
SPACE ABOVE RESERVED FOR RECORDER'S USE ONLY

**SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
ENSIGN PLACE PLANNED UNIT DEVELOPMENT**

This Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Ensign Place Planned Unit Development (the "Amendment") is executed on the date set forth below, by the Ensign Place Homeowners Association, a Utah nonprofit corporation (the "Association") and shall become effective when recorded with the Salt Lake County Recorder.

RECITALS

A. The Ensign Place Planned Unit Development was made subject to that certain instrument called, "The Declaration of Covenants, Conditions and Restrictions of Ensign Place Planned Unit Development", which was recorded with the Salt Lake County Recorder on July 30, 1998, as Entry No. 7041002, in Book 8049, at Pages 2986-3019 (the "Declaration").

B. The Declaration was first amended by that certain instrument called the "First Amendment to the Declaration of Covenants, Conditions and Restrictions of Ensign Place Planned Unit Development", which was recorded with the Salt Lake County Recorder on June 17, 2010, as Entry No. 10972982, in Book 9833, at Pages 7512-7516.

C. The Association recently became aware that the Declaration subjected the Property to the Utah Condominium Ownership Act contrary to the intent of the Property and the Plat, which classifies the Property as a Planned Unit Development.

D. It is believed that subjecting the Property to the Utah Condominium Ownership Act was an oversight and error made by the declarant/developer. These Amendments are intended to remove the Property from the Utah Condominium Ownership Act as was previously approved unanimously by each Owner through the Agreement to Remove Ensign Place Planned Unit Development from the Utah Condominium Ownership Act recorded with the Salt Lake County Recorder on May 10, 2017 as Entry Number 12532453, in Book 10556, at Pages 1804-1826.

E. Section 14, Paragraph B provides that the Declaration may be amended by the affirmative vote of a majority of the Owners.

F. In consideration of the covenants contained herein, and in the interest of preserving the Property's value, quality, and enjoyment, the Owners have duly approved the amendments listed below.

G. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Declaration.

AMENDMENTS

Amendment One:

The 2nd Paragraph beginning with "Whereas" on Page 1 of the Declaration is hereby amended to read as follows:

WHEREAS, this Declaration is executed to effectuate and impose on the described Property mutual beneficial restrictions under a general plan or scheme of improvement for the benefit of each and all of the included Units and Common Areas and the Owners of those Units.

Amendment Two:

The opening paragraph of Section 1 is hereby amended to read as follows:

When used in this Declaration, the following terms shall have the meaning indicated below:

Amendment Three:

Section 1, Paragraph D of the Declaration is hereby amended to read as follows:

- D. Declaration shall mean and refer to this Declaration of Covenants, Conditions, and Restrictions and any amendments and supplements thereto duly recorded with the Salt Lake County Recorder.

Amendment Four:

Section 1, Paragraph H of the Declaration is hereby amended to read as follows:

- H. Owner or Unit Owner shall mean and refer to the person or persons owning fee simple title to a Unit and lot within the Property. If a Unit is subject to an executory purchase contract, the contract purchaser shall be considered the Owner, unless the seller and buyer otherwise agree and inform the Board in writing of the alternative arrangement.

Amendment Five:

Section 1, Paragraph I of the Declaration is hereby amended to read as follows:

- I. Plat shall mean and refer to that subdivision plat entitled "Ensign Place P.U.D.", executed and acknowledged by Declarant on September 3, 1997, prepared and certified by Neff Engineering (a duly registered Utah Land Surveyor, holding Registration number RLS172065), consisting of one (1) sheet and filed for record in the office of the County Recorder of Salt Lake County, Utah on July 30, 1998, in Book 9807P, Page 201, as Entry Number 7041001, creating separately numbered lots.

Amendment Six:

Section 1, Paragraph K of the Declaration is hereby amended to read as follows:

- K. Unit shall mean and refer to a structure which is designed and intended for use and occupancy as a single-family residence, together with all improvements located on or with respect to the lot concerned which are used in connection with such residence. The Unit shall include, without limitation, the garage, the roof and all exterior surfaces, windows, doors, exterior trim, gutters, downspouts, and foundations. The Unit shall also include all interior improvements, including without limitation, all walls, floors, joists, beams, and attics. The Unit shall also include any mechanical equipment and appurtenances located within any one Unit, or located without said Unit but designed to serve only that Unit, such as appliances, electrical receptacles and outlets, air conditioning compressors, furnaces, water heaters, apparatus, systems or equipment, fixtures and the like, shall be considered part of the Unit. All pipes, wires, conduits, or other utility lines or installations constituting a part of the Unit or serving only the Unit shall be deemed to be a part of the Unit even if such lies outside the boundaries of the Unit.

