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1/22/2009 8:36:00 AM \$34.00  
Book - 9676 Pg - 4603-4615  
Gary W. Ott  
Recorder, Salt Lake County, UT  
US TITLE OF UTAH  
BY: eCASH, DEPUTY - EF 13 P.

**BIRKHILL CONDOMINIUM ASSOCIATION, INC.**

**FIRST AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM  
FOR  
BIRKHILL  
(a Utah Expandable Condominium Project)**

THIS FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM for BIRKHILL (the "First Amendment") is made and executed this 20<sup>th</sup> day of January, 2009, by Fireclay at Birkhill, LLC, a Utah limited liability company (the "Declarant") pursuant to the provisions of Title 57, Chapter 8, Utah Code Annotated, as amended.

**WITNESSETH:**

WHEREAS, Declarant made, executed and caused to be recorded that certain Declaration of Condominium for Birkhill (the "Declaration") recorded among the Salt Lake County Recorder's Office, Entry 10523182, Book 9643, Pages 7965-8058, pursuant to which the Declarant subjected all that property described in the Declaration (the "Property") and Declarant formed an association known as "Birkhill Condominium Association, Inc."; and

WHEREAS, pursuant to Article 11.1 and 11.10.3 of the Declaration, Declarant wishes to amend the Declaration;

NOW, THEREFORE, THE Declarant hereby declares that the Declaration of Condominium for Birkhill, Article 17.10, be amended as follows:

17.10. Elsinore Contract. As more fully set forth in the Master Declaration, each Owner and occupant in the Project shall be subject to that certain Agreement between Elsinore Communications, LLC ("Elsinore") and the Association which refers to that certain MDU Services Agreement ("MDU Agreement") by and between Elsinore Communications, LLC ("Elsinore") and a service provider for Internet services. Assessments will be levied by the Master Association and shall include all amounts required under the Elsinore Agreement to pay for high-speed internet service.

**COURTESY RECORDING**  
THIS DOCUMENT IS BEING RECORDED  
SOLELY AS A COURTESY TO THE PARTIES.  
U.S. TITLE ASSUMES NO RESPONSIBILITY  
FOR THE CONTENTS HEREOF AND MAKES  
NO REPRESENTATIONS AS TO THE EFFECT  
OR VALIDITY OF THIS DOCUMENT.

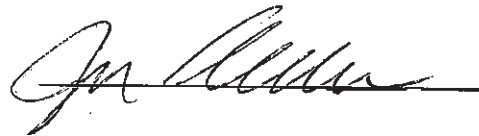
In all other respects, the Declaration, as amended, remains unchanged.

WITNESS the hand and seal of Birkhill at Fireclay, LLC on the day herein above first written:

WITNESS/ATTEST:

DECLARANT:

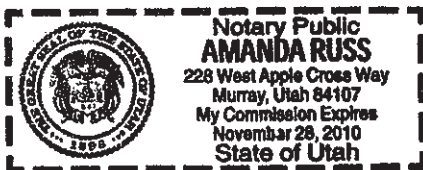
BIRKHILL AT FIRECLAY, LLC

 (SEAL)

STATE OF UTAH, COUNTY OF SALT LAKE:

I HEREBY CERTIFY that on this 15<sup>th</sup> day of January, 2009, before, me, the subscriber, a Notary Public of the State of Utah, personally appeared, John Aldous, known to me or suitably proven, who acknowledged himself to the President of Hamlet Homes Corporation, Member of Birkhill at Fireclay, LLC, the entity named in the foregoing instrument, and who, being authorized to do so, in my presence, signed and sealed the same and acknowledged the same to be the act and deed of the Declarant.

AS WITNESS my hand and seal.

