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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
KEN HOLMAN
6575 S REDWOOD RD #102
TAYLORSVILLE UT 84123
BY: SSA, DEPUTY - WI 8 P.

WHEN RECORDED, PLEASE MAIL TO:

Dennis K. Poole
Poole & Associates, L.C.
4546 South 700 East, Suite 200
Salt Lake City, Utah 84107

space above for recorder's use

**FOURTH AMENDMENT TO
DECLARATION OF CONDOMINIUM
BROADWAY TOWER CONDOMINIUMS**

THIS FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM BROADWAY TOWER CONDOMINIUMS (this "Fourth Amendment") is made as of October ~~2008~~ 2014, by **BROADWAY TOWER CONDOMINIUM LLC**, a Utah limited liability company (together with its successors and assigns, "Declarant"), and **BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC.** (the "Residential Association").

RECITALS

A. On or about the 4th day of April, 2008, Broadway Tower Apartment Associates, a Utah limited partnership, made and executed that certain "Declaration of Condominium Broadway Tower Condominium" (the "Declaration"), with respect to the certain real property located in Salt Lake City, Salt Lake County, State of Utah (the "Project"), which Declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, April 4, 2008, as Entry No. 10391775, in Book 9590, beginning at Page 7696.

B. Broadway Tower Condominiums LLC, a Utah limited liability company, became the successor Declarant of the Broadway Tower Condominium Project by virtue of that certain Warranty Deed dated April 7, 2008, and recorded in the Office of the Salt Lake County Recorder as Entry No. 10393781 in Book 9591 beginning at Page 7065.

C. The Declaration was amended by that certain First Amendment to Declaration of Condominium Broadway Tower Condominiums ("First Amendment"), dated September 24, 2008, recorded September 25, 2008, as Entry No. 10527913, in Book 9645, beginning at Page 6161.

D. The Declaration was amended by that certain Second Amendment to Declaration of Condominium Broadway Tower Condominiums ("Second Amendment"), dated January 17, 2009, recorded January 28, 2009, as Entry No. 10607709, in Book 9678, beginning at Page 6840.

E. The Declaration was amended by that certain Third Amendment to Declaration of Condominium Broadway Tower Condominiums ("Third Amendment") dated September 30, 2010, recorded October 14, 2010, as Entry No. 11052760, in Book 9868, beginning at Page 5371.

F. Declarant desires to combine certain Units (as defined in the Declaration) into larger Units resulting in a reduction of total Units from ninety-six (96) to ninety-four (94), to modify the configuration and square footage (as set forth on Exhibit "C" to the Declaration) of certain Units, and to make other modifications to the Plat (as defined in the Declaration), requiring this Amendment to the Declaration.

G. As a result of the desired amendments and modifications, Declarant also will be required to amend the Plat of Broadway Tower Condominiums, which amended Plat is to be recorded concurrently with this Fourth Amendment.

H. Declarant and Unit Owners holding all of the Votes attributable to all Units have agreed to the requested amendments as more particularly set forth herein below and in the Amendment to Plat.

NOW, THEREFORE, in consideration of the recitals set forth herein above, the Declarant hereby declares and certifies as follows:

Y:\DKP\overland\4th Amendment to Broadway Declaration.wpd

1. Amendment to Section 1.01 (hh). Declarant and the Residential Association hereby delete Section 1.01 (hh) in its entirety and substitute the following in place thereof:

1.01 Basic Definitions.

(hh) "Par Value" means the number of points assigned to each Unit by this Declaration as set forth on Exhibit C hereto. The points assigned to a Unit shall be equal to two thousand (2,000) multiplied by the Area of the Unit divided by the total Area of all Units within the Residential Condominium Project (determined to six decimals). The Par Value of each Unit shall be re-computed as Units are added to the Residential Condominium Project pursuant to the provisions of Section 15.03. In determining Par Values, Declarant may have made and may make, as Additional Land and Units are added to the Residential Condominium Project, minor adjustments in some or all of the Par Values which result from a strict application of the formula described in the immediately foregoing sentence for the purpose, but only for the purpose, of assuring that the total Par Values of all Units equals two thousand (2,000).