Amendment Seven:

Section 2, Paragraph A of the Declaration is hereby amended to read as follows:

- A. Submission of Property. The Property, as described in Exhibit A of the Declaration, is a planned unit development subject to the Utah Community Association Act beginning at U.C.A. 57-8a101, et seq. The Property is also subject to the covenants, conditions, restrictions, easements, assessments, and liens set forth in the Declaration all of which run with and are binding upon the Property.

Amendment Eight:

Section 3 of the Declaration is hereby amended to read as follows:

Section 3. PROPERTY IMPROVEMENTS

- A. Name. The Property, as submitted to the provisions of the Declaration, shall be known as Ensign Place Planned Unit Development.
- B. Description of Improvements. The Property’s major improvements include: (i) six (6) duplex buildings for a total of twelve (12) residential Units constructed upon twelve (12) residential lots; and (ii) Common Areas as indicated on the Plat and as further discussed in Section 4 below. The residential Units have concrete foundations and are wood framed with brick, stone, stucco, and hardy board exterior surfaces and shingled roofs.

Amendment Nine:

Section 4 of the Declaration is hereby amended to read as follows:

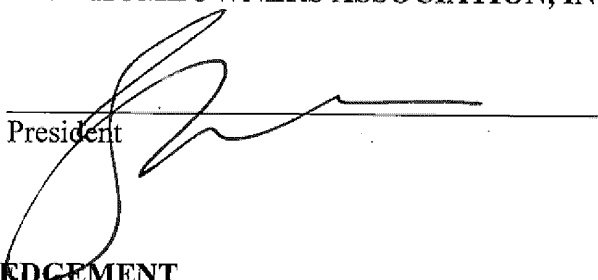
Section 4. COMMON AREAS AND LIMITED COMMON AREAS

- A. Common Areas. The Common Areas include any land and the improvements situated thereon within the Property which the Association now or hereafter owns for the benefit of the Owners. The Common Areas include a private street (Sallie Avenue), open space and landscaping, visitor parking stalls, sidewalks, and common perimeter fencing.
- B. Limited Common Areas. The Limited Common Areas are those Common Areas reserved for the exclusive use and benefit of a designated Unit to the exclusion of other Owners. Whether or not indicated on the Plat, the Limited Common Areas include the driveways appurtenant to the Units.
- C. Title to Common Areas. Title to and ownership of the Common Areas is held by the Association.

CERTIFICATION

The foregoing amendment(s) was duly approved by a majority of the Owners pursuant to the requirements of Section 14, Paragraph B of the Declaration.

ENSIGN PLACE HOMEOWNERS ASSOCIATION, INC.



 President

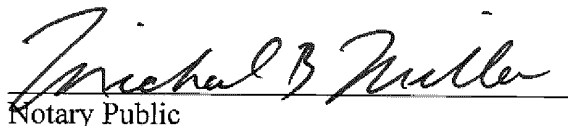
ACKNOWLEDGEMENT

STATE OF UTAH

COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 16 day of May, 2017, by A. Steven Weight, the President of Ensign Place Homeowners Association, a Utah nonprofit corporation.





 Notary Public

Gail F. Sanders
Secretary

ACKNOWLEDGEMENT

STATE OF UTAH

COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this 16 day of May, 2017, by Gail F. Sanders, the Secretary of Ensign Place Homeowners Association, a Utah nonprofit corporation.



Michael B Miller
Notary Public

EXHIBIT A
Lot Parcel Descriptions
12 Lots and Common Area

All of the Lots as shown on the Ensign Place P.U.D. plat map.

- 09-31-253-018-0000
- 09-31-253-019-0000
- 09-31-253-020-0000
- 09-31-253-021-0000
- 09-31-253-022-0000
- 09-31-253-023-0000
- 09-31-253-024-0000
- 09-31-253-025-0000
- 09-31-253-026-0000
- 09-31-253-027-0000
- 09-31-253-028-0000
- 09-31-253-029-0000
- 09-31-253-030-0000 (Common Area)