  
Notary Public

My Commission Expires: Nov. 28, 2010

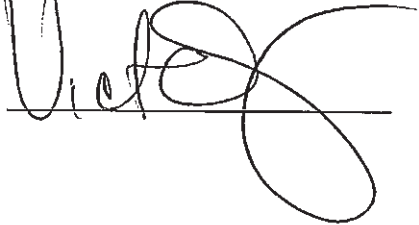
**CONSENT AND AGREEMENT OF TRUSTEES AND BENEFICIARY**

U S TITLE OF UTAH, Trustee, and WELLS FARGO BANK, N.A., Beneficiary, under that certain Deed of Trust dated May 23, 2007 and recorded in the office of the Recorder of Salt Lake County, Utah in Book 9475, pages 8410 et seq., the Deed of Trustee dated January 29, 2008, and recorded in the office of the Recorder of Salt Lake County, Utah, in Book 9565, pages 7677 et seq. and that certain Security Agreement recorded in the office of the Recorder of Salt Lake County, Utah, in Book 9565, pages 7572 et seq., as the same may be supplemented from time to time (the "Deed of Trust"), hereby join in the foregoing Declaration for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust in and to the real property described in the Declaration to the operation and effect thereto.


Nothing in the foregoing provisions of this Consent and Agreement of Trustees and Beneficiary shall be deemed in any way to create between the person named in such Declaration as "the Declarant" and any of the undersigned any relationship of partnership or joint venture, or to impose upon any of the undersigned any liability, duty or obligation whatsoever.

IN WITNESS WHEREOF, each of the said Trustees and Beneficiary has executed and sealed this Consent and Agreement of Trustees and Beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 20 day of January, 2009.

WITNESS/ATTEST:




U S TITLE OF UTAH

 (SEAL)

ATTEST:



BENEFICIARY:  
WELLS FARGO BANK, N.A.

 (SEAL)  
Erik Bengtzen

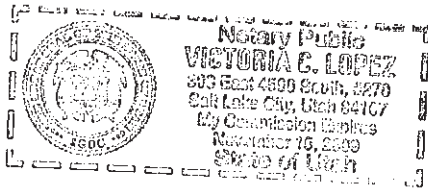
STATE OF UTAH: COUNTY OF SALT LAKE: TO WIT:

I HEREBY CERTIFY, that on this 20 day of January, 2009, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Larry S Burton, who acknowledged himself to be the President of U S TITLE OF UTAH, Trustee, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustees and Beneficiary for the purposes contained therein by signing the on behalf of the Corporation, in my presence.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

[Signature]  
Notary Public

My commission expires on 11/15/09



STATE OF UTAH: COUNTY OF SALT LAKE: TO WIT:

I HEREBY CERTIFY, that on this 20<sup>th</sup> day of January, 2009, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Eric Bengtzen, who acknowledged himself to be the VP of WELLS FARGO BANK, N.A., Beneficiary, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustees and Beneficiary for the purposes contained therein by signing the on behalf of the Corporation, in my presence.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

[Signature]  
Notary Public

My commission expires on JUNE 18, 2012

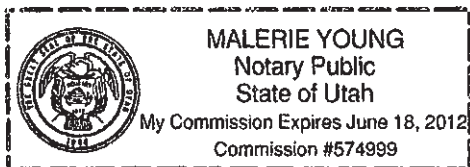


EXHIBIT "A"

Legal Description of the Land

21-01-229-008

## EXHIBIT 'B'

### INITIAL INCREMENT OF REAL PROPERTY SUBJECT TO THIS DECLARATION

ALL THAT LAND located in Salt Lake County, Utah, which is described as follows:

#### COMPOSITE DESCRIPTION

A Parcel of land located in the Northeast Quarter of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, bounded on the North by the 1968 annexation boundary in Big Cottonwood Creek; on the East by Main Street; on the South by the Road Dedication Plat of Fireclay Avenue as recorded in Book 99-11P at Page 310 of the Salt Lake County records; and on the West by the Utah Transit Authority (UTA) Light Rail Corridor, formerly Union Pacific Land Resources Corporation (UPRR), more particularly described as follows:

