

9-160

**AMENDMENT NO. 3
TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
AND DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
ROCKWELL SQUARE CONDOMINIUMS**

THIS AMENDMENT NO. 3 TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM AND DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR ROCKWELL SQUARE CONDOMINIUMS (this "Amendment") is made as of December 1, 2016, by CRITERIUM, LLC, a Utah limited liability company ("Criterion"), and the HOMEOWNERS ASSOCIATION OF ROCKWELL SQUARE, INC., a Utah nonprofit corporation (the "Association"). All capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to them in the Amended and Restated Declaration (defined below).

RECITALS

A. That certain real property located in Salt Lake County, Utah and more particularly described on **Exhibit A** attached hereto (the "Condominium Project") is subject to that certain Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums dated January 7, 2011 and recorded January 11, 2011, as Entry No. 11114069, in Book No. 9897, on Page Nos. 4942-5027 in the official records of the Salt Lake County, Utah Recorder's Office (the "Official Records") as amended and supplemented by that Supplemental Declaration No. 1 to Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums (Exercise of Option to Withdraw Land), recorded January 11, 2011, as Entry No. 11114070, in Book No. 9897, on Page Nos. 5028-5031 of the Official Records; that certain Amendment No. 1 to Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums, recorded August 3, 2011, as Entry No. 11222809, in Book 9941, on Page Nos. 1090-1098 of the Official Records; and that certain Amendment No. 2 to Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums, recorded October 3, 2012, as Entry No. 11484496, in Book No. 10062, on Page Nos. 8241-8248 of the Official Records (all of which shall be referred to herein as the "Amended and Restated Declaration") and that certain Record of Survey Map for Rockwell Square Condominiums Amended, a Professional, Retail and Residential Utah Condominium Project, recorded on October 1, 2008, as Entry No. 10532621, in Book 2008, beginning at Page 255 of the Official Records (the "Plat").

B. Building 1, as shown on the Plat, has been constructed, and contains Retail Units 1 through 4 and Residential Units 20 through 49 (collectively, the "Building 1 Units").

C. Criterion is the record fee owner of all the Units in the Condominium Project, as shown on the Plat, except the Building 1 Units. None of the Units owned by Criterion have been constructed.

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Book - 10584 Pg - 7638-7646
JULIE DOLE
RECORDER, SALT LAKE COUNTY, UTAH

CRITERIUM LLC
65 E WADSWORTH PARK DR STE 210
DRAPER UT 84020
BY: SRP, DEPUTY - WI 9 P.

D. Pursuant to Section 15.06 of the Declaration, Criterium is the successor Declarant under the Declaration and has succeeded to all of the rights and interests reserved or contained in the Declaration for the benefit of the Declarant.

E. Section 3.08 of the Declaration gives the Declarant the option to withdraw certain land from the Condominium Project. The purpose of this Amendment is to amend the description of land which may be withdrawn so as to include additional withdrawable land.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and restrictions herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. Withdrawable Land.

- (a) Section 3.08(a) of the Declaration is hereby deleted in its entirety and the following substituted therefor:

The Withdrawable Land includes all those portions of the Project that are more particularly described on Exhibit C and Exhibit C-1 attached hereto.

- (b) Section 3.08(b) of the Declaration is hereby deleted in its entirety and the following substituted therefor:

Declarant has previously withdrawn the land described in Exhibit C. Declarant may withdraw the land described in Exhibit C-1 in its entirety at any time.

- (c) Exhibit C-1 attached hereto is hereby added to the Declaration as Exhibit C-1 thereto. From and after the date on which this Amendment is recorded, the land described on Exhibit C-1 attached hereto shall be withdrawable by the Declarant in accordance with Section 3.08 of the Declaration, as amended hereby.

- (d) Exhibit D to the Declaration is hereby deleted in its entirety and Exhibit D attached hereto substituted therefor.

2. Amended Plat. Concurrently with the recordation of this Amendment, the "Rockwell Square Condominium Second Amended Plat" (the "Amended Plat") shall be recorded in the Official Records. The Amended Plat, upon recording, shall constitute the Plat referred to in the Declaration for all purposes.

3. Incorporation. The recitals set forth above and the exhibits attached to this Amendment are each incorporated into this Amendment.

