

WHEN RECORDED RETURN TO:  
 Birkhill Condominium Association  
 ATTN: Michael Brodsky  
 308 East 4500 South, Suite 200  
 Murray, UT 84107

11227073  
 08/12/2011 02:57 PM \$68.00  
 Book - 9942 Pg - 8705-8710  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 HAMLET DEVELOPMENT  
 308 E 4500 S STE 200  
 MURRAY UT 84107  
 ENTIRE FOR BIRK HILL LP. *ZJM NI 8P*

SEVENTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR BIRK HILL LP.  
 (a Utah Expandable Condominium Project)

THIS SEVENTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM for BIRK HILL ("Seventh Amendment") is made this 10<sup>th</sup> day of August, 2011, by Birkhill at Fireclay, LLC, a Utah limited liability company (the "Declarant").

RECITALS:

WHEREAS, Declarant, made, executed and caused to be recorded, as Declarant, the following instruments:

(a) Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Declaration") recorded among the Salt Lake County Recorder's Office, Entry 10523182, Book 9643, Pages 7965 - 8058 on September 18, 2008 (the "Declaration"), pursuant to which the Declarant formed an association known as "Birkhill Condominium Association, Inc." ("Association"),

(b) First Amendment to the Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "First Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10603095, Book 9676, Pages 4603-4615 on January 22, 2009,

(c) Second Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Second Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10730956, Book 9736, Pages 1499-1504 on June 16, 2009,

(d) Third Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Third Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10803650, Book 9765, Pages 3891-3898 on September 24, 2009, and

(e) Fourth Amendment to Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Fourth Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10831335, Book 9776, Pages 9691-9697 on November 4, 2009.

(f) Fifth Amendment to the Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Fifth Amendment") recorded among the Salt Lake County Recorder's Office, Entry 10899683, Book 9804, Pages 7616-7627 on February 18, 2010.

(g) Sixth Amendment to the Declaration of Condominium for Birkhill (a Utah Expandable Condominium Project) (the "Sixth Amendment") recorded among the Salt Lake County Recorder's Office, Entry 11057311, Book 9870, Pages 5649-5654 on October 21, 2010.

WHEREAS, pursuant to Article 16.5 of the Declaration, the Declaration and Plat may be amended by the Declarant, Birkhill at Fireclay, LLC, shall have the authority to adjust Ownership Interest in Common Areas and Facilities.

WHEREAS, due to changes in plans affecting the Birkhill development, Declarant desires to amend the Declaration as set forth below.

NOW, THEREFORE, the Declarant hereby declares that the Declaration and subsequent Amendments be amended as follows:


1. The Recitals shall form a substantive part of this Seventh Amendment.
2. The undivided interest in the Common Areas and Facilities appurtenant to each Unit and the proportionate share of the Common Areas and Facilities appurtenant to each Unit, as expanded, shall be as set forth on Exhibit "A" attached hereto. Exhibit "A" of the Sixth Amendment is hereby replaced with Exhibit "A" attached hereto and made a part hereof.
3. In all other respects, the Declaration, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and Sixth Amendment remain unchanged.

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

WITNESS/ATTEST:

BIRKHILL AT FIRECLAY, LLC  
By: Hamlet Homes Corporation, Its  
Managing Member

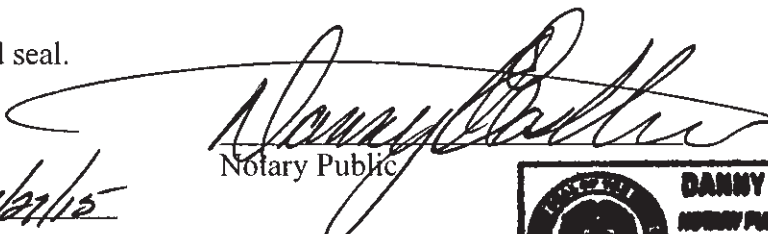
*Tara Duedendo*

By:  (SEAL)  
Michael Brodsky, Chairman

STATE OF UTAH, CITY/COUNTY OF SALT LAKE, TO WIT:

I HEREBY CERTIFY that on this 8 day of August, 2010, before me, the subscriber, a Notary Public of the state of Utah, personally appeared Michael Brodsky, known to me or suitably proven, who acknowledged himself to be Chairman of Hamlet Homes Corporation, Managing 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 such entity.

AS WITNESS my hand and seal.

