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Park View at Riverwalk Condominium  
and Townhome Association, Inc.  
c/o Dan Gifford, Director  
10421 South Jordan Gateway, Suite 600  
South Jordan, Utah 84095

Copy to:

Christopher A. Jones  
Prince Yeates & Geldzahler  
175 E. 400 South, Suite 900  
Salt Lake City, Utah 84111

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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
DAN GIFFORD  
10421 S JORDAN GATEWAY #600  
S JORDAN UT 84095  
BY: ZJM, DEPUTY - WI 12 P.

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**FIRST AMENDMENT TO  
AMENDED & RESTATED  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF PARK VIEW AT RIVERWALK  
CONDOMINIUMS AND TOWN HOMES  
A UTAH CONDOMINIUM AND P.U.D. PROJECT**

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**FIRST AMENDMENT TO AMENDED & RESTATED  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF  
THE PARKVIEW AT RIVERWALK CONDOMINIUMS AND TOWN HOMES,  
AN EXPANDABLE UTAH COMDOMINIUM PROJECT**

THIS FIRST AMENDMENT TO AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PARK VIEW AT RIVERWALK CONDOMINIUMS AND TOWN HOMES, AN EXPANDABLE UTAH COMDOMINIUM PROJECT, ("Amendment") is executed as of the \_\_\_ day of September, 2008, by PARK VIEW AT RIVERWALK CONDOMINIUM AND TOWN HOME ASSOCIATION, INC., a Utah non-profit corporation (the "Association") and D.G. DEVELOPMENT & INVESTMENT, INC., a Utah corporation, and MIDVALE 72<sup>nd</sup> PROPERTY, INC. a Utah corporation, as successor in interest to GIFFORD DEVELOPMENT COMPANY, L.L.C., a Utah limited liability company (collectively, "Declarant"). This Amendment modifies and amends that certain Amended & Restated Declaration of Covenants, Conditions and Restrictions of The Parkview at Riverwalk Condominiums and Town Homes, an expandable Utah Condominium Project, dated June 23, 2008, and recorded in the office of the Salt Lake County Recorder on June 23, 2008, in Book 9620, at Page 263-335, as Entry No. 10461081 ("Amended Declaration").

**RECITALS:**

A. WHEREAS, in order to facilitate the further development of the Park View at Riverwalk Condominium and Town Home project (the "Project"), it is necessary to divide the Project into smaller phases.

B. WHEREAS, portions of the Project are, as yet, undeveloped and may be removed from the provisions of the Utah Condominium Ownership Act, Utah Code Ann. §§ 57-8-1 et seq. (the "Act") and treated as "Additional Land" under the terms of the Act and the Amended Declaration.

C. WHEREAS, on or before the execution of this Amendment, Association and Declarant have executed that certain Declaration of Partial Removal from the Provisions of the Utah Condominium Ownership Act for Park View at Riverwalk Condominiums and Townhomes (the "Partial Removal") whereby the "Additional Land" has been removed from the Project.

D. WHEREAS, the Amended Declaration requires the affirmative vote or written approval of at least sixty-seven percent (67%) in order to amend the Amended Declaration.

E. WHEREAS, Declarant, as the original Declarant under the Original Declaration and as the owner of greater than 67% of the Units and membership of the Association, has the power to amend the Amended Declaration as contemplated herein.

F. WHEREAS, the Association, by resolution adopted by Members holding greater than a sixty-seven percent (67%) interest in the Units within the Property, together with the Declarant, desire to amend the Amended Declaration to allow for the creation of smaller phases within the Project by expanding the Project, pursuant to Section 57-8-13.6 of the Act, into the Additional Land effected by the Partial Removal.

G. WHEREAS, Declarant has developed and intends to continue to develop the Property into a residential condominium project known as "Park View at Riverwalk Condominiums and Town Homes." It is intended that the various Units described in this Declaration will be conveyed to Owners in fee simple. The Project is and shall continue to be subject to the Act.

