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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
PAUL STRINGHAM
PETERSON DEV
225 S 200 E
SLC UT 84111
BY: SMP, DEPUTY - MI 14 P.

After Recording Return To:
Greensfelder, Hemker & Gale, P.C.
10 S. Broadway, Suite 2000
St. Louis, MO 63102

THIRD AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS

THIS THIRD AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS ("Third Amendment") is entered into effective as of 9/15, 2017, between Harvest Pointe, LLC, a Utah limited liability company ("Harvest") and Jordan Parkway Members, LLC, a Missouri limited liability company ("Jordan").

RECITALS

A. Leon Peterson, a married man dealing with his sole and separate property ("Peterson"), and Albertson's, Inc. a Delaware corporation ("Old Albertson's") entered into that certain Declaration of Restrictions and Easements dated June 28, 2002, which was recorded on September 10, 2002, as Entry No. 8348596, in Book 8646, beginning at Page 4461, official records of Salt Lake County, Utah (as amended, the "Declaration"), with respect to that certain real property more particularly described therein as the Shopping Center. The legal description of the Shopping Center is set forth on the attached Exhibit "A".

B. Harvest has succeeded to the right, title and interest of Peterson in and to the Shopping Center and the Declaration, and Harvest is the Owner of Parcels 1, 4, 5, 6 and 7 of the Shopping Center. Jordan has succeeded to the right, title and interest in and to the Shopping Center and the Declaration, and Jordan is the Owner of Parcels 2 and 3 of the Shopping Center. Cyprus Federal Credit Union is the Owner of Parcel 8 of the Shopping Center.

C. The Declaration was amended by that certain First Amendment To Declaration Of Restrictions And Easements, dated July 19, 2007 ("First Amendment") executed by Harvest and New Albertson's, Inc. (successor to Old Albertson's) ("New Albertson's") and recorded on July 3, 2008, as Entry No. 10470785, in Book 9624, Pages 81-100, in the official records of Salt Lake County, Utah.

D. The Declaration was further amended by that certain Second Amendment to Declaration of Restrictions and Easements, dated December 11, 2014 ("Second Amendment"), executed by Harvest and Jordan and recorded on December 11, 2014, as Entry No. 11959810, in Book 10281, Pages 353-371, in the official records of Salt Lake County, Utah.

E. Harvest and Jordan collectively, own Parcels that comprise in excess of ninety percent (90%) of the total square footage of the Building Area in the Shopping Center as of the date hereof and there are currently, no Prime Lessees as that term is defined under the Declaration. Harvest and Jordan desire to amend the Declaration with respect to the matters more specifically set forth below.

F. Jordan has succeeded to the rights of Old Albertson's and New Albertson's in and to Parcels 2 and 3 and the Declaration

G. Harvest and Jordan desire to amend the Declaration with respect to the matters more specifically set forth below.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Declaration. The Recitals hereto are incorporated into the body of this Third Amendment and are made part of the substantive covenants and agreements set forth in this Third Amendment.

2. Prior to the last sentence of Section 5.2(a) as contained in the Second Amendment, the following shall be added: Notwithstanding the foregoing, (i) Healing Touch Therapeutic Massage, a sole proprietorship owned entirely by Robert Hughes (FEIN 82-1153594/business registration number 10335799-0151) shall be a permitted use and shall not be treated as an "entertainment or recreational facility PROVIDED THAT all services are provided only by therapists in possession of an active license from the Utah Division of Occupational and Professional Licensing (DOPL) or other equivalent licensing board and all services are provided only by therapists who are active members of the American Massage Therapy Association, or AMTA and (ii) other professional/therapeutic massage services businesses, such as Massage Envy, shall be permitted uses and shall not be treated as an "entertainment or recreational facility," PROVIDED THAT:

- a. Such services are provided only by therapists in possession of an active license from the Utah Division of Occupational and Professional Licensing (DOPL) or other equivalent licensing board;
- b. Such services are provided only by therapists who are active members of the American Massage Therapy Association, or AMTA; and
- c. The business operating facilities that offer such massage services operate on a regional or national basis with, as of this document's signing, active retail locations in no less than 20 states and in no less than 100 stores.