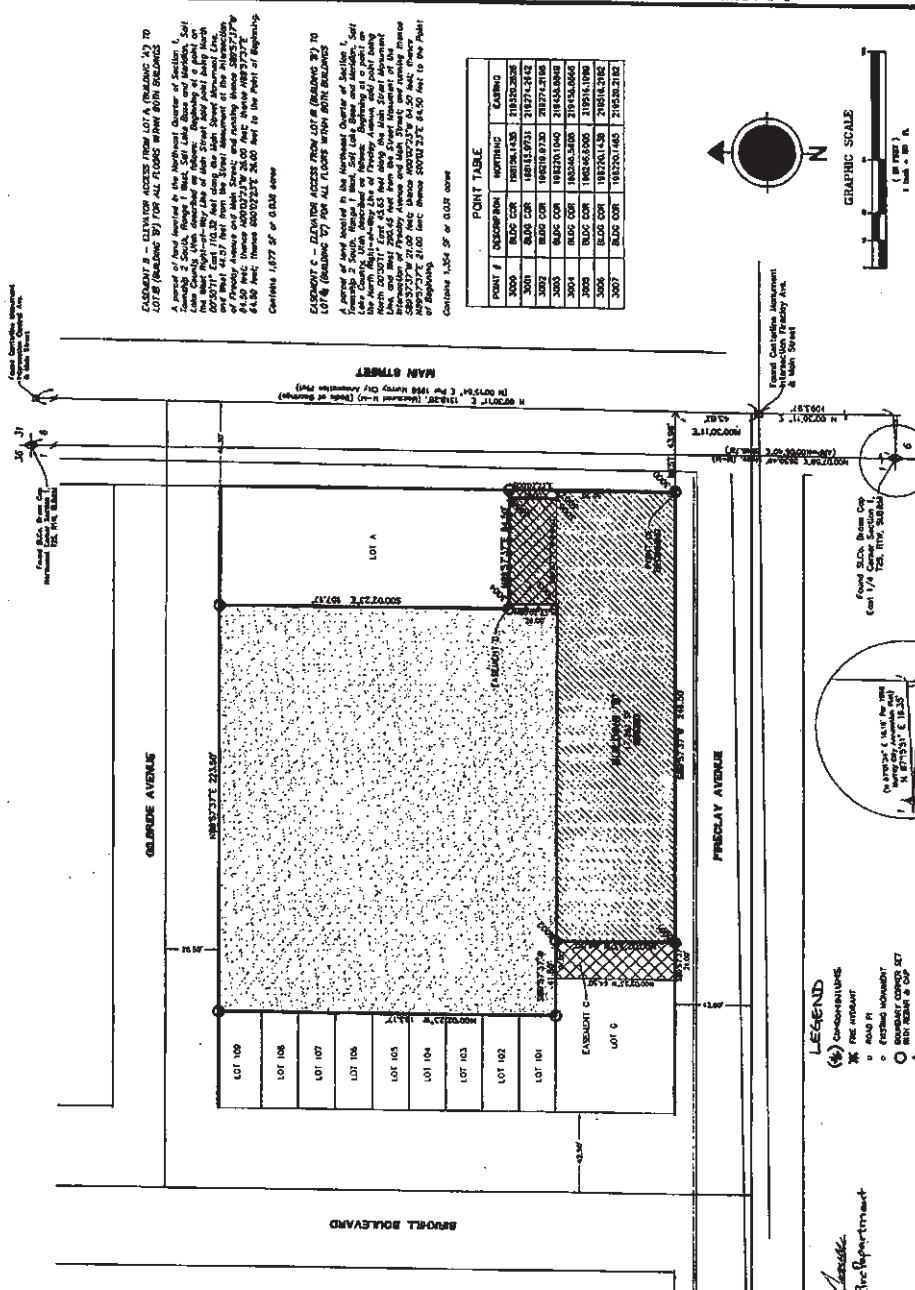
BEGINNING at the intersection of the 1968 Murray City Annexation Boundary in Big Cottonwood Creek recorded December 31, 1968 in Book GG at Page 18 of the Salt Lake County records and a line 33.00 feet perpendicularly distant westerly of the Main Street monument line, said point being North 87°15'51" East 16.28 feet (North 87°01'34" East 16.16 feet per 1968 Murray City Annexation Plat), North 00°30'11" East 1741.07 feet (North 00°15'54" East 1741.07 feet by record) along said Main Street monument line, and North 76°01'54" West 33.93 feet (North 76°16'11" West 33.93 feet by record) along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek from the East Quarter Corner of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearings being North 00°30'11" East 1518.10 feet from the found centerline monument marking the intersection of Fireclay Avenue and Main Street to the found centerline monument marking the intersection of Central Avenue and Main Street), and running thence along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek the following five courses: North 76°01'54" West 23.32 feet (North 76°16'11" West by record), North 39°46'13" West 154.80 feet (North 40°00'30" West by record), North 68°12'37" West 290.80 feet (North 68°26'54" West by record), North 76°43'06" West 457.00 feet (North 76°57'23" West by record), and South 29°27'50" West 50.40 feet (South 29°13'33" West by record) to the easterly right-of-way line of the UTA Light Rail Transit Corridor, formerly Union Pacific Land Resources Corporation (UPRR) as shown on the 1996 Existing Union Pacific Railroad Track Alignment Survey filed as Survey S97-09-0651 in the Salt Lake County Surveyors Office; thence along said easterly right-of-way line the following two courses: South 08°47'37" East 709.28 (South 09°02'48" East by record) and Southerly 216.19 feet along a 2,897.82 foot radius curve to the right through a central angle of 04°16'28" and a long chord of South 06°39'23" East 216.13 feet to a point on the north line of the Road Dedication Plat Fireclay Avenue as recorded in Book 99-11P at Page 310 of said records; thence along said north line North 89°57'37" East 722.30 feet (North 89°42'43" East 722.44 feet per Road Dedication Plat Fireclay Avenue) to the west line of Main Street; thence along said west line North 00°30'11" East 621.48 feet to the POINT OF BEGINNING.

