

10540172

10540172  
10/13/2008 11:51 AM \$213.00  
Book - 9650 Pg - 5965-5968  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
PRINCE YEATES & GELDZAHLER  
175 E 4TH S STE. 900  
SLC UT 84111  
BY: ZJM, DEPUTY - WI 4 P.

After Recording, Please Return To:

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

---

SECOND 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

---

BK 9650 PG 5965

**SECOND 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 October, 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, certain minor technical changes to the Amended Declaration are required to be made to comply with recently enacted changes to Federal Housing Authority guidelines.

B. 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.

C. 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.

D. 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 make the minor technical changes set forth herein.

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

1. *The reference in Section 11.1(D) to Section 12.2 is corrected to refer to Section 11.2.*

2. **The last paragraph of Section 11.3 is amended to read as follows:**

Any Mortgagee, insurer or governmental guarantor, except the Department of Veterans Affairs, who receives a written request from the Association to approve additions or amendments to the constituent documents and who fails to deliver or post to the Association a negative response within ~~thirty (30)~~ sixty (60) days shall be deemed to have approved such request, provided the written request was delivered by certified or registered mail, with a "return receipt" requested.

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: *Dan Ajjel*  
Its: Director

**DECLARANT(S)**

DG DEVELOPMENT & INVESTMENT,  
INC.  
a Utah Corporation

By: *Dan Ajjel*  
Its: President

MIDVALE 72nd PROPERTY, INC.  
a Utah Corporation

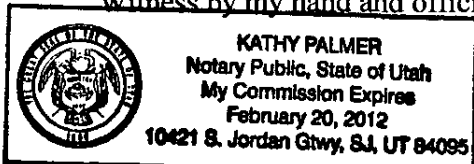
By: *Dan Ajjel*  
Its: President

ACKNOWLEDGMENTS

STATE OF UTAH )  
:ss  
COUNTY OF SALT LAKE )

This is to certify that on this 13 day of October, 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 13 day of October, 2008.



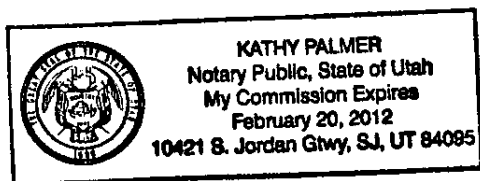
*Kathy Palmer*  
Notary Public

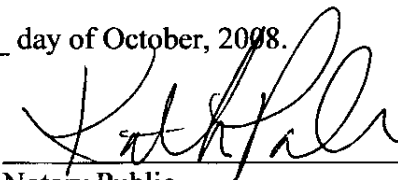
ACKNOWLEDGMENTS (CONT.)

STATE OF UTAH )  
:SS  
COUNTY OF SALT LAKE )

This is to certify that on this 13 day of October, 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 13 day of October, 2008.

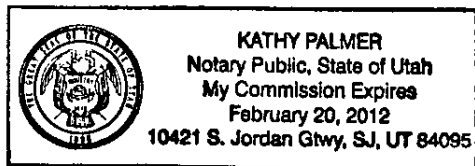


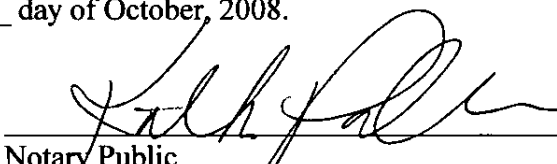
  
\_\_\_\_\_  
Notary Public

STATE OF UTAH )  
:SS  
COUNTY OF SALT LAKE )

This is to certify that on this 13 day of October, 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 13 day of October, 2008.



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