NOW, THEREFORE, the Amended Declaration is hereby further amended as follows:

*A new Section 1.0 is added to the Amended Declaration to read as follows:*

1.0 "Additional Land" means that portion of the Property more particularly described in Exhibit "E" which may be added and subjected to this Declaration pursuant to Article XIII herein.

*Section 2.1 of the Amended Declaration is amended to read as follows:*

2.1 Description of the Condominium Buildings. Each Condominium Building will have three stories with no basement. Each Condominium Building will contain twelve Condominium Units, four on each story or level. Phase 1 of the Project shall consist of one (1) Condominium Building with twelve (12) Condominium Units for a total of twelve (12) Condominium Units in Phase 1. Phase 2 of the Project will not include any Condominium Buildings. The Condominium Buildings will be constructed principally of concrete foundations with exterior walls of stone, masonry, and stucco veneer, asphalt shingle roofing, interior walls of wood studs, plywood and dry wall plaster. Each Condominium Building is supplied with electricity, water, sewage service, master cable TV, natural gas and air conditioning. All Condominium Buildings and other improvements, including reconstruction and additions, shall conform to the architectural drawings and plans approved by the City of Midvale for the construction of the Project. The Condominium Buildings and other improvements are fully depicted on the Survey Map.

*Section 2.2 of the Amended Declaration is amended to read as follows:*

2.2 Description of the Town Home Buildings. Each Town Building will have two stories with garages and fenced yards but no basement. Each Town Home Building will contain between three and five two story Town Home Units. Phase 1 of the Project shall consist of three (3) Town Home Buildings with between three (3) and five (5) Town Home Units each for a total of twelve (12) Town Home Units in Phase 1. Phase 2 of the Project shall consist of five (5) Town Home Buildings with between four (4) and five (5) Town Home Units each for a total of twenty-three (23) Town Home Units in Phase 2. The Town Home Buildings will be constructed principally of concrete foundations with exterior walls of stone, masonry, stucco veneer and/or Hardy Plank, asphalt shingle roofing, interior walls of wood studs, plywood and dry wall plaster. Each Town Home Unit in the

Town Home Building is supplied with separate electricity, water sewage, master cable TV and natural gas connections and with air conditioning. All Town Home Buildings and other improvements, including reconstruction and additions, shall conform to the architectural drawings and plans approved by the City of Midvale for the construction of the Project as defined specifically in the development agreement between the Declarant and the City of Midvale. The Town Home Buildings and other improvements are fully depicted on the Survey Map.

**Section 10.10 of the Amended Declaration is amended and corrected as follows:**

The reference to Article XV is changed to reference Article XIII.

**The first sentence of Section 14.3 of the Amended Declaration is amended to read as follows:**

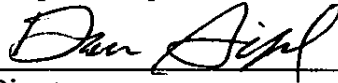
14.3 Amendment. Except as otherwise provided in Article XI, and elsewhere in this Declaration, any amendment to this Declaration shall require the affirmative vote or written approval of at least sixty-seven percent (67%) of the total votes of the Association and prior written approval from the Department of Veterans Affairs.

**Exhibits "A" and "B" of the Amended Declaration are hereby vacated and replaced in their entirety by Amended Exhibits "A" and "B" attached hereto and by this reference incorporated herein. Exhibit "D" of the Amended Declaration is not modified or amended hereby. Exhibit "E", attached hereto and by this reference incorporated herein, is added to the Amended Declaration.**

Executed on the day and year first written above.


ASSOCIATION:

PARK VIEW AT RIVERWALK CONDOMINIUM AND  
TOWN HOME ASSOCIATION, INC.,  
a Utah non-profit corporation


By:   
Its: Director

DECLARANT(s):

DG DEVELOPMENT & INVESTMENT, INC.  
a Utah Corporation

By:   
Its: President

MIDVALE 72<sup>nd</sup> PROPERTY, INC.  
a Utah Corporation

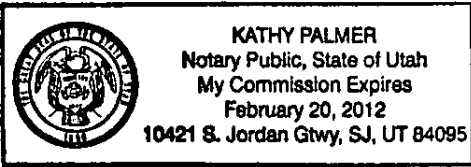
By:   
Its: President

ACKNOWLEDGMENTS

STATE OF UTAH )  
:SS  
COUNTY OF SALT LAKE )

