

When recorded, return to:  
MVIII LLC  
Attn: Barrett Peterson  
225 South 200 East, Suite 200  
Salt Lake City, Utah 84111

13575864  
02/23/2021 01:43 PM \$40.00  
Book - 11123 Pg - 7987-7998  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
MVIII LLC  
ATTN: BARRETT PETERSON  
225 S 200 E #200  
SLC UT 84111  
BY: CBP, DEPUTY - WI 12 P.

Parcel ID Nos. 20-36-101-010, 20-36-101-011,  
20-36-101-006, 20-36-101-007,  
20-36-101-008, 20-36-101-013,  
20-36-101-012

**FIRST AMENDMENT TO THE DECLARATION OF EASEMENTS,  
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS ("**First Amendment**") is made to be effective as of this 25 day of ~~November~~ 2020 by MVIII LLC, a Utah limited liability company ("**MVIII**"), WEST JORDAN DEL LLC, a Utah limited liability company ("**West Jordan Del**"), Utah Department of Transportation ("**UDOT**"), Halle Properties LLC, an Arizona limited liability company ("**Halle Properties**"), and O'Reilly Auto Enterprises, LLC, a Delaware limited liability company ("**O'Reilly**") (collectively referred to as the "**Parties**" or individually as a "**Party**").

WHEREAS, Kick Creek, L.L.C., a Utah limited liability company ("**Kick Creek**") recorded that certain Declaration of Easements, Covenants, Conditions and Restrictions, dated June 30, 2017, and which was recorded on July 3, 2017 as Entry No. 12568328, in Book 10574, at Pages 2308-2319, in the official records of Salt Lake County, Utah ("**Declaration**"), with respect to that certain real property more particularly described in the Declaration as the Property.

WHEREAS, when the Declaration was recorded, the Property consisted of what was known as Lots 1, 2, 3, 4, 5 and 6 of the Clay Hollow B Subdivision.

WHEREAS, the Clay Hollow B Subdivision plat was recorded on April 11, 2017 as Entry No. 12512320, in Book 2017P, at Page 78, in the official records of Salt Lake County, Utah (the "**Plat**"). See Recorded Plat for Clay Hollow B Subdivision, attached hereto and incorporated herein as Exhibit "A".

WHEREAS, the Plat was later amended by that certain Clay Hollow B Subdivision, Amended plat recorded on July 14, 2017, as Entry No. 12575843, in Book 2017P, at Page 185, in the official records of Salt Lake County, Utah (the "**First Amended Plat**"). See Recorded Plat for Clay Hollow B Subdivision, Amended, attached hereto and incorporated herein as Exhibit "B".

WHEREAS, the First Amended Plat, among other things, renamed Lots 1, 3 and 4 to Lots 8, 9 and 10 respectively.

WHEREAS, subsequent to the entry of the Declaration, MVIII has succeeded to the right, title and interest in Lots 8 and 6, West Jordan Del has succeeded to the right, title and interest in Lot 10, UDOT has succeeded to the right, title and interest in Lot 9, Halle Properties has succeeded to the right, title and interest in Lot 5, and O'Reilly has succeeded to the right, title and interest of Lot 2. Kick Creek no longer own any portion of the Property.

WHEREAS, a portion of Lot 6 will be dedicated to the City of West Jordan, (the "City") (the "**Dedicated Property**") for the construction of a roundabout, requiring the Plat to be amended to indicate the new boundaries of Lot 6 and the location of the Dedicated Property as shown on the plat for Clay Hollow B Subdivision, 2<sup>nd</sup> Amended, attached hereto and incorporated herein as **Exhibit "C"** (the "**Second Amended Plat**").

WHEREAS, the Parties desire to make certain amendments to the Declaration to remove the Dedicated Property from the Declaration as requested by the City.

NOW THEREFORE, for and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. **Capitalized Terms.** Capitalized terms not otherwise defined herein shall have the same meanings as described in the Declaration.
2. **Legal Description.** The legal description of the Property as set forth in **Exhibit "A"** of the Declaration is hereby deleted and replaced with the legal description set forth on **Exhibit "D"**, attached hereto and incorporated herein. All references to the legal description of the Property in the Declaration or this First Amendment shall refer to **Exhibit "D"**, attached hereto.
3. **Removal of the Dedicated Property.** Notwithstanding anything to the contrary contained in the Declaration, the Dedicated Property, more particularly described in **Exhibit "E"**, is removed from the definition of the Property and is no longer part of the Declaration.
4. **Counterparts.** This First Amendment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.
5. **No Other Changes.** Except as amended in this First Amendment, all of the terms, conditions, and provisions set forth in the Declaration remain unaffected, and they hereby are reaffirmed, ratified, confirmed and approved in their entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date set forth above.