2. Amendment to Section 3.01. Declarant and the Residential Association hereby delete Section 3.01 in its entirety and substitute the following in place thereof:

3.01 The Building.

The Improvements included in the Residential Condominium Project are now or will be located on the Subject Property. The significant Improvements contained in the Residential Condominium Project include: (i) one (1) Building, generally consisting of twelve (12) levels; (ii) ninety-four (94) Units located upon nine (9) levels; and (iii) three (3) parking levels, storage areas, asphalt or concrete driveways, and the Common Elements. The Common Elements which are recreational in nature are an exercise room and a hot tub. The location and configuration of the Improvements referred to in the foregoing sentence are depicted on the Plat. The Residential Condominium Project also contains other improvements of a less significant nature which are not depicted on the Plat. The Plat shows the number of stories within the Building and the number of Units which are contained in the Building and included in the Residential Condominium Project.

Declarant has made no representation or warranty of any kind, express or implied, with respect to the Residential Condominium Project, the existing improvements or any component contained therein. The Building and improvements now existing have been used as a residential apartment complex and the Declarant acquired the same for conversion into condominiums. Except for any written warranty which may be contained in a purchase agreement, the Declarant makes no representation or warranty and each Owner who acquires a Unit and any interest in the Building, acquires such Unit and interest "as is, where is and with all faults."

3. Amendment to Section 3.02. Declarant and the Residential Association hereby amend Section 3.02 in its entirety and substitute the following in place thereof:

3.02 Units.

(a) Declarant hereby creates ninety-four (94) Units. The Plat shows the Unit Number of each Unit, its location, dimensions from which its Area may be determined, and the General Common Elements and Limited Common Elements to which it has access. Each Unit shall be capable of being separately owned, encumbered and conveyed. Each Unit Owner of a Unit shall be entitled to the exclusive ownership and possession of such Unit Owner's Unit, subject to the terms and conditions of this Declaration, and each Unit may be transferred without any right of first refusal or similar restriction.

(b) No Unit Owner may alter its Unit, subdivide its Unit or relocate the boundaries between a Unit and an adjacent Unit, except as expressly provided by this Declaration and the Act, but nothing herein shall preclude the connection of Units as provided in Section 57-8-4.5 of the Act.

(c) Except as expressly provided to the contrary in this Declaration, including but not limited to Sections 10.11, 10.11 and 15.03, the interest in General Common Elements and the right to use Limited Common Elements appurtenant to the Unit may not be partitioned or separated from the Unit or any part thereof; provided that this subparagraph

shall not prejudice or otherwise affect the rights set forth in Article XIII and Article XIV of this Declaration in the event of casualty or condemnation.

(d) Notwithstanding anything to the contrary contained in paragraphs 3:02(b) and 3.02(c) above or elsewhere in this Declaration:

(i) nothing shall prevent or limit Declarant's exercise or enjoyment of any Special Declarant Right;

(ii) subject to the provisions of Section 10.04, a Unit Owner may grant its rights to use any General Common Element or any Limited Common Element appurtenant to the Unit Owner's Unit to the Unit Owner's Guests; or

(iii) the Unit Owner of a Unit may construct partitions within its Unit only with the prior written consent of the Management Committee provided that any such construction shall not result in the removal or modification of the Common Elements (including but not limited to structural elements) or Limited Common Elements; further provided, however, the Unit Owner of a Unit may not assign all or any portion of the voting rights allocated to its Unit to any lessee to whom the Unit Owner leases its Unit.

4. Amendment to Exhibit "C". As a result of this Fourth Amendment, Declarant and the Residential Association hereby delete Exhibit "C" to the Declaration in its entirety and substitute Amended Exhibit "C" attached hereto.

5. Representations of Declarant and Association. Declarant and Association represent that: (a) Owners holding all of the Votes allocated to all Units (i.e., Interests in Common Elements), and (b) Eligible Mortgagees (as defined in Section 16.02 of the Declaration) upon Units to which at least sixty-seven percent (67%) or more of the Votes of Units subject to First Mortgagees, have provided their consent to the amendments to the Declaration and Plat as contained herein.

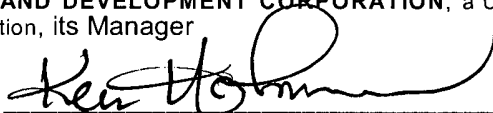
6. Ratification. The Declaration, as amended, is hereby ratified in every respect not expressly abrogated by this Amendment.

7. Effective Date. This Amendment shall take effect upon filing in the offices of the County Recorder of Salt Lake County, Utah.