Containing 658,857 square feet or 15.125 acres.



# BIRK HILL PHASE 1 - AMENDED LOT B (\*)

LOCATED IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH,  
RANGE 1 WEST, SALT LAKE BASE & MERIDIAN  
MURRAY, SALT LAKE COUNTY, UTAH



POINT #	DESCRIPTION	NORTHING	EASTING
3000	BLDG COR	10838.438	11832.282
3001	BLDG COR	10811.971	11871.142
3002	BLDG COR	10819.870	11871.818
3003	BLDG COR	10824.000	11833.000
3004	BLDG COR	10842.000	11833.000
3005	BLDG COR	10830.138	11844.268
3006	BLDG COR	10820.148	11838.268

- LEGEND**
- (\*) CONCRETE
  - XX FINE IRONBIT
  - ROAD PI
  - EXTENDING MONUMENT
  - BRICKWORK CORNER SET
  - SECTION CORNER
  - ENERGY MONUMENT
  - RAILING
  - EMBANKMENT
  - COMMON AREA

SHEET 1 of 7

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this 24th day of June, 2009, and that the same has been approved and filed in the public office on this 24th day of June, 2009.

**BIRK HILL PHASE 1 - AMENDED LOT B (\*)**

**OWNER'S DECLARATION**  
I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this 24th day of June, 2009, and that the same has been approved and filed in the public office on this 24th day of June, 2009.

**OWNER'S DECLARATION**  
I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this 24th day of June, 2009, and that the same has been approved and filed in the public office on this 24th day of June, 2009.

**CORPORATE ACKNOWLEDGMENT**  
I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original filed in my office on this 24th day of June, 2009, and that the same has been approved and filed in the public office on this 24th day of June, 2009.