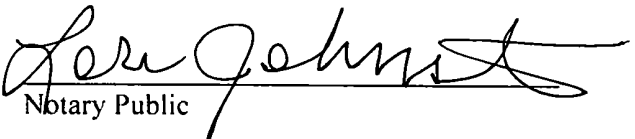
MVIII LLC,  
a Utah limited liability company

  
By: JUSTIN PETERSON  
Its: Manager

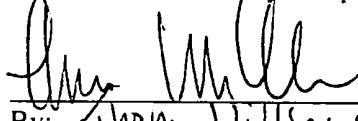
STATE OF UTAH  
COUNTY OF SALT LAKE

On this 25<sup>th</sup> day of November, 2020, personally appeared before me Justin V. Peterson, who acknowledged before me that he executed the foregoing instrument as Manager of MVIII LLC.



  
Notary Public

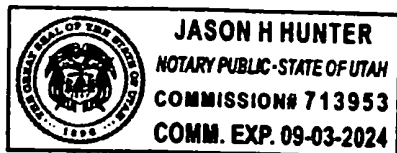
WEST JORDAN DEL LLC,  
a Utah limited liability company

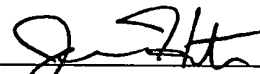
  
By: Thom Williams  
Its: Manager

STATE OF Utah

COUNTY OF Salt Lake

On this 19 day of October, 2020, personally appeared before me Jason Hunter, who acknowledged before me that he executed the foregoing instrument as Manager of WEST JORDAN DEL LLC.



  
Notary Public

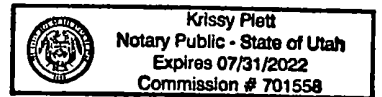
UTAH DEPARTMENT OF TRANSPORTATION

Charles A. Stormont 10/8/2020  
By: Charles A. Stormont  
Its: Director, Right of Way

STATE OF UTAH  
COUNTY OF SALT LAKE

On this 8 day of October, 2020, personally appeared before me Charles A. Stormont, who acknowledged before me that he executed the foregoing instrument as Right of Way Director of UTAH DEPARTMENT OF TRANSPORTATION

Krissy Plett  
Notary Public



HALLE PROPERTIES LLC,  
an Arizona limited liability company

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

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared before me \_\_\_\_\_, who acknowledged before me that he executed the foregoing instrument as Manager of HALLE PROPERTIES LLC.

\_\_\_\_\_  
Notary Public

UTAH DEPARTMENT OF TRANSPORTATION

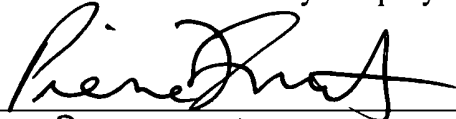
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF UTAH  
COUNTY OF SALT LAKE

On this \_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared before me \_\_\_\_\_, who acknowledged before me that he executed the foregoing instrument as \_\_\_\_\_ of UTAH DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Notary Public

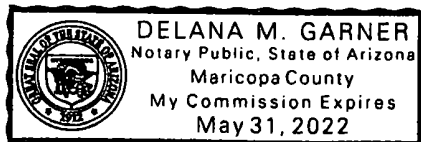
HALLE PROPERTIES L.L.C.,  
an Arizona limited liability company

  
By: Pierre F. Smith  
Its: Agent

STATE OF ARIZONA

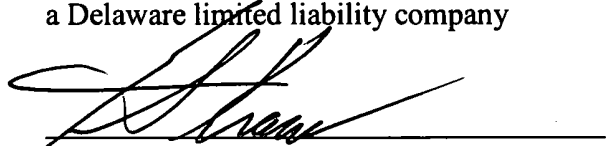
COUNTY OF MARICOPA

On this 19<sup>th</sup> day of November, 2020, personally appeared before me Pierre F. Smith, who acknowledged before me that he executed the foregoing instrument as Agent of HALLE PROPERTIES L.L.C.