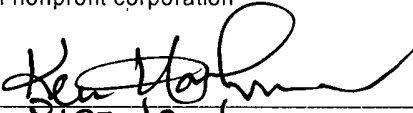
Declarant and Association have caused their names to be signed each by the signature of a duly authorized officer as of the day and year first written above.

BROADWAY TOWER CONDOMINIUMS LLC, a Utah limited liability company,

By: **OVERLAND DEVELOPMENT CORPORATION**, a Utah corporation, its Manager

By: 
KENNETH T. HOLMAN, President

BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC., a Utah nonprofit corporation

By: 
Its: President

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

On this 20th day of October, 2014, before me personally appeared KENNETH T. HOLMAN, who acknowledged himself to be the President of Overland Development Corporation, Manager of **BROADWAY TOWER CONDOMINIUMS LLC**, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer of the Manager.



Martha Frueh
NOTARY PUBLIC

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

On the 20th day of October, 2014, personally appeared before me Ken Holman, who being by me duly sworn, did say that he is the President of **BROADWAY TOWER HOMEOWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, and that the foregoing Amendment was signed on behalf of said corporation by authority of its Articles and Bylaws or a resolution of its Board of Trustees, and the said President acknowledged to me that said corporation executed the same.

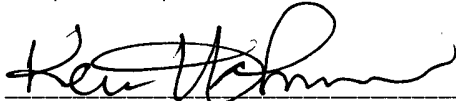


Martha Frueh
NOTARY PUBLIC

AGREEMENT AND CONSENT OF BROADWAY TOWER APARTMENT ASSOCIATES

BROADWAY TOWER APARTMENT ASSOCIATES, a Utah limited partnership, as the holder of one or more liens affecting the above referenced Land and/or Units, hereby agrees and consents to the recording of this Third Amendment to Declaration of Condominium of Broadway Tower Condominiums.

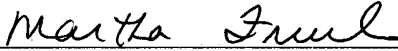
BROADWAY TOWER APARTMENT ASSOCIATES, a
Utah limited partnership,

By: 
Kenneth T. Holman,
its General Partner

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 20th day of October, 2014, personally appeared before me KENNETH T. HOLMAN, who being by me duly sworn, did say that he is a General Partner of BROADWAY TOWER APARTMENT ASSOCIATES, a Utah limited partnership, and being authorized to do so, he executed the foregoing instrument for the purposes therein contained, by signing the name of the company, by himself as such officer.




NOTARY PUBLIC

AMENDED EXHIBIT C
Interest in Common Area
Attached to and forming a part of the Declaration of Condominium for
Broadway Tower Condominiums
Each of the Units is located at 230 East Broadway, Salt Lake City, Utah

				Before	After	2000.000000	100.0000%
Total	Floor #	Unit No.	Unit Style	Sq.Ft.	Sq. Ft.	Par Value	Interest in Common Area
1	4	401	2	1,075	917	23.080214	1.1540%
2	4	402	4	614	614	15.453928	0.7727%
3	4	403	3	674	622	15.655282	0.7828%
4	4	404	6	910	931	23.432584	1.1716%
5	4	405	5	912	931	23.432584	1.1716%
6	4	406	8	700	700	17.618484	0.8809%
7	4	407	7	793	778	19.581687	0.9791%
8	4	408	11	962	962	24.212831	1.2106%
9	4	409	9	998	938	23.608769	1.1804%
10	4	410	10	722	722	18.172208	0.9086%
11	5	501	1	757	1,062	26.729758	1.3365%
12	5	502	2	1,071	772	19.430671	0.9715%
13	5	503	3	622	622	15.655282	0.7828%
14	5	504	4	630	624	15.705620	0.7853%
15	5	505	5	912	931	23.432584	1.1716%
16	5	506	6	910	931	23.432584	1.1716%
17	5	507	7	748	748	18.826609	0.9413%
18	5	508	8	700	700	17.618484	0.8809%
19	5	509	9	938	938	23.608769	1.1804%
20	5	510	10	722	722	18.172208	0.9086%
21	5	511	11	962	962	24.212831	1.2106%
22	6	601	1	757	772	19.430671	0.9715%
23	6	602	2	1,071	1,062	26.729758	1.3365%
24	6	603	3	622	622	15.655282	0.7828%
25	6	604	4	630	624	15.705620	0.7853%
26	6	605	5	912	931	23.432584	1.1716%
27	6	606	6	910	931	23.432584	1.1716%
28	6	607	7	748	748	18.826609	0.9413%
29	6	608	8	700	700	17.618484	0.8809%
30	6	609	9	938	938	23.608769	1.1804%
31	6	610	10	722	722	18.172208	0.9086%
32	6	611	11	962	962	24.212831	1.2106%
33	7	701	1	757	917	23.080214	1.1540%
34	7	702	2	1,071	917	23.080214	1.1540%
35	7	703	3	622	622	15.655282	0.7828%
36	7	704	4	630	624	15.705620	0.7853%