**CORPORATE ACKNOWLEDGMENT**  
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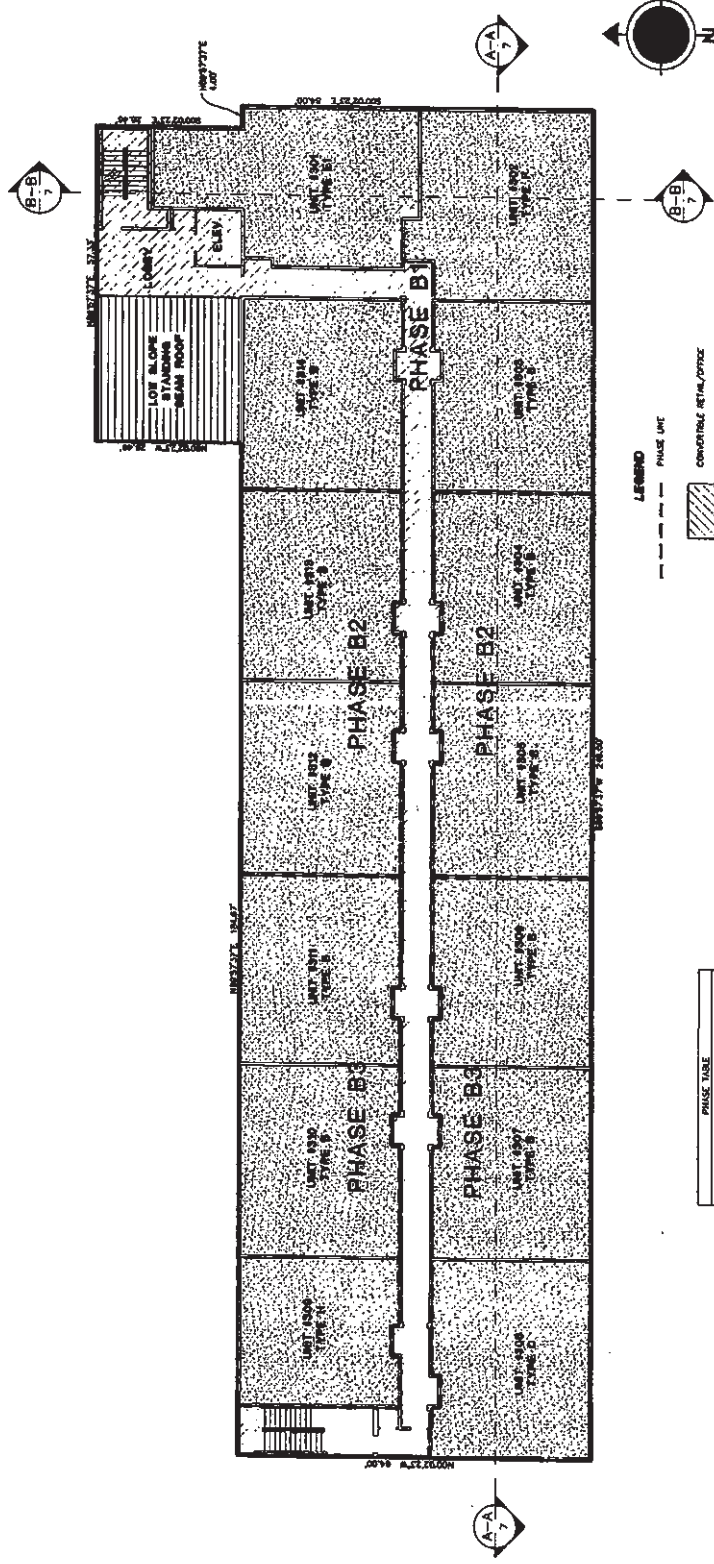
**CORPORATE ACKNOWLEDGMENT**  
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# BIRKHILL PHASE 1-AMENDED LOT B CONDOMINIUMS BUILDING 3RD FLOOR



PHASE	UNIT	NO.	AREA	NO.	AREA
PHASE B1+ UNITS	101	106	107	108	213
	201	202	203	204	214
	301	302	303	304	313
PHASE B2+ UNITS	102	103	104	105	213
	202	203	204	205	214
	302	303	304	305	313
PHASE B3+ UNITS	103	104	105	106	213
	203	204	205	206	214
	303	304	305	306	313

**LEGEND**

	CONVERTIBLE RETAIL/OFFICE
	COMMON AREA
	UNITS (RESIDENTIAL)
	UNIT COMMON (RESIDENTIAL)
	UNIT COMMON (COMMERCIAL)