This is to certify that on this \_\_\_ day of September, 2008 before me, a Notary Public in and for said County and State, personally came Daniel G. Gifford, personally known to me or proved to me on the basis of satisfactory evidence, and acknowledged that he is the Director of Park View At Riverwalk Condominium and Town Home Association, Inc., a Utah non-profit corporation, and that by authority duly given by said Park View At Riverwalk Condominium and Town Home Association, Inc., and as the act of Park View At Riverwalk Condominium and Town Home Association, Inc., the foregoing instrument was signed in the name of the Park View At Riverwalk Condominium and Town Home Association, Inc. by Daniel G. Gifford.

Witness by my hand and official seal this 17 day of June, 2008.

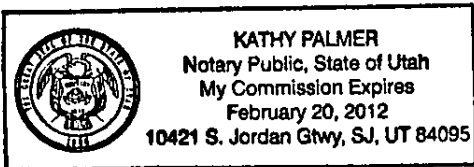


*Kathy Palmer*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH )  
:SS  
COUNTY OF SALT LAKE )

This is to certify that on this \_\_\_ day of September, 2008 before me, a Notary Public in and for said County and State, personally came Daniel G. Gifford, personally known to me or proved to me on the basis of satisfactory evidence, and acknowledged that he is the President of D.G. Development & Investment, Inc., and that by authority duly given by said D.G. Development & Investment, Inc., and as the act of D.G. Development & Investment, Inc., the foregoing instrument was signed in the name of the D.G. Development & Investment, Inc. by Daniel G. Gifford.

Witness by my hand and official seal this 19 day of June, 2008.

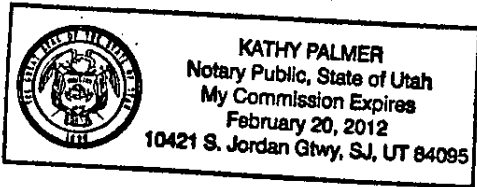


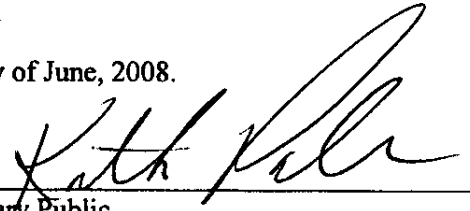
*Kathy Palmer*  
\_\_\_\_\_  
Notary Public

STATE OF UTAH )  
 )  
:SS  
COUNTY OF SALT LAKE )

This is to certify that on this \_\_\_ day of September, 2008 before me, a Notary Public in and for said County and State, personally came Daniel G. Gifford, personally known to me or proved to me on the basis of satisfactory evidence, and acknowledged that he is the President of Midvale 72<sup>nd</sup> Property, Inc., and that by authority duly given by said Midvale 72<sup>nd</sup> Property, Inc., and as the act of Midvale 72<sup>nd</sup> Property, Inc., the foregoing instrument was signed in the name of the Midvale 72<sup>nd</sup> Property, Inc. by Daniel G. Gifford.

Witness by my hand and official seal this 11 day of June, 2008.



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

**EXHIBIT A**

**LEGAL DESCRIPTION OF PHASE 1 PROPERTY**

Beginning at a point being South 0°18'00" West 2276.80 feet along the section line and West 1425.76 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 163.09 feet along the north line of said River Walk Drive;  
thence North 44°43'13"W 133.28 feet;  
thence South 45°19'31" West 47.14 feet;  
thence West 123.54 feet;  
thence North 60°18'53" West 275.14 feet along to the east line of River Reserve Court;  
thence Northwesterly 57.70 feet along the arc of a 150.00 foot radius curve to the right (center bears South 66°42'47" East and the long chord bears North 34°18'22" East 57.34 feet with a central angle of 22°02'17") along the east line of said River Reserve Court;  
thence North 45°19'31" East 47.09 feet along the east line of River Reserve Court;  
thence South 60°18'53" East 252.76 feet;  
thence North 45°19'31" East 200.85 feet;  
thence South 44°40'29" East 252.66 feet to the point of beginning.