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37	7	705	5	912	931	23.432584	1.1716%
38	7	706	6	910	931	23.432584	1.1716%
39	7	707	7	748	748	18.826609	0.9413%
40	7	708	8	700	700	17.618484	0.8809%
41	7	709	9	938	938	23.608769	1.1804%
42	7	710	10	722	722	18.172208	0.9086%
43	7	711	11	962	962	24.212831	1.2106%
44	8	801	1	757	772	19.430671	0.9715%
45	8	802	2	1,071	1,114	28.038559	1.4019%
46	8	803	3	622	622	15.655282	0.7828%
47	8	804	4	630	624	15.705620	0.7853%
48	8	805	5	912	931	23.432584	1.1716%
49	8	806	6	910	931	23.432584	1.1716%
50	8	807	7	748	748	18.826609	0.9413%
51	8	808	8	700	700	17.618484	0.8809%
52	8	809	9	938	938	23.608769	1.1804%
53	8	810	10	722	722	18.172208	0.9086%
54	8	811	11	962	962	24.212831	1.2106%
55	9	901	1	757	917	23.080214	1.1540%
56	9	902	2	1,071	917	23.080214	1.1540%
57	9	903	3	622	622	15.655282	0.7828%
58	9	904	4	630	624	15.705620	0.7853%
59	9	905	5	912	931	23.432584	1.1716%
60	9	906	6	910	931	23.432584	1.1716%
61	9	907	7	748	748	18.826609	0.9413%
62	9	908	8	700	700	17.618484	0.8809%
63	9	909	9	938	938	23.608769	1.1804%
64	9	910	10	722	722	18.172208	0.9086%
65	9	911	11	962	962	24.212831	1.2106%
66	10	1001	1	757	917	23.080214	1.1540%
67	10	1002	2	1,071	917	23.080214	1.1540%
68	10	1003	3	622	622	15.655282	0.7828%
69	10	1004	4	630	624	15.705620	0.7853%
70	10	1005	5	912	931	23.432584	1.1716%
71	10	1006	6	910	931	23.432584	1.1716%
72	10	1007	7	748	748	18.826609	0.9413%
73	10	1008	8	700	700	17.618484	0.8809%
74	10	1009	9	938	938	23.608769	1.1804%
75	10	1010	10	722	722	18.172208	0.9086%
76	10	1011	11	962	962	24.212831	1.2106%

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Interest in Common Area
Attached to and forming a part of the Declaration of Condominium for
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77	11	1101	1	1,838	1,988	50.036495	2.5018%
78	11	1102	2	0	0	0.000000	0.0000%
79	11	1103	3	622	622	15.655282	0.7828%
80	11	1104	4	624	624	15.705620	0.7853%
81	11	1105	5	912	931	23.432584	1.1716%
82	11	1106	6	903	931	23.432584	1.1716%
83	11	1107	7	748	748	18.826609	0.9413%
84	11	1108	8	700	700	17.618484	0.8809%
85	11	1109	9	938	938	23.608769	1.1804%
86	11	1110	10	1,649	852	21.444212	1.0722%
87	11	1111	11	0	751	18.902117	0.9451%
88	12	1201	1	0	0	0.000000	0.0000%
89	12	1202	2	1,071	1,062	26.729758	1.3365%
90	12	1203	3	1,370	1,411	35.513831	1.7757%
91	12	1204	4	624	624	15.705620	0.7853%
92	12	1205	5	912	931	23.432584	1.1716%
93	12	1206	6	1,624	931	23.432584	1.1716%
94	12	1207	7	748	809	20.361934	1.0181%
95	12	1208	8	0	700	17.618484	0.8809%
96	12	1209	14	1,753	1,670	42.032670	2.1016%
				79,228	79,462	2000.000000	100.0000%