbury Place Phase 3 P.U.D., a subdivision recorded May 25, 2008 as Entry No. 10438177 in Book 2008P at Page 140 of said records, the following five courses: 1) North 42°01'58" West 140.54 feet, 2) North 49°54'06" East 110.50 feet, 3) North 40°05'54" West 407.84 feet, 4) North 74°51'18" West 185.23 feet and 5) North 40°05'54" West 24.46 feet to the southerly right-of-way line of Highbury Parkway; thence along said southerly line the following six courses: 1) North 49°54'06" East 1,109.19 feet to a point of tangency of a 442.50 foot radius curve to the left, 2) Northeasterly 347.70 feet along said curve through a central angle of 45°01'15" and a long chord of North 27°23'29" East 338.82 feet to a point of compound curvature of a 73.26 foot radius curve to the left, 3) Northerly 25.53 feet along said curve through a central angle of 19°57'58" and a long chord of North 05°06'08" West 25.40 feet to a point of reverse curvature of a 51.40 foot radius curve to the right, 4) Northerly 40.34 feet along said curve through a central angle of 44°58'11" and a long chord of North 07°23'59" East 39.31 feet, 5) North 29°53'04" East 29.20 feet to a point of tangency of a 50.00 foot radius curve to the right and 6) Northeasterly 42.65 feet along said curve through a central angle of 48°52'33" and a long chord of North 54°19'21" East 47.37 feet to the southerly right-of-way line of Lake Park Boulevard; thence along said southerly line the following nine courses: 1) North 78°45'38" East 253.11 feet to a point of tangency of a 185.50 foot radius curve to the right, 2) Easterly 36.39 feet along said curve through a central angle of 11°14'22" and a long chord of North 84°22'49" East 36.33 feet, 3) East 590.15 feet to a point of tangency of a 164.50 foot radius curve to the left, 4) Easterly 39.58 feet along said curve through a central angle of 13°47'09" and a long chord of North 83°06'26" East 39.48 feet, 5) North 76°12'51" East 83.05 feet to a point of tangency of a 50.50 foot radius curve to the right, 6) Easterly 49.23 feet along said curve through a central angle of 55°51'07" and a long chord of South 75°51'35" East 47.30 feet, 7) South 47°56'02" East 28.65 feet to a point of tangency of a 135.50 foot radius curve to the right, 8) Southeasterly 70.70 feet along said curve through a central angle of 29°53'38" and a long chord of South 32°59'13" East 69.90 feet and 9) South 18°02'24" East 112.80 feet to said west line of Corporate Park Drive and a point on the arc of a 940.00 foot radius non-tangent curve to the left, the center of which bears North 85°29'41" East; thence along said west line Southerly 204.08 feet along said curve through

a central angle of 12°26'21" and a long chord of South 10°43'29" East 203.68 feet to the west line of property described in that certain Warranty Deed recorded November 08, 1994 as Entry No. 5961917 in Book 7051 at Page 1998 of said records; thence along said west line South 00°00'33" West 501.85 feet to a point on the arc of a 700.00 foot radius non-tangent curve to the right, the center of which bears North 25°25'39" West; thence Westerly 310.77 feet along said curve through a central angle of 25°26'13" and a long chord of South 77°17'26" West 308.22 feet; thence North 89°59'27" West 58.31 feet; thence South 00°00'33" West 751.20 feet; thence North 89°51'12" East 1,213.75 feet to said west right-of-way line; thence South 00°01'15" East 40.00 feet to the POINT OF BEGINNING. Said parcel contains 2,660,388 square feet or 61.07 acres, more or less.

Parcel C:

(Lot 110B)

A parcel of land located in the East Half of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the west line of property described in that certain Warranty Deed recorded November 8, 1994 as Entry No. 5961917 in Book 7051 at Page 1998 of the Salt Lake County records, said point being South 00°01'48" East 735.88 feet along the east line of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, West 245.02 feet, South 52°55'36" West 325.38 feet to a point of tangency of a 467.00 foot radius curve to the right, Southwesterly 193.93 feet along said curve through a central angle of 23°47'35" and a long chord of South 64°49'23" West 192.54 feet, North 41°40'54" West 324.23 feet to said west line and along said west line North 277.50 feet from the Northeast Corner of said Section 25, and thence continuing along said west line North 525.91 feet to the southwesterly right-of-way line of Corporate Park Drive as described in that certain Road Easement Dedication Plat recorded December 18, 1998 as Entry No. 7195177 in Book 98-12P at Page 342 of said records and a point on the arc of a 940.00 foot radius non-tangent curve to the left, of which the radius point bears North 73°02'47" East; thence along said southwesterly right-of-way line Southeasterly 418.93 feet along said curve through a central angle of 25°32'05" and a long chord of South 28°43'18" East 415.47 feet; thence South 51°17'14" West 263.98 feet to the POINT OF BEGINNING.

[Said parcel contains 47,710 square feet or 1.10 acres, more or less]

LESS AND EXCEPTING from the above Parcel C, the following:

A parcel of land located in the Northeast Quarter of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at the Southwest Corner of Lot 110B, Lake Park Corporate Centre, as shown on that certain Subdivision by Metes and Bounds approved by West Valley City and filed with the Salt Lake County Surveyor on April 18, 2006, as File No. S2006-04-0375, said corner being South 00°01'48" East 735.88 feet along the east line of Section 25, Township 1 South, Range 2 West, Salt Lake Base and Meridian, West 245.02 feet, South 52°55'36" West 325.38 feet to a point of tangency of a 467.00 foot radius curve to the right, Southwesterly 193.93 feet along said curve through a central angle of 23°47'35" and a long chord of South 64°49'23" West 192.54 feet, North 41°40'54" West 324.23 feet and North 277.50 feet from the Northeast Corner of said Section 25, and thence North 23.99 feet to a point on the arc of a 700.00 foot radius non-tangent curve to the left, the center of which bears North 25°25'57" West; thence Northeasterly 162.25 feet along said curve through a central angle of 13°16'49" and a long chord of North 57°55'38" East 161.89 feet to the north line of said Lot 110B; thence along said north line South 51°17'14" West 175.80 feet to the POINT OF BEGINNING.

[Said parcel contains 1,138 square feet or 0.03 acres, more or less]