3. The execution and acknowledgment of this Third Amendment by Harvest and Jordan shall satisfy the requirement, set forth in Section 8.5 of the Declaration, that the Owners and Prime Lessees of the Parcels containing ninety percent (90%) of the total square footage of Building Area in the Shopping Center consent to the modifications of the Declaration that is set forth in this Third Amendment.

4. Each party to this Third Amendment hereby warrants to each other party hereto that (i) no mortgage, deed of trust or other security interest encumbers any interest of the warranting party in or to the Shopping Center (or any part or portion thereof) as of the date the warranting party executes this Third Amendment, or that a Consent and Subordination of Lienholder, in the form attached hereto, has been executed by each such Lienholder and is attached hereto, and (ii) all Lienholders and other third persons required by any agreement with the warranting party to consent to this Third Amendment have attached a consent to this Third Amendment.

5. This Third Amendment may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute a single instrument. Signature and acknowledgement pages may be detached from original counterparts and attached to a single or multiple original(s) in order to form a single or multiple original(s) of this document.

6. This Third Amendment shall be recorded in the official records of Salt Lake County, Utah, and shall be effective as of the date of said recoding.

7. The Declaration, as amended herein, is hereby ratified and confirmed. Except as amended herein, the Declaration shall remain in full force and effect.

[Signature Lines and Acknowledgements Appear on Following Pages]

EXECUTED as of the date first set forth above.

HARVEST:

Harvest Pointe, LLC,
a Utah limited liability company

By: *Justin V. Peterson*
Justin V. Peterson
Its: Managing Member

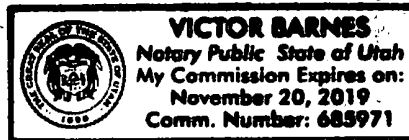
STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of July, 2017, by Justin V. Peterson, the Managing Member of Harvest Pointe, LLC, a Utah limited liability company.

My commission expires:

Victor Barnes
Notary Public in and for the State of Utah
Residing at Davis Co.

11/20/19



EXECUTED as of the date first set forth above.

JORDAN:

Jordan Parkway Members, LLC
a Missouri limited liability company

By: Gary M. Wesolowski
Name: GARY M. WESOLOWSKI
Its: ASSISTANT MANAGER

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 8 day of August, 2017,
by Gary M. Wesolowski, the Assistant Manager of Jordan Parkway Members, LLC,
a Missouri limited liability company.

My commission expires:

Amy Martin
Notary Public in and for the State of Missouri
Residing at 7800 Forsyth Blvd.

June 15, 2018



CONSENT AND SUBORDINATION OF LIENHOLDER

Reliance Bank, as beneficiary under that certain Deed of Trust dated December 31, 2015 and recorded on December 31, 2015 as Entry No. 12198088, in Book 10392, beginning at Page 4117, of the official records of Salt Lake County, Utah, as modified by that certain Modification of Deed of Trust dated December 15, 2016 and recorded on March 21, 2017 as Entry No. 12499953, in Book 10540, beginning at Page 1027, of the official records of Salt Lake County, Utah, and the holder of a lien on Parcels 2 and 3 of the Shopping Center ("Lien"), hereby consents to the within Third Amendment to Declaration of Restrictions and Easements, of which this Consent and Subordination of Lienholder is a part and, by virtue hereof, agrees that its Lien (and all of its right, title, estate and interest in and to the Shopping Center) shall be subject and subordinate to the Declaration of Restrictions and Easements, as amended.

Reliance Bank

Date: 8/8/2017

By: [Signature]
Name (print): Patrick Shuff
Its: SVP

STATE OF MO)
COUNTY OF St. Louis) ss.

On this 8th day of August, 2017, personally appeared before me Patrick Shuff who being by me duly sworn did say that he/she is the SVP of Reliance Bank, and that the within and foregoing instrument was signed on behalf of said Corporation by authority of its board of directors, and acknowledged to me that said he executed the same.

