

After Recording Return To:

SEB Legal, LLC
5200 South Highland Drive
Suite 303
Salt Lake City, UT 84117

13364276
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Book - 11000 Pg - 7466-7473
RASHELLE HOBBS
Recorder, Salt Lake County, UT
SEB LEGAL LLC
BY: eCASH, DEPUTY - EF 8 P.

THIRD AMENDMENT TO THE NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MARKETPLACE ACLAIMÉ AT INDEPENDENCE

This Third Amendment to the Neighborhood Declaration of Covenants, Conditions, and Restrictions for Marketplace Aclaime at Independence is executed on the date set forth below by Solis Homes at the Marketplace, LLC, a Utah limited liability company.

RECITALS

- A. The Neighborhood Declaration of Covenants, Conditions, and Restrictions for Marketplace Aclaime at Independence, was recorded in the Salt Lake County Recorder's Office on October 16, 2015, as Entry No. 12152791 in book 10371 at Pages 1249–1288 (the "Declaration");
- B. The Declaration was amended by that certain First Amendment to the Neighborhood Declaration of Covenants, Conditions, and Restrictions for Marketplace Aclaime at Independence, recorded in the Salt Lake County Recorder's Office on June 27, 2018, as Entry No. 12800260 in book 10688 at Pages 4710-4715 (the "First Amendment");
- C. The Declaration was later amended by that certain Second Amendment to the Neighborhood Declaration of Covenants, Conditions, and Restrictions for Marketplace Aclaime at Independence and First Amendment to the Bylaws of Marketplace at Independence Owners Association, Inc., recorded in the Salt Lake County Recorder's Office on June 12, 2020, as Entry No. 13296348 in book 10959 at Pages 8521-8528 (the "Second Amendment");
- D. Unless otherwise specified, this amendment incorporates all defined terms in the Declaration;
- E. Solis Homes at the Marketplace, LLC, is identified as the Declarant under the Declaration;
- F. The Declarant has the unilateral right to amend the Declaration so long as the Declarant owns any Lot in the Project, and the Declarant hereby certifies that it owns at least one Lot in the Project;
- G. This amendment is intended to designate certain parking spaces for the exclusive use of Live-Work commercial townhomes and to clarify maintenance responsibilities for parking areas;
- H. This amendment affects the real property located in Salt Lake County, Utah, described in Exhibit A;
- I. Pursuant to power granted to the Declarant under Article 13 of the Declaration, the Declarant approves of this amendment to the Declaration;

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

Section 5.1 is hereby amended to state the following:

The Association shall improve, develop, supervise, manage, operate, examine, insure, inspect, care for, repair, replace, restore and maintain the Common Areas. The Association shall also maintain, repair, and replace the exterior finished surfaces of the walls, soffit, fascia, and roofs of the Living Units and Live-Work Units. The Association shall also maintain all Limited Common Areas not located within a fenced rear yard area, as well as all Designated Parking Areas, regardless of whether the parking spaces/stalls are designated for exclusive use by certain Owners, Residents, or tenants.

The Board, after notice and opportunity for hearing, or in the case of an emergency immediately, may assume the maintenance responsibility over a Lot if, in the opinion of the Board, the Owner is unwilling or unable to adequately provide such maintenance. Should the Board exercise its right under this provision, it shall not be liable for trespass or nuisance and shall have the right to levy an Individual Assessment to recover its maintenance costs.

Section 7.11.1, already amended on two occasions by the First Amendment and the Second Amendment, is hereby amended to state the following:

7.11.1 The parking rules and regulations adopted by the Board from time to time. The Board shall have the absolute authority to govern the parking areas in the Project by rule or resolution, subject to the restrictions of Section 7.11. Without limiting the generality of the foregoing, the Board shall have the power to designate no-parking areas, handicap parking areas, and time-restricted parking. The Board shall also have the power to designate specific parking areas as leased parking space, and may charge a reasonable fee to Owners or Residents for the right to lease such parking space. Additionally, unless otherwise stated in this Section, the Board may assign parking spaces/stalls to individual Lots, Living Units, or Live-Work Units by rule or resolution.

The Board may create a map showing the different parking areas. The parking map will indicate which parking areas are approved or dedicated for the visitors, customers, clients, and guests of the Live-Work Units. Unless otherwise stated below, any update to the parking map by the Board shall be done by Board rule or resolution and shall be binding on the Association and all Owners and Residents.

Notwithstanding the foregoing, each Live-Work Unit shall be appointed one parking space located along Lewski Lane. Any change to the following parking designations for Live-Work commercial townhomes may only be done by amendment to this Declaration and cannot be done through rule or resolution. The parking designation for exclusive use by the Live-Work commercial townhomes shall be as follows:

<u>Spot 1:</u>	<u>B-1</u>
<u>Spot 2:</u>	<u>B-2</u>
<u>Spot 3:</u>	<u>B-3</u>
<u>Spot 4:</u>	<u>B-4</u>
<u>Spot 5:</u>	<u>B-5</u>
<u>Spot 9:</u>	<u>D-5 (by permit from the Board only)</u>
<u>Spot 14:</u>	<u>BB-1 (by permit from the Board only)</u>
<u>Spot 15:</u>	<u>C-1</u>
<u>Spot 16:</u>	<u>C-2</u>
<u>Spot 17:</u>	<u>C-3</u>
<u>Spot 18:</u>	<u>C-4</u>
<u>Spot 19:</u>	<u>C-4 (by permit from the Board only)</u>

Additionally, regarding parking spots allocated to the Live-Work commercial townhomes:

- (a) Spot 11 is reserved for ADA use. All Association Members, their tenants, and their guests who are otherwise legally permitted to park in an ADA space may use this parking spot.
- (b) Spot 12 is reserved for motorcycle parking. No parking at this spot will be permitted except between the hours of 6AM and 11PM. Any parking in this spot outside of these hours is not permitted. All Association Members, their tenants, and their guests may use this parking spot for motorcycle parking during the designated hours.
- (c) Spots 6, 7, 8, 9, 10, 14 and 19: Parking by permit only. Any Association Member may apply to the Board for a permit to park in any one of these stalls. The Board may lease any such stall to a Member on a first come, first serve basis, provided that the Member will agree to pay a monthly leasing fee that the Association shall determine based on demand.

Requests for a permit may be made to the Board by mail or by email. Within thirty days of receipt of the request, the Board will respond with a determination as to whether the request is approved or denied based on availability, and also with information regarding costs.

However, as to parking spots 9, 14 and 19, the owners of the following Live-Work commercial townhomes shall have a right of first refusal as to any lease/permit for the specific spaces below:

Spot 9: D-5
Spot 14: BB-1
Spot 19: C-4

Any time a request for lease/permit is received by the Board in regards to these spots, the same terms that will be offered to the requesting party shall be offered first to the owner of the corresponding Live-Work commercial townhome from the list above, who shall accept or refuse the proposed terms within ten days of receipt of notice of the terms. If the ten-day time period passes with no response, they shall be deemed to have refused the terms, and the initial requesting party shall be offered the terms by the Board.

The foregoing parking spots (specifically, spots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19) shall be collectively referred to herein as the "Designated Parking Areas".

Anything to the contrary herein notwithstanding, Declarant hereby reserves the right to itself to exempt itself from the rulemaking procedure embodied in Utah Code Ann. § 57-8a-217 as permitted by Utah Code Ann. § 57-8a-217(6). During the period of administrative control (the period of time prior to the Turnover Meeting), Declarant shall have the power to amend, create, or modify in any way Declarant desires, the rules regarding parking referenced in this Section without following the procedures set forth in Utah Code Ann. § 57-8a-217 except that a copy of any new rule or amendment or modification to an existing rule shall be made available to Owners in a timely manner. For the purposes of this provision, and without limiting the methods by which Declarant may make a rule, amendment or modification available to Owners, Declarant shall have made a rule, or amendment or modification of a rule available to Owners by publishing the same on the Association website.

- Continued on Next Page -

IN WITNESS WHEREOF, the Declarant has executed this amendment as of the 5TH day of August, 2020.

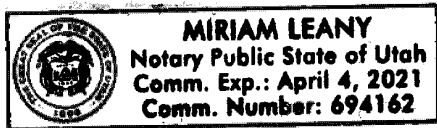
Solis Homes at the Marketplace, LLC



By:
Its authorized representative

STATE OF UTAH)
 :SS
County of Salt Lake)

On the 5th day of August, 2020, personally appeared Ted Payne who, being first duly sworn, did prove on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and did say that s(he) is the Manager of Solis Homes at the Marketplace, LLC, authorized to execute this instrument on behalf of said entity; and acknowledged said instrument to be his/her voluntary act and deed.



Miriam Leany
Notary Public

Exhibit "A"
LEGAL DESCRIPTION

LOTS T50 THROUGH T190 AS SHOWN ON THE MARKETPLACE ACCLAIM AT
INDEPENDENCE PLAT 'A' AS SHOWN ON THE OFFICIAL MAP THEREOF ON RECORD IN
THE SALT LAKE COUNTY RECORDER'S OFFICE.

33123020130000	LOT	T100	14702 S RISING STAR WY
33123020120000	LOT	T101	14698 S RISING STAR WY
33123020110000	LOT	T102	14696 S RISING STAR WY
33123020090000	LOT	T103	14694 S RISING STAR WY
33123020080000	LOT	T104	14692 S RISING STAR WY
33123020070000	LOT	T105	14690 S RISING STAR WY
33123020060000	LOT	T106	14688 S RISING STAR WY
33123020050000	LOT	T107	14686 S RISING STAR WY
33123030010000	LOT	T108	14707 S RISING STAR WY
33123030020000	LOT	T109	14709 S RISING STAR WY
33123030030000	LOT	T110	14713 S RISING STAR WY
33123030040000	LOT	T111	14717 S RISING STAR WY
33123030050000	LOT	T112	14723 S RISING STAR WY
33123030060000	LOT	T113	14725 S RISING STAR WY
33123030070000	LOT	T114	14729 S RISING STAR WY
33123030080000	LOT	T115	14733 S RISING STAR WY
33123030090000	LOT	T116	14737 S RISING STAR WY
33123030100000	LOT	T117	14741 S RISING STAR WY
33123030110000	LOT	T118	14745 S RISING STAR WY
33123030120000	LOT	T119	14749 S RISING STAR WY
33123030130000	LOT	T120	636 W LIFE DR
33123030140000	LOT	T121	632 W LIFE DR
33123030150000	LOT	T122	628 W LIFE DR
33123030270000	LOT	T123	14756 S NOB LN
33123030260000	LOT	T124	14752 S NOB LN
33123030250000	LOT	T125	14748 S NOB LN
33123030240000	LOT	T126	14744 S NOB LN
33123030230000	LOT	T127	14742 S NOB LN
33123030220000	LOT	T128	14738 S NOB LN
33123030210000	LOT	T129	14732 S NOB LN
33123030200000	LOT	T130	14728 S NOB LN
33123030190000	LOT	T131	14724 S NOB LN
33123030180000	LOT	T132	14722 S NOB LN
33123030170000	LOT	T133	14718 S NOB LN
33123030160000	LOT	T134	14714 S NOB LN
33123040010000	LOT	T135	14719 S NOB LN
33123040020000	LOT	T136	14723 S NOB LN
33123040030000	LOT	T137	14725 S NOB LN
33123040040000	LOT	T138	14727 S NOB LN
33123040050000	LOT	T139	14731 S NOB LN
33123040060000	LOT	T140	14735 S NOB LN
33123040070000	LOT	T141	14737 S NOB LN

33123040080000	LOT	T142	14741 S NOB LN
33123040090000	LOT	T143	14743 S NOB LN
33123040100000	LOT	T144	14745 S NOB LN
33123070020000	LOT	T145	608 W LIFE DR
33123070030000	LOT	T146	606 W LIFE DR
33123070040000	LOT	T147	604 W LIFE DR
33123070050000	LOT	T148	602 W LIFE DR
33123070060000	LOT	T149	598 W LIFE DR
33123070070000	LOT	T150	594 W LIFE DR
33123070080000	LOT	T151	592 W LIFE DR
33123070090000	LOT	T152	588 W LIFE DR
33123070100000	LOT	T153	586 W LIFE DR
33123070110000	LOT	T154	582 W LIFE DR
33123070120000	LOT	T155	578 W LIFE DR
33123070130000	LOT	T156	576 W LIFE DR
33123070140000	LOT	T157	574 W LIFE DR
33123070150000	LOT	T158	572 W LIFE DR
33123070160000	LOT	T159	568 W LIFE DR
33123050190000	LOT	T160	14777 S LEWSKI LN
33123050180000	LOT	T161	14773 S LEWSKI LN
33123050170000	LOT	T162	14771 S LEWSKI LN
33123050160000	LOT	T163	14767 S LEWSKI LN
33123050150000	LOT	T164	14763 S LEWSKI LN
33123050140000	LOT	T165	14759 S LEWSKI LN
33123050130000	LOT	T166	14757 S LEWSKI LN
33123050120000	LOT	T167	14753 S LEWSKI LN
33123050110000	LOT	T168	14751 S LEWSKI LN