[Signature Pages Follow]

IN WITNESS WHEREOF, Criterium has executed and delivered this Amendment as of the date and year first above written.

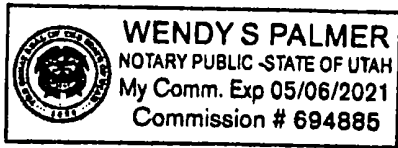
Criterium:

CRITERIUM, LLC,
a Utah limited liability company

By: Brian Davis
Brian Davis, President

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

The foregoing instrument was acknowledged before me this 11 day of July, 2017, by Brian Davis, President of Criterium, LLC, a Utah limited liability company.



Wendy S Palmer
NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires 5/6/21

IN WITNESS WHEREOF, the Association has executed and delivered this Amendment as of the date and year first above written.

Association:

HOMEOWNERS' ASSOCIATION OF
ROCKWELL SQUARE, INC.,
a Utah nonprofit corporation

By: Ashley Boyle
Name: Ashley Boyle
Title: Secretary

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

The foregoing instrument was acknowledged before me this 1 day of December, 2016,
by Ashley Boyle, _____ of
Homeowners' Association of Rockwell Square, Inc., a Utah nonprofit corporation.

Kris Tapp

NOTARY PUBLIC
Residing at:

My Commission Expires: 5.9.17

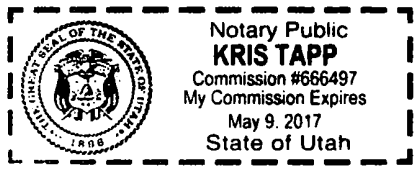


EXHIBIT A

DESCRIPTION OF PROJECT

The Declaration encumbers the following described property, located in Salt Lake County, Utah:

All the following condominium units contained within the ROCKWELL SQUARE CONDOMINIUMS AMENDED, a Utah condominium project as identified in the Record of Survey Map recorded October 1, 2008 as Entry No. 10532621, in Book 2008, at Page 255 of Plats, (as said Record of Survey Map may have been amended and/or supplemented), as such condominium units are described in the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums, dated January 7, 2011 and recorded on January 11, 2011 as Entry No. 11114069, in Book 9897 at Page 4942 (as said Declaration may have been amended and/or supplemented) in the Office of the Recorder of Salt Lake County, Utah, together with the appurtenant undivided interest in and to the common areas and facilities more particularly described in such Declaration, as amended and/or supplemented:

Retail Units 1 through 4, inclusive, in Building 1

Parcel I.D. Nos. 34-06-328-163 through 34-06-166, inclusive

Units 20 through 49, inclusive, in Building 1

Parcel I.D. Nos. 34-06-328-003 through 34-06-328-032, inclusive

Retail Units 1 through 4, inclusive, in Building 2

Parcel I.D. Nos. 34-06-328-167 through 170, inclusive

Units 20 through 49, inclusive, in Building 2

Parcel I.D. Nos. 34-06-328-035 through 34-06-328-064, inclusive.

Retail Units 1 through 4, inclusive, in Building 3

Parcel I.D. Nos. 34-06-328-171 through 34-06-328-174, inclusive

Units 20 through 49, inclusive, in Building 3

Parcel I.D. Nos. 34-06-328-067 through 34-06-328-096, inclusive

Retail Units 1 and 2, in Building 4

Parcel I.D. Nos. 34-06-328-097 and 34-06-328-098

Units 20 through 49, inclusive, in Building 4

Parcel I.D. Nos. 34-06-328-099 through 34-06-328-128, inclusive

Retail Units 1 through 4, inclusive, in Building 5

Parcel I.D. Nos. 34-06-328-175 through 34-06-328-178, inclusive

Units 20 through 49, inclusive, in Building 5

Parcel I.D. Nos. 34-06-328-131 through 34-06-328-160, inclusive.

EXHIBIT C-1

Withdrawable Land

Located in the Southwest Quarter of Section 6,
Township 4 South, Range 1 East,
Salt Lake Base and Meridian.

