

When Recorded Return To:  
Smith Knowles, P.C.  
2225 Washington Blvd., Ste. 200  
Ogden, Utah 84401

13024382  
7/8/2019 8:47:00 AM \$236.00  
Book - 10800 Pg - 4576-4580  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
SMITH KNOWLES PC  
BY: eCASH, DEPUTY - EF 5 P.

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

This Fifth Amendment to the Declaration of Condominium of Broadway Tower Condominiums (hereinafter "Fifth Amendment") hereby amends that certain Declaration of Condominium of Broadway Tower Condominiums, recorded in the Salt Lake County Recorder's Office on April 4, 2008, as Entry No. 10391775 ("Enabling Declaration") as amended, and is hereby adopted by the Management Committee for Broadway Tower Homeowners Association, Inc. ("Association"), for and on behalf of its members, and made effective as of the date recorded in the Salt Lake Recorder's Office.

**RECITALS:**

A. This Fifth Amendment affects and concerns the real property located in Salt Lake County, Utah, and more particularly described in the attached **Exhibit "A"** ("Property");

B. On or about April 4, 2008, a Plat map of Broadway Tower Condominiums depicting the project was recorded in the Salt Lake County Recorder's Office as Entry No. 10391774.

C. On or about April 4, 2008, a Declaration of Condominium of Broadway Tower Condominiums was recorded in the Salt Lake County Recorder's Office as Entry No. 10391775 (hereinafter the "Enabling Declaration").

D. On or about September 25, 2008, a First Amendment to Declaration of Condominium Broadway Tower Condominiums was recorded in the Salt Lake County Recorder's Office as Entry No. 10527913 (hereinafter "First Amendment").

E. On or about January 28, 2009, a Second Amendment to Declaration of Condominium Broadway Tower Condominiums was recorded in the Salt Lake County Recorder's Office as Entry No. 10607709 (hereinafter "Second Amendment").

F. On or about October 14, 2010, a Third Amendment to Declaration of Condominium Broadway Tower Condominiums was recorded in the Salt Lake County Recorder's Office as Entry No. 11052760 (hereinafter "Third Amendment").

G. On or about October 21, 2014, an Amended Plat map of Broadway Tower Condominiums depicting the project was recorded in the Salt Lake County Recorder's Office as Entry No. 11932498.

H. On or about October 21, 2014, a Fourth Amendment to Declaration of Condominium Broadway Tower Condominiums was recorded in the Salt Lake County Recorder's Office as Entry No. 11932499 (hereinafter "Fourth Amendment").

I. The Declarant Control Period set forth in the Enabling Declaration has expired.

### **CERTIFICATION**

By signing below, the Management Committee hereby certifies that the Association has obtained the written consent of Owners of Units holding at least sixty-seven percent (67%) of the undivided interest in the Common Areas as required by Article XVIII of the Enabling Declaration approving and consenting to the recording of this Fifth Amendment.

NOW, THEREFORE, pursuant to the foregoing, the Management Committee of the Association hereby makes and executes this Fifth Amendment, which shall be effective as of its recording date.

### **COVENANTS, CONDITIONS AND RESTRICTIONS**

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.

2. No Other Changes. Except as otherwise expressly provided in this Fifth Amendment, the Enabling Declaration, and subsequent amendments, remain in full force and effect without modification.

3. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the Fifth Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Fifth Amendment acting in said capacity.

4. Conflicts. In the case of any conflict between the provisions of this Fifth Amendment and the provisions of the Enabling Declaration or any prior amendments, the provisions of this Fifth Amendment shall in all respects govern and control. In the case of any existing provision with the Enabling Declaration, or prior amendments that could be interpreted as prohibiting the modifications set forth in this Fifth Amendment, such provision is hereby modified in order to accomplish the purpose and intent of this Fifth Amendment.

### **AMENDMENTS**

5. Paragraph 2 in the Third Amendment is deleted in its entirety and hereby replaced by the following language:

Reinvestment Fee. The Association hereby requires a Reinvestment Fee of up to one-half of one percent (0.5%) of the sales price of the Unit. The Management Committee may set the amount of the Reinvestment Fee by Rule or resolution up to the maximum of one-half

of one percent (0.5%) of the sales price of the Unit. Said amount will be divided two-thirds (2/3) to the reserve account and one-third (1/3) to the operating account.

BROADWAY TOWER CONDOMINIUMS

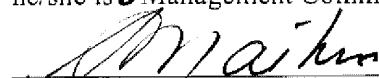
By:

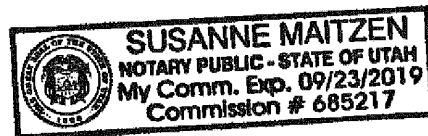
  
\_\_\_\_\_  
TIM HACKWORTH  
Its: Management Committee Member

STATE OF UTAH )

COUNTY OF Salt Lake : ss

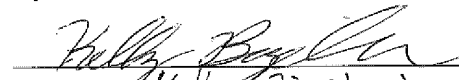
The foregoing instrument was acknowledged before me this 17 day of May, 2019, Tim Hackworth, who by me being duly sworn, did say that he/she is a Management Committee Member of Broadway Tower Condominiums.

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



BROADWAY TOWER CONDOMINIUMS

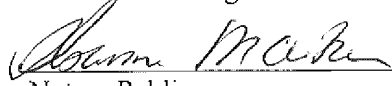
By:

  
\_\_\_\_\_  
Kelly Bigelow  
Its: Management Committee Member

STATE OF UTAH )

COUNTY OF Salt Lake : ss

The foregoing instrument was acknowledged before me this 3 day of May, 2019, Kelly Bigelow, who by me being duly sworn, did say that he/she is a Management Committee Member of Broadway Tower Condominiums.

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



BROADWAY TOWER CONDOMINIUMS

By:

Gordon Godfrey  
Vice-President

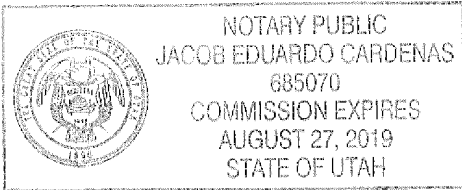
Its: Management Committee Member

STATE OF UTAH )

COUNTY OF Salt Lake : ss

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 2019, Gordon Godfrey, who by me being duly sworn, did say that he/she is a Management Committee Member of Broadway Tower Condominiums.

Jacob Eduardo Cardenas  
Notary Public



**EXHIBIT "A"**

All Units and Common Areas located within the Broadway Tower Condominiums, as the same are identified in the record of Survey Map recorded in Salt Lake County, Utah.

Tax I.D. Nos. 1606185001 through 1606185108