  
\_\_\_\_\_  
Notary Public

O'REILLY AUTO ENTERPRISES, LLC,  
a Delaware limited liability company

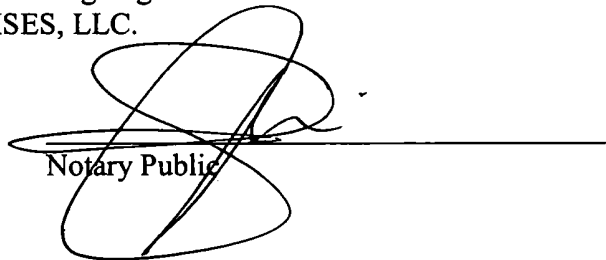


By: Scott Kraus  
Its: Senior Vice President of Real Estate

STATE OF MISSOURI

COUNTY OF GREENE

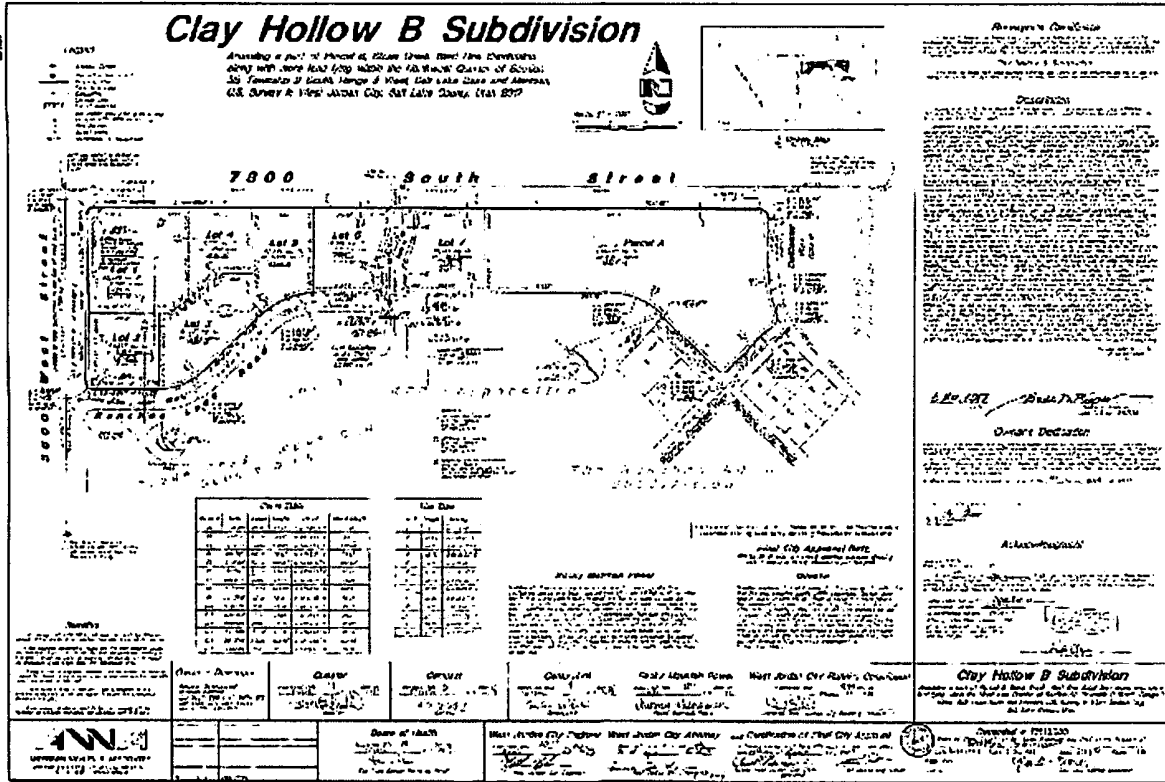
On this 20<sup>th</sup> day of October, 2020, personally appeared before me Scott Kraus, who acknowledged before me that he executed the foregoing instrument as Senior Vice President of Real Estate of O'REILLY AUTO ENTERPRISES, LLC.



Notary Public

JOANNA SPLAIN  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Wright County  
My Commission Expires May 28, 2023  
Commission #00408331

**EXHIBIT "A"**  
Plat



## EXHIBIT "B"

### First Amended Plat

#### Clay Hollow B Subdivision, Amended

##### Amending Lots 1, 3 & 4, Clay Hollow B Subdivision

A part of the Northwest Quarter of Section 36,  
Township 8 South Range 2 West, Salt Lake Basin and Meridian,  
U.S. Survey in West Jordan City, Salt Lake County Utah  
2007

**Legend**

Symbol Name

..... 10' Right of Way

..... 5' Right of Way

..... 3' Right of Way

..... 2' Right of Way

..... 1' Right of Way

..... Easement

..... Other

**Surveyor's Certificate**

I, the undersigned, a duly Licensed Professional Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original plat as shown to me by the applicant and that the same conforms to the requirements of the Utah Surveying Act, Chapter 46, Utah Code, and that I am not aware of any other claims or interests in the land shown thereon, except as shown.

J. Kent Smith  
Professional Surveyor  
License No. 4870

**Owner's Declaration**

I, the undersigned, the owner of the land described in the foregoing, do hereby declare that I am the owner of the land and that I am not aware of any other claims or interests in the land shown thereon, except as shown.

John Smith  
Owner

**Acknowledgment**

I, the undersigned, do hereby acknowledge that I am the owner of the land described in the foregoing and that I have read and understand the contents of the same and that I agree to the same.

John Smith  
Owner

Owner - Developer	Owner	Compared	Compliance	Date of Approval	West Jordan City Planning Commission
John Smith	John Smith	August 31, 2007	August 31, 2007	August 31, 2007	August 31, 2007

**Clay Hollow B Subdivision, Amended**  
Amending Lots 1, 3 & 4, Clay Hollow B Subdivision  
A part of the Northwest Quarter of Section 36,  
Township 8 South Range 2 West, Salt Lake Basin and Meridian,  
U.S. Survey in West Jordan City, Salt Lake County Utah

Recorded 8/28/07  
Salt Lake County Recorder's Office  
Salt Lake County, Utah



**EXHIBIT "C"**  
**Second Amended Plat**

**BK 11123 PG 7995**



**EXHIBIT "D"**  
Description of the Property

Lots 2 and 5 of the Clay Hollow B Subdivision, according to the Official Plat thereof on file and recorded April 11, 2017 as Entry No. 12512320, in Book 2017P at Page 78 in the office of the Salt Lake County Recorder, State of Utah.

Lots 8, 9 and 10 of the Clay Hollow B Subdivision, Amended, according to the Official Plat thereof on file and recorded July 14, 2017, as Entry No. 12575843, in Book 2017P, at Page 185, in the official records of Salt Lake County, Utah

Lot 6 of the Clay Hollow B Subdivision, 2<sup>nd</sup> Amended, according to the Official Plat thereof on file and recorded 2/10/2021, ~~2020~~, as Entry No. 13563389, in Book, 2021P, at Page 042, in the official records of Salt Lake County, Utah

**EXHIBIT "E"**  
Description of the Dedicated Property

A part of Lot 6, Clay Hollow B Subdivision in West Jordan, lying within the Northwest Quarter of Section 36, Township 2 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the South Line of 7800 South Street being 128.33 feet South 89°56'36" East from the Northwest Corner of said Lot 6 located 63.00 feet South 0°10'51" East along the Section Line, and 848.57 feet South 89°56'36" East along said South Line from the Northwest Corner of said Section 36; and running thence South 89°56'36" East 83.49 feet along said South Line of 7800 South Street; thence Southeasterly along the arc of a 25.00 foot radius curve to the right a distance of 23.18 feet (Center bears South 36°55'36" West, Central Angle equals 53°07'48" and Long Chord bears South 26°30'30" East 22.36 feet) to a point of tangency on the Westerly Line of 5490 West Street; thence along said Westerly Line the following three courses: South 0°03'24" West 9.50 feet to a point of curvature; Southwesterly along the arc of a 165.00 foot radius curve to the right a distance of 72.66 feet (Central Angle equals 25°13'48" and Long Chord bears South 12°40'18" West 72.07 feet) to a point of reverse curvature; and Southwesterly along the arc of a 235.00 foot radius curve to the left a distance of 103.48 feet (Central Angle equals 25°13'48" and Long Chord bears South 12°40'18" West 102.65 feet) to a point of tangency; thence North 0°03'24" East 31.82 to a point of curvature; thence Northerly along the arc of a 282.00 foot radius curve to the right a distance of 36.06 feet (Central Angle equals 7°19'33" and Long Chord bears North 3°43'10" East 36.03 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 140.52 foot radius curve to the left a distance of 149.38 feet (Central Angle equals 60°54'20" and Long Chord bears North 23°04'13" West 142.44 feet) to a point of compound curvature; thence Northwesterly along the arc of a 107.50 foot radius curve to the left a distance of 2.09 feet (Central Angle equals 1°06'41" and Long Chord bears North 54°04'43" West 2.09 feet) to the point of beginning.

**Contains 5,655 sq. ft.**