**BIRKHILL PHASE 1-AMENDED LOT B CONDOMINIUMS**  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 10 EAST, COUNTY OF KANE, ARIZONA

RECORDED & INDEXED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF KANE, ARIZONA

PROJECT NUMBER: BK 9676 PG 4612  
 SHEET: 4 of 7

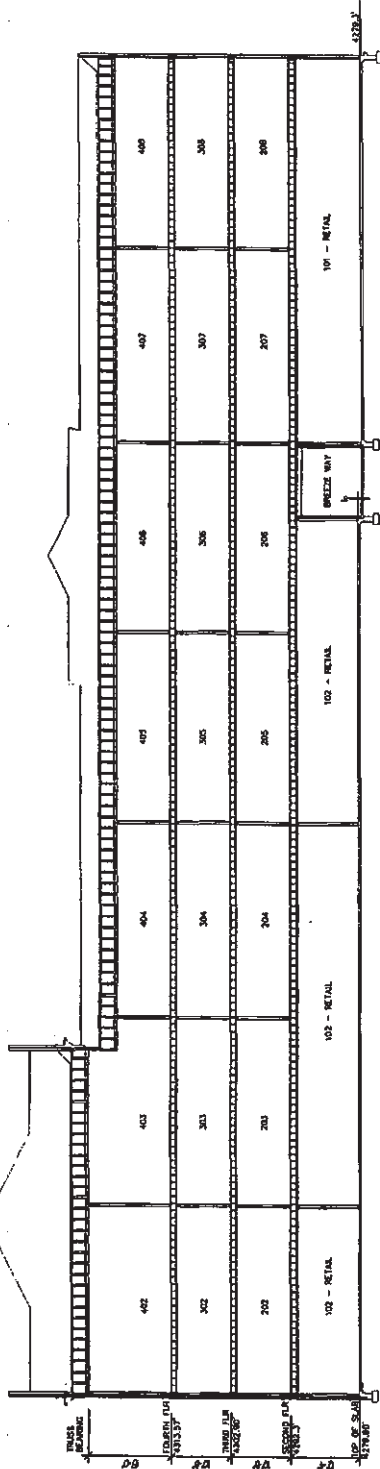
DATE: 06/27/2000  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT BY: [Name]



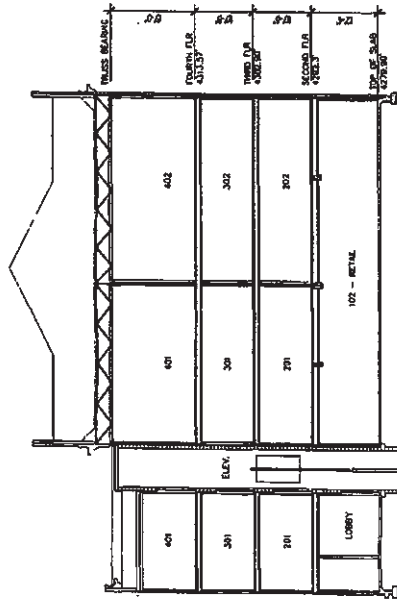




# BIRK HILL PHASE 1-AMENDED LOT B CONDOMINIUMS BUILDING SECTIONS



SECTION A-A



SECTION B-B



SHEET	7 of 7	<p><b>BIRK HILL PHASE 1-AMENDED LOT B CONDOMINIUMS</b></p> <p>LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 WEST, 34<sup>TH</sup> EAST, LAC QUIPPA, ILLINOIS</p> <p>RECORDED &amp; INDEXED STATE OF ILLINOIS, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF <b>MANAGEMENT SERVICES</b> DATE: <b>01/25/05</b> TIME: <b>11:00 AM</b> BY: <b>MANAGEMENT SERVICES</b> - PAGE <b>236</b> FILE NO. <b>00000000000000000000</b></p>
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Project Number 00000000000000000000	Date 01/25/05	By [Signature]	Checked By [Signature]	Date 01/25/05	Scale 1/8" = 1'-0"
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