Contains 79,361 Square Feet or 1.82 Acres.

**EXHIBIT A (cont.)**

**LEGAL DESCRIPTION OF PHASE 2 PROPERTY**

Beginning at a point being South 00°18'00" West 2093.50 feet along the section line and West 1480.68 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 90.50 feet;  
thence North 44°40'29" West 84.37 feet;  
thence South 45°19'31" West 200.85 feet;  
thence North 60°18'53" West 252.76 feet to a point on the east line of River Reserve

Court;

thence North 45°19'31" East 99.56 feet along the east line of said River Reserve Court;  
thence Northeasterly 69.03 feet along the arc of a 50.00 foot radius curve left (center bears North 45°19'31" East and the chord bears North 05°46'21" East 63.68 feet with a central angle of 79°06'20") along the east line of said River Reserve Court;

thence North 45°19'31" East 151.85 feet;

thence Northeasterly 176.92 feet along the arc of a 225.55 foot radius curve to the right (center bears South 44°40'29" East and the chord bears North 67°47'48" East 172.42 feet with a central angle of 44°56'34");

thence South 88.67 feet;

thence South 45°19'31" West 142.01 feet;

thence South 44°40'29" East 109.70 feet;

thence North 45°19'31" East 104.00 feet;

thence South 44°40'29" East 129.67 feet to the point of beginning.

Containing 92,188 Square Feet or 2.116 Acres



**EXHIBIT B**

**CONDOMINIUM AND TOWN HOME OWNERSHIP AND PERCENTAGES**

<b>TOWN HOME UNITS</b>	<b>Percentage Interest in Common Area</b>	<b>Common Town Home Expense Apportionment</b>	<b>Percentage Interest in Condominium Common Area and Common Condominium Expense Apportionment</b>
E-1	2.128%	2.857%	0
E-2	2.128%	2.857%	0
E-3	2.128%	2.857%	0
E-4	2.128%	2.857%	0
F-1	2.128%	2.857%	0
F-2	2.128%	2.857%	0
F-3	2.128%	2.857%	0
F-4	2.128%	2.857%	0
F-5	2.128%	2.857%	0
G-1	2.128%	2.857%	0
G-2	2.128%	2.857%	0
G-3	2.128%	2.857%	0
J-1	2.128%	2.857%	0
J-2	2.128%	2.857%	0
J-3	2.128%	2.857%	0
J-4	2.128%	2.857%	0
J-5	2.128%	2.857%	0
P-1	2.128%	2.857%	0
P-2	2.128%	2.857%	0
P-3	2.128%	2.857%	0
P-4	2.128%	2.857%	0
P-5	2.128%	2.857%	0
Q-1	2.128%	2.857%	0
Q-2	2.128%	2.857%	0
Q-3	2.128%	2.857%	0
Q-4	2.128%	2.857%	0
R-1	2.128%	2.857%	0
R-2	2.128%	2.857%	0
R-3	2.128%	2.857%	0
R-4	2.128%	2.857%	0
R-5	2.128%	2.857%	0

S-1	2.128%	2.857%	0
S-2	2.128%	2.857%	0
S-3	2.128%	2.857%	0
S-4	2.128%	2.857%	0
<b>CONDOMINIUM UNITS</b>	<b>Percentage Interest in Common Area</b>		
D-1	2.128%	0	8 1/3 %
D-2	2.128%	0	8 1/3 %
D-3	2.128%	0	8 1/3 %
D-4	2.128%	0	8 1/3 %
D-5	2.128%	0	8 1/3 %
D-6	2.128%	0	8 1/3 %
D-7	2.128%	0	8 1/3 %
D-8	2.128%	0	8 1/3 %
D-9	2.128%	0	8 1/3 %
D-10	2.128%	0	8 1/3 %
D-11	2.128%	0	8 1/3 %
D-12	2.128%	0	8 1/3 %
<b>TOTAL:</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