My commission expires:

2/16/20

[Signature]

Notary Public in and for the State of MO
Residing at 6766 Eichelberger St. Louis, MO 63109

JACQUELINE ANN DAVIS
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: February 16, 2020
Commission Number: 98431207

CONSENT AND SUBORDINATION OF LIENHOLDER

Transamerica Life Insurance Company, an Iowa corporation, as beneficiary under that certain Deed of Trust, Security Agreement and Fixture Filing, dated November 27, 2006, and recorded on November 30, 2006 as Entry No. 9924320, in Book 9387, beginning at Page 8029, of the official records of Salt Lake County, Utah, and the holder of a lien on Parcels 5 and 7 of the Shopping Center ("Lien"), hereby consents to the within Third Amendment to Declaration of Restrictions and Easements of which this Consent and Subordination of Lienholder is a part and, by virtue hereof, agrees that its Lien (and all of its right, title, estate and interest in and to the Shopping Center) shall be subject and subordinate to the Declaration of Restrictions and Easements, as amended.

TRANSAMERICA LIFE INSURANCE COMPANY

Dave Lyden
a _____ *edit*

Date: 9/1/2017

By: _____
Name (print): Greg Dryden
Its: Authorized Signatory

STATE OF Iowa)
COUNTY OF Linn) ss.

On this 1st day of September 2017, personally appeared before me Greg Dryden who being by me duly sworn did say that he/she is the Authorized Signatory of Transamerica Life Insurance Company, an Iowa corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of its board of directors, and acknowledged to me that said _____ executed the same.

My commission expires:

Rebecca Johnson
Notary Public in and for the State of Iowa
Residing at Adair Rapids, IA

01.23.2020



EXHIBIT "A"

Legal Description of Shopping Center

Parcel 1

Beginning at a point being North 89°57'00" West 351.83 feet along the south line of 10400 South Street from the Northwest Corner of Lot 3, Albertson's 10400 South Street Subdivision as found and on file at the Salt Lake County Recorders Office, Book 2002, Page 243, and running;

thence Southeasterly 28.06 feet along the arc of a 35.00 foot radius curve to the right (center bears South 44°01'59" West and the long chord bears South 23°00'13" East 27.31 feet with a central angle of 45°55'36");

thence South 0°02'32" east 97.83 feet;

thence Southwesterly 99.28 feet along the arc of a 89.00 foot radius curve to the right (center bears South 89°57'28" West and the long chord bears South 31°54'57" West 94.21 feet with a central angle of 63°54'57");

thence Southwesterly 82.88 feet along the arc of a 120.00 foot radius curve to the left (center bears South 26°07'35" East and the long chord bears South 44°05'19" West 81.24 feet with a central angle of 39°34'13");

thence South 89°57'29" West 17.60 feet to the west line of Albertson's 10400 South Street Subdivision;

thence North 0°02'34" West 261.40 feet along the west line to the Northwest Corner of said Albertson's 10400 South Street Subdivision and being on the south line of 10400 South Street;

thence South 89°57'00" East 113.38 feet along the south line of said 10400 South Street to the point of beginning.

Parcel 2

✓ Lot 2 of that certain ALBERTSON'S 10400 SOUTH STREET SUBDIVISION, recorded September 5, 2002, in Book 2002P, at Page 243, as Instrument No. 8343187, in the Recorder's Office in Salt Lake County, Utah.

Situate in South Jordan City, Salt Lake County, Utah.

LESS AND EXCEPTING:

✓ A parcel of land for the widening of the existing highway State Route 151 known as Project No. 0151, being part of an entire tract of property situate in Lot 2, Albertson's 10400 South Subdivision, a subdivision situate in the SE¼NW¼ of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said Lot 2; and running thence South 6.25 feet along an easterly boundary line of said Lot 2, to a point 58.90 feet perpendicularly distant southerly from the centerline of said project, opposite approximate Engineers Station 100+95.40; thence N. 86°03'17" W. 92.04 feet to the northerly boundary line of said Lot 2; thence S. 89°57'00" E. 91.82 feet along said northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land in Salt Lake County, State of Utah, contains 287 square feet in area, or 0.007 acres, more or less.

Parcel 3

✓ Lot 3 of that certain ALBERTSON'S 10400 SOUTH STREET SUBDIVISION, recorded September 5, 2002, in Book 2002P, at Page 243, as Instrument No. 8343187, in the Recorder's Office in Salt Lake County, Utah.

Situate in South Jordan City, Salt Lake County, Utah.

Parcel 4

Beginning at a point being North 89°57'00" West 49.51 feet along the south line of 10400 South Street from the Northwest Corner of Lot 3, Albertson's 10400 South Street Subdivision as found and on file at the Salt Lake County Recorders Office, Book 2002, Page 243, and running;

✓ Thence South 166.54 feet;
Thence West 47.60 feet;
Thence South 31.00 feet;
Thence West 161.18 feet;
Thence North 64°38'12" West 68.42 feet;
thence Northeasterly 17.09 feet along the arc of a 119.00 foot radius curve to the left (center bears North 67°32'09" West and the long chord bears North 18°20'592" East 17.08 feet with a central angle of 8°13'44");
thence North 14°14'07" East 49.15 feet;
thence Northeasterly 12.46 feet along the arc of a 50.00 foot radius curve to the left (center bears North 75°45'53" West and the long chord bears North 7°05'48" East 12.43 feet with a central angle of 14°16'39");
thence North 0°02'32" West 67.31 feet;
thence Northeasterly 27.77 feet along the arc of a 35.00 foot radius curve to the right (center bears North 89°57'15" East and the long chord bears North 22°41'12" East 27.05 feet with a central angle of 45°27'54") to the south line of 10400 South Street;
thence South 89°57'00" East 241.22 feet along the south line of said 10400 South Street to the point of beginning.

Parcel 5

Beginning at the Northwest Corner of Lot 3, Albertson's 10400 South Street Subdivision as found and on file at the Salt Lake County Recorders Office, Book 2002, Page 243, and running;

thence South 197.50 feet along the west line to the Southwest Corner of said Lot 3, Albertson's 10400 South Street Subdivision;
thence West 67.15 feet along the north line to a Northwest Corner of Lot 2, Albertson's 10400 South Street Subdivision;
thence South 255.77 feet along the west line to a Southwest Corner of said Lot 2, Albertson's 10400 South Street Subdivision;
thence East 64.17 feet along the south line to a interior corner of said Lot 2, Albertson's 10400 South Street Subdivision;
thence South 132.77 feet along the west line of said Lot 2, Albertson's 10400 South Street Subdivision;
thence West 193.09 feet;
thence North 327.62 feet;
thence West 115.65 feet;
thence South 188.61 feet;
thence West 116.23 feet;
thence North 0°02'33" West 136.59 feet;
thence Northeasterly 100.40 feet along the arc of a 90.00 foot radius curve to the right (center bears North 89°57'27" East and the long chord bears North 31°55'02" East 95.28 feet with a central angle of 63°55'09");
thence Northeasterly 86.01 feet along the arc of a 119.00 foot radius curve to the left (center bears North 26°07'24" West and the long chord bears North 43°10'13" East 84.15 feet with a central angle of 41°24'45");
thence South 64°38'12" East 68.42 feet;
thence East 161.18 feet;
thence North 31.00 feet;
thence East 47.60 feet;
thence North 166.54 feet to the south line of 10400 South Street;
thence South 89°57'00" East 49.51 feet along the south line of said 10400 South Street to the point of beginning.

Parcel 6

Beginning at a point being North 89°57'00" West 290.73 feet along the south line of 10400 South Street from the Northwest Corner of Lot 3, Albertson's 10400 South Street Subdivision as found and on file at the Salt Lake County Recorders Office, Book 2002, Page 243, and running;

thence Southwesterly 27.77 feet along the arc of a 35.00 foot radius curve to the left (center bears South 44°34'51" East and the long chord bears South 22°41'12" West 27.05 feet with a central angle of 45°27'54");

thence South 0°02'32" East 67.31 feet;

thence Southwesterly 12.46 feet along the arc of a 50.00 foot radius curve to the right (center bears North 89°57'15" East and the long chord bears South 7°05'48" West 12.43 feet with a central angle of 14°16'39");

thence South 14°14'07" West 49.15 feet;

thence Southwesterly 103.10 feet along the arc of a 119.00 foot radius curve to the right (center bears North 75°45'53" West and the long chord bears South 39°03'22" West 99.91 feet with a central angle of 49°38'29");

thence Southwesterly 100.40 feet along the arc of a 90.00 foot radius curve to the left (center bears South 26°07'24" East and the long chord bears South 31°55'02" West 95.28 feet with a central angle of 63°55'09");

thence South 0°02'33" East 136.59 feet;

thence East 116.23 feet;

thence North 188.61 feet;

thence East 115.65 feet;

thence South 327.62 feet;

thence East 193.09 feet to the west line of Lot 2, Albertson's 10400 South Street

Subdivision;

thence South 156.58 feet along the west line to the Southwest Center of said Lot 2, Albertson's 10400 South Street Subdivision;

thence North 89°57'00" West 461.67 feet along the south line to the Southwest Corner of said Albertson's 10400 South Street Subdivision;

thence North 0°02'34" West 481.22 feet along the west line of said Albertson's 10400 South Street Subdivision;

thence North 89°57'29" east 17.60 feet;

thence Northeasterly 82.88 feet along the arc of a 120.00 foot radius curve to the right (center bears South 65°41'48" East and the long chord bears North 44°05'19" East 81.24 feet with a central angle of 39°34'13");

thence Northeasterly 99.28 feet along the arc of a 89.00 foot radius curve to the left (center bears North 26°07'35" West and the long chord bears North 31°54'57" East 94.21 feet with a central angle of 63°54'57");

thence North 0°02'32" West 97.83 feet;

thence Northwesterly 28.06 feet along the arc of a 35.00 foot radius curve to the left (center bears South 89°57'35" West and the long chord bears North 23°00'13" West 27.31 feet with a central angle of 45°55'36") to the south line of 10400 South Street;

thence South 89°57'00" East 61.10 feet along the south line of said 10400 South Street to the point of beginning.

Parcel 7

✓ Lot 7 of that certain ALBERTSON'S 10400 SOUTH STREET SUBDIVISION, recorded September 5, 2002, in Book 2002P, at Page 243, as Instrument No. 8343187, in the Recorder's Office in Salt Lake County, Utah.

Situate in South Jordan City, Salt Lake County, Utah.

LESS AND EXCEPTING:

A parcel of land for the widening of the existing highway State Route 151 known as Project No. 0151, being part of an entire tract of property situate in Lot 7, Albertson's 10400 South Subdivision, a subdivision situate in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

✓ Beginning at the northeast corner of said Lot 7; and running thence South 15.44 feet along an easterly boundary line of said Lot 7; thence N. 86°03'07" W. 135.22 feet to the westerly boundary line of said Lot 7, to a point 58.90 feet perpendicularly distant southerly from the centerline of said project, opposite approximate Engineers Station 100+95.40; thence N. 6.25 feet along said westerly boundary line to the northwest corner of said Lot 7; thence S. 89°57'00" E. 134.90 feet along the northerly boundary line of said Lot 7 to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land in Salt Lake County, State of Utah, contains 1463 square feet in area, or 0.034 acres, more or less.

Parcel 8

✓ Lot 8 of that certain ALBERTSON'S 10400 SOUTH STREET SUBDIVISION, recorded September 5, 2002, in Book 2002P, at Page 243, as Instrument No. 8343187, in the Recorder's Office in Salt Lake County, Utah.

Situate in South Jordan City, Salt Lake County, Utah.

LESS AND EXCEPTING:

A parcel of land for the widening of the existing highway State Route 151 known as Project No. 0151, being part of an entire tract of property situate in Lot 8, Albertson's 10400 South Subdivision, a subdivision situate in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

✓ Beginning at the northeast corner of said Lot 8; and running thence South 15.44 feet along a westerly boundary line of said Lot 8; thence S. 86°03'17" E. 20.49 feet to a point 69.46 feet perpendicularly distant southerly from the centerline of said project, opposite Engineers Station 102+50.75; thence S. 89°56'32" E. 186.69 feet along a line parallel to said centerline; thence

S. 47°26'42" E. 42.70 feet to the easterly boundary line of said Lot 8; thence N. 34°37'57" W. 55.57 feet along a northeasterly boundary line to the northeast corner of said Lot 8; thence N. 89°57'00" W. 207.00 feet along said northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land in Salt Lake County, State of Utah, contains 3736 square feet in area, or 0.086 acres, more or less.

NOT Yet Built

Messera Tenant

NOT Yet Built