Beginning at a point on the west line of the Wheadon Preserve said point being West 244.00 feet along the center line of said 13800 South Street and South 353.91 feet from a found Street Monument at the Intersection of 13800 South Street and 300 East Street said monument also being used as the Center of Section 6, Township 4 South, Range 1 East, Salt Lake Base and Meridian in some surveys, and running:

thence South 444.09 feet along the west line to the Southwest Corner of said Wheadon Preserve;

thence East 244.00 feet along the south line of said Wheadon Preserve;

thence South 261.00 feet;

thence West 502.00 feet to the Southeast Corner of the Black Sage Subdivision;

thence North 261.00 feet along the east line to the Northeast Corner of said Black Sage Subdivision;

thence West 8.50 feet along the north line of said Black Sage Subdivision to the to the Southeast Corner of the Rockwell Square Commercial Subdivision;

thence North 246.42 feet along the east line of said Rockwell Square Commercial Subdivision;

thence Northwesterly 31.52 feet along the arc of a 49.50 foot radius curve to the right (center bears North 21°57'08" East and the chord bears North 49°48'19" West 30.99 feet with a central angle of 36°29'05") along the east line of said Rockwell Square Commercial Subdivision;

thence Northwesterly 9.18 feet along the arc of a 9.00 foot radius curve to the left (center bears South 58°26'13" West and the chord bears North 60°46'42" West 8.79 feet with a central angle of 58°25'50") along the east line of said Rockwell Square Commercial Subdivision;

thence North 38.58 feet along the east line of said Rockwell Square Commercial Subdivision;

thence Northeasterly 9.18 feet along the arc of a 9.00 foot radius curve to the left (center bears North 0°00'23" West and the chord bears North 60°46'42" East 8.79 feet with a central angle of 58°25'50") along the east line of said Rockwell Square Commercial Subdivision;

thence Northeasterly 34.61 feet along the arc of a 49.50 foot radius curve to the right (center bears South 58°26'13" East and the chord bears North 51°35'45" East 33.91 feet with a central angle of 40°03'57") along the east line of said Rockwell Square Commercial Subdivision;

thence North 0°57'29" West 146.19 along the east line of said Rockwell Square Commercial Subdivision;

thence North 89°54'32" East 50.69 feet;

thence South 36.81 feet;

thence East 215.35 feet to the point of beginning.

Contains 253,014 square feet. 5.81 acres.

EXHIBIT D

Land Not Subject to Withdrawal

Located in the Southwest Quarter of Section 6,
Township 4 South, Range 1 East,
Salt Lake Base and Meridian.

Beginning at a point on the South line of 13800 South Street said point being West 244.00 feet along the center line of said 13800 South Street and South 40.00 feet from a found Street Monument at the Intersection of 13800 South Street and 300 East Street said monument also being used as the Center of Section 6, Township 4 South, Range 1 East, Salt Lake Base and Meridian in some surveys, and running:

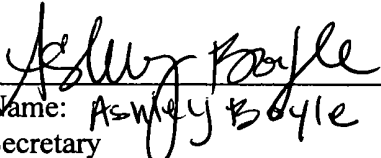
thence South 313.91 feet;
thence West 215.35 feet;
thence North 36.81 feet
thence South 89°54'32" West 50.69 feet;
thence North 00°57'29" West 117.20 feet to the southeast corner of the Cutler Subdivision;
thence North 160.00 feet along the east line of said Cutler Subdivision to a point on the south line of said 13800 South Street;
thence East 268.00 feet along the south line of said 13800 South Street to the point of beginning.

Contains 82,078 Square Feet or 1.88 Acres

CERTIFICATION

The undersigned, on behalf of the Management Committee of Homeowners' Association of Rockwell Square, Inc., a Utah nonprofit corporation (the "Association"), hereby certifies that the foregoing Amendment No. 4 to Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for Rockwell Square Condominiums, was duly proposed and approved by the written consent of Owners of the Association holding the right to vote not less than sixty-seven percent (67%) of the total votes of the Association.


DATED: 12/1, 2016.



Name: Ashley Boyle
Secretary

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

The foregoing certification was acknowledged before me this 1 day of December, 2016, by Ashley Boyle, Secretary of Homeowners' Association of Rockwell Square, Inc., a Utah nonprofit corporation.



NOTARY PUBLIC
Residing at:

My Commission Expires: 5.9.17