-B-

**EXHIBIT E**

**"ADDITIONAL LANDS"**

Beginning at a point on the north line of River Gate Drive said point being South 00°18'00" West 2,391.46 feet along the section line and West 1,541.14 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 125.94 feet along said north line;  
thence Southwesterly 63.06 feet along the arc of a 530.00 foot radius curve to the left (center bears South 44°40'29" East and the chord bears South 41°55'00" West 63.02 feet with a central angle of 06°49'01") along said north line;  
thence Southwesterly 35.42 feet along the arc of 25.00 foot radius curve to the right (center bears North 51°29'30" West and the chord bears South 79°05'49" West 32.53 feet with a central angle of 81°10'37") along said north line to the east line of River Reserve Court;  
thence North 60°18'53" West 302.48 feet along said east line;  
thence Northwesterly 218.87 feet along the arc of a 150.00 foot radius curve to the right (center bears North 29°41'07" East and the chord bears North 18°30'50" West 199.96 feet with a central angle of 83°36'07") along said east line;  
thence South 60°18'53" East 275.14 feet;  
thence East 123.54 feet;  
thence North 45°19'31" East 47.14 feet;  
thence South 44°43'13" East 133.28 feet; to the point of beginning.

Containing 75,085 square feet or 1.72 acres.

AND

Beginning at a point on the north line of River Gate Drive said point being South 00°18'00" West 2049.01 feet along the section line and West 1130.60 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence Southwesterly 117.52 feet along the arc of a 230.00 Foot radius curve to the left (center bears South 07°38'36" East and the chord bears South 67°43'08" West 116.24 feet with a central angle of 29°16'32") along the north to west line of said River Gate Drive;  
thence North 36°55'08" West 43.00 feet;  
thence North 12°01'27" West 39.29 feet;  
thence North 64°17'57" East 19.38 feet;  
thence North 26°06'58" West 52.00 feet;  
thence South 64°12'05" West 61.14 feet;  
thence North 25°47'55" West 18.11 feet;  
thence South 64°17'23" West 25.49 feet;  
thence North 71°54'50" West 75.36 feet;

-E-

thence South 45°19'31" West 124.19 feet;  
thence North 44°40'29" West 69.17 feet;  
thence South 45°19'31" West 104.00 feet;  
thence North 44°40'29" West 109.70 feet;  
thence North 45°19'31" East 142.01 feet;  
thence North 88.67 feet;  
thence South 89°43'55" East 62.72 feet;  
thence North 00°31'16" West 70.94 feet;  
thence East 363.10 feet;  
thence South 12°01'27" East 318.76 feet to the point of beginning.

Containing 132,448 square feet or 3.041 acres.

AND

Beginning at a point on the west line of River Gate Drive said point being South 00°18'00" West 2,099.57 feet and North 89°42'00" West 1,237.91 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence North 89°42'00" West 1,237.91 feet to the point of beginning; said point also being the beginning of a curve to the left, of which the radius point lies South 36°55'08" East, a radial distance of 230.00 feet; thence southwesterly along the arc, through a central angle of 07°45'22", a distance of 31.13 feet;

thence South 45°19'31" West 232.37 feet;  
thence North 44°40'29" West 168.28 feet;  
thence North 45°19'31" East 90.50 feet;  
thence North 44°40'29" West 60.50 feet;  
thence North 45°19'31" East 124.19 feet;  
thence South 71°54'50" East 75.36 feet;  
thence North 64°17'23" East 25.49 feet;  
thence South 25°47'55" East 18.11 feet;  
thence North 64°12'05" East 61.14 feet;  
thence South 26°06'58" East 52.00 feet;  
thence South 64°17'57" West 19.38 feet;  
thence South 12°01'27" East 39.29 feet;  
thence South 36°55'08" East 43.00 feet to the point of beginning.

Containing 56,533.40 square feet or 1.2978 acres, more or less.