  
Notary Public

My Commission Expires: 7/27/15

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EXHIBIT "A"

Percentage Ownership of Common Areas and Facilities

| Unit # | Square footage | % Ownership |
|--------|----------------|-------------|
| #101   | 2383           | 3.55%       |
| #102   | 1810           | 2.85%       |
| #103   | 1835           | 2.89%       |
| #104   | 1561           | 2.46%       |
| #105   | 1164           | 1.83%       |
| #106   | 1327           | 2.08%       |
| #107   | 1757           | 2.69%       |
| #108   | 2125           | 3.34%       |
| #201   | 1061           | 1.91%       |
| #202   | 1127           | 1.91%       |
| #203   | 978            | 1.91%       |
| #204   | 978            | 1.91%       |
| #205   | 978            | 1.91%       |
| #206   | 978            | 1.91%       |
| #207   | 978            | 1.91%       |
| #208   | 1005           | 1.91%       |
| #209   | 760            | 1.91%       |
| #210   | 978            | 1.91%       |
| #211   | 978            | 1.91%       |
| #212   | 978            | 1.91%       |
| #213   | 978            | 1.91%       |
| #301   | 1061           | 1.91%       |
| #302   | 1127           | 1.91%       |
| #303   | 978            | 1.91%       |
| #304   | 978            | 1.91%       |
| #305   | 978            | 1.91%       |
| #306   | 978            | 1.91%       |
| #307   | 978            | 1.91%       |
| #308   | 1005           | 1.91%       |
| #309   | 760            | 1.91%       |
| #310   | 978            | 1.91%       |
| #311   | 978            | 1.91%       |
| #312   | 978            | 1.91%       |
| #313   | 978            | 1.91%       |
| #314   | 978            | 1.91%       |
| #401   | 1061           | 1.91%       |
| #402   | 1127           | 1.91%       |
| #403   | 978            | 1.91%       |
| #404   | 978            | 1.91%       |
| #405   | 978            | 1.91%       |
| #406   | 978            | 1.91%       |
| #407   | 978            | 1.91%       |
| #408   | 1005           | 1.91%       |
| #409   | 760            | 1.91%       |
| #410   | 978            | 1.91%       |
| #411   | 978            | 1.91%       |
| #412   | 978            | 1.91%       |
| #413   | 978            | 1.91%       |
| #414   | 978            | 1.91%       |

**CONSENT AND AGREEMENT OF TRUSTEE 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 June 8, 2007 in the office of the Recorder of Salt Lake County, Utah in Book 9475, Page 8410; and the Deed of Trust dated May 23, 2007 and recorded June 6, 2007 in the office of the Recorder of Salt Lake County, Utah in Book 9475, Page 8442; Participation and Development Agreement between the Redevelopment Agency of Murray City and Hamlet Development Corporation, recorded December 19, 2007 in Book 9549, Page 8425; Security Agreement by Hamlet Development Corporation recorded in the office of the Recorder of Salt Lake County, Utah in Book 9565, Page 7572; and the Deed of Trust dated January 29, 2008 and recorded February 1, 2008 in the office of the Recorder of Salt Lake County, Utah in Book 9565 Page 7677 as supplemented from time to time (the "Deed of Trust" and "Agreements") hereby join the foregoing Declaration for the express purpose of subordinating all of their respective right, title and interest under such Deed of Trust and Agreements in and to the real property described in the Declaration to the operation and effect thereto.

Nothing in the foregoing provision of this Consent and Agreement of Trustee and Beneficiary shall be deemed in any way to create between the person named in such Declaration as the "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 HEREOF, the said Trustee and Beneficiary have executed and sealed this Consent and Agreement of Trustee and Beneficiary or caused it to be executed and sealed on its behalf by its duly authorized representatives, this 10 day of August ~~2010~~ 2011

**TRUSTEE:**

WITNESS/ATTEST:

\_\_\_\_\_

U.S. TITLE OF UTAH

By: Larry S. Routh

**BENEFICIARY:**

WITNESS/ATTEST:

[Signature]

WELLS FARGO BANK, N.A.

By: [Signature]

STATE OF Utah : COUNTY OF Salt Lake : TO WIT:

I HEREBY CERTIFY, that on this 10 day of August, 2011, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Larry Buckton, who acknowledged himself to be the Trustee/President of U.S. TITLE OF UTAH, Trustee, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustee 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 7/27/2013

STATE OF Texas : COUNTY OF Dallas : TO WIT:

I HEREBY CERTIFY, that on this 9 day of August, 2011, before me, the subscriber, a Notary Public of the state aforesaid, personally appeared Brian S. Moe, who acknowledged himself to be the Assistant Vice President of WELLS FARGO BANK, N.A., Beneficiary, and that he/she, being authorized to do so, executed this Consent and Agreement of Trustee 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 3/4/2015

DESCRIPTION OF THE PROPERTY

All that land shown as Lot B on the plat entitled "Birkhill Phase 1 – 4th Amended Lot B Condominiums, amending Unit 107", recorded in the Salt Lake County Recorder's Office in Book     on Page     .

Tax ID Numbers: