

After Recording Return To:
2225 Murray Holladay Rd., Suite 111
Salt Lake City, UT 84117

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11/17/2014 11:56:00 AM \$264.00
Book - 10275 Pg - 317-326
Gary W. Ott
Recorder, Salt Lake County, UT
SEB LEGAL LLC
BY: eCASH, DEPUTY - EF 10 P.

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS AND RESERVATIONS FOR
EAST TOWN VILLAGE CONDOMINIUM**

This Amendment to the Declaration is executed on the date set forth below by East Town Village, L.C. (“Successor Declarant”).

RECITALS

A. Real property in Salt Lake County, Utah, known as East Town Village Condominium, an Expandable Utah Condominium Project was subjected to covenants, conditions, and restrictions pursuant to a Declaration recorded March 5, 2007, in the Salt Lake County Recorder’s Office as Entry No. 10023015;

B. This amendment shall be binding against the property described in EXHIBIT A and the Declaration and any annexation or supplement thereto;

C. All capitalized terms in this amendment shall have the same meaning as given to them in the Declaration;

D. The Successor Declarant certifies that the Period of Successor Declarant’s Control has not expired. Consequently, under Declaration Article III, Section 32(d), Successor Declarant has the unilateral right to amend the Declaration;

E. The Successor Declarant certifies that there are currently no Eligible Mortgagees, as that term is defined in the Declaration.

NOW, THEREFORE, the Successor Declarant hereby amends the Declaration as follows:

Declaration Article I, Section 36 is amended in its entirety to read as follows:

36. Period of Declarant’s Control shall mean the period of time commencing upon the date the Declaration is recorded and terminating on the first event to occur: (a) three months after every Unit, including those to be added through expansion of the Project, have been sold or conveyed; or (b) upon Declarant executing and recording with the county recorder a “Notice of Termination of Declarant Control.”

Declaration Article III, Section 22(d)(2) is amended in its entirety to read as follows:

(2) Basis. Shall be based upon advance estimates of cash requirements by the Management Committee to provide for the payment of all estimated expenses growing out of or connected with the maintenance and operation of the Common Areas and regulation of the Association, which estimate shall include but is not limited to expenses of management, irrigation water, grounds maintenance, taxes and special assessments, premiums for all insurance which the Committee is required or permitted to maintain, common lighting and heating, common water charges, common trash collection, common sewer service charges, carpeting, painting repair and maintenance of the Common Areas and replacement of those elements of the Common Areas that must be replaced on a periodic basis, wages for management Committee employees, legal, and accounting fees, any deficit remaining from a previous period; the creation of a reasonable contingency reserve, surplus or sinking fund, capital improvement reserve, and other expenses and liabilities which may be incurred by the Association for the benefit of the owners under and by reason of this Declaration. Until the Project is completed, and all Phases are added, this estimate may need to be adjusted periodically as each new Phase is completed.

Declaration Article III, Section 24 shall be amended to add the following sentence to the front:

“Individual utility services, including water, sewer, trash, which is paid for by the Association shall be billed to each individual Owner as a Benefit Assessment.”

Declaration Article III, Section 46(a) and (b) are amended in their entirety to read as follows:

(a) Reservation of Option to Expand. Declarant hereby reserves the option to annex additional land and expand the Project to include additional Units in the Project (“Additional Land”). This option to expand may be exercised from time to time, at different times and in any order, without limitation, provided however, the option shall expire seven (7) years from the date the Declaration or most recent Supplement to the Declaration is recorded, whichever comes later. Such right may be exercised without first obtaining the consent or vote of the Owners and shall be limited only as provided herein. Such Units shall be constructed on any or all portion of the Additional Property.

(b) Supplemental Declarations and Supplemental Maps. Such expansion may be accomplished by the filing for record by Declarant in the Salt Lake County Recorder’s Office a Supplement or Supplements to this Declaration containing a legal description of the site or sites for new Units, together with supplemental Map or Maps identifying the new Units. The expansion may be accomplished in phases by successive supplements or in one supplemental expansion.

Declaration Article III, Section 46(e), last sentence of the first paragraph is deleted.

Declaration Exhibit "B" is amended in its entirety to read the same as Exhibit "B" to this amendment.

IN WITNESS WHEREOF, the Successor Declarant has executed this Amendment to the Declaration as of the 10th day of November, 2014.

DECLARANT:
EAST TOWN VILLAGE, L.C.

David Schiess

By: David Schiess Manager
Its: Authorized Agent

California
STATE OF ~~UTAH~~)
:ss
County of Orange)

On the 10th day of November, 2014, personally appeared David Schiess who, being first duly sworn, did that say that they are the Authorized Agent of Declarant and that said instrument was signed and sealed on behalf of said Declarant by authority of the Declarant; and acknowledged said instrument to be their voluntary act and deed.

and proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Mary L. Brandt
Notary Public for ~~Utah~~ California



EXHIBIT "A"
LEGAL DESCRIPTION

ALL UNITS EAST TOWN VILLAGE CONDOMINIUMS AS SHOWN ON THE OFFICIAL MAPS THEREOF ON RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE UTAH.

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22313032240000 UNIT 5, BLDG M, EAST TOWN VILLAGE PH 30.
22313032250000 UNIT 9, BLDG M, EAST TOWN VILLAGE PH 30.
22313032260000 UNIT 2, BLDG M, EAST TOWN VILLAGE PH 30.
22313032270000 UNIT 6, BLDG M, EAST TOWN VILLAGE PH 30.
22313032280000 UNIT 10, BLDG M, EAST TOWN VILLAGE PH 30.
22313032290000 UNIT 4, BLDG M, EAST TOWN VILLAGE PH 30.
22313032300000 UNIT 8, BLDG M, EAST TOWN VILLAGE PH 30.
22313032310000 UNIT 12, BLDG M, EAST TOWN VILLAGE PH 30.
22313032320000 UNIT 3, BLDG M, EAST TOWN VILLAGE PH 30.
22313032330000 UNIT 7, BLDG M, EAST TOWN VILLAGE PH 30.
22313032340000 UNIT 11, BLDG M, EAST TOWN VILLAGE PH 30.

EXHIBIT "B"
ADDITIONAL LAND

Beginning at the Northeast Corner of East Town Village – Phase 31, said point also being on the South line of East Town Village Phase '17', described as South 0°06'55" East 616.04 feet along the section line and East 165.48 feet and South 89°54'59" East 154.34 feet to the Northwest Corner of East Town Village – Phase 31 and South 89°54'59" East 130.53 feet along the north line to an angle point in the north line of East Town Village – Phase 31 and South 89°54'00" East 154.15 feet along the north line of East Town Village – Phase 31 from the West Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 89°54'00" East 759.10 feet along the south line of East Town Village Phase '17' to and along the south line of East Town Village Phase '16', Phase '15', Phase '14', Phase '30', and Phase '29' to the Southeast Corner of East Town Village Phase '29', being the westerly line of the Utah Transit Authority right of way, ✓

thence South 04°48'50" East 1277.15 feet along the westerly line of the Utah Transit Authority right of way, ✓

thence North 20°00'00" West 506.38 feet, ✓

thence North 88°50'19" West 155.57 feet to the west line of 115 East Street, ✓

thence North 0°21'25" East 5.56 feet along the west line of 115 East Street, ✓

thence North 89°38'35" West 226.03 feet, ✓

thence North 1°35'35" East 106.43 feet, ✓

thence North 88°50'19" West 755.85 feet to the east line of State Street, (a 49.50 foot half-width); ✓

thence North 0°21'25" East 525.63 feet along the said east line of State Street to the south line of Opequon Road, also being the Southwest Corner of East Town Village – Phase 31; ✓

thence East 157.47 feet along the south line of Opequon Road and the south line of East Town Village – Phase 31 to the Northwest Corner of East Town Village - Phase 33; ✓

thence South 132.40 feet along the west line of East Town Village – Phase 33 to and along the west line of East Town Village – Phase 31 ✓

to and along the west line to the Southwest Corner East Town Village – Phase 34; ✓

thence East 127.61 feet along the south line to the Southeast Corner of East Town Village – Phase 34, also being on the west line of Bellingham Drive as platted on East Town Village – Phase 31; ✓

thence southerly 32.07 feet along the arc of a 329.00 foot radius curve to the left, (center bears South 84°24'51" East and long chord bears South 2°47'34" West 32.06 feet, with a central angle of 5°35'09") along the west line of Bellingham Drive and the west line of East Town Village – Phase 31; ✓

thence South 18.31 feet along the west line of Bellingham Drive and the west line of East Town Village – Phase 31 to the Southwest Corner of East Town Village – Phase 31; ✓

thence East 56.00 feet along the south line to a Southeast Corner of East Town Village – Phase 31, also being on the east line of Bellingham Drive at the Southwest Corner of East Town Village – Phase 35; ✓

thence South 81°29'21" East 42.37 feet along the south line to an angle point in the south line of East Town Village – Phase 35; ✓

thence South 87°06'43" East 28.13 feet along the south line to the Southeast Corner of East Town Village – Phase 35; ✓

thence North 12.20 feet along the east line to an angle point in the east line of East Town Village – Phase 35; ✓

thence North 2°54'21" East 93.74 feet along the east line to the Northeast Corner of East Town Village – Phase 35, also being on the southerly line of East Town Village – Phase 31; ✓

thence South 87°05'40" East 68.33 feet along the southerly line to a Southeast Corner of East Town Village – Phase 31; ✓

thence North 15.84 feet along the easterly line to an angle point in the easterly line of East Town Village – Phase 31; ✓

thence North 41°21'22" West 67.52 feet easterly line to an angle point in the easterly line of East Town Village – Phase 31; ✓

thence North 11.82 feet along the easterly line to an interior corner of East Town Village – Phase 31; ✓

thence East 69.50 feet along the southerly line to a Southeast Corner of East Town Village – Phase 31; ✓

thence North 116.00 feet along the easterly line to a Northeast Corner of East Town Village – Phase 31; ✓

thence West 69.50 feet along the northerly line to an interior corner of East Town Village – Phase 31; ✓

thence North 34.34 feet, (34.61 feet, plat distance) along the easterly line to a Northeast Corner of East Town Village – Phase 31, also being on the south line of East Town Village Phase '17' to the point of beginning. ✓

Contains 805,327 square feet, 18.488 acres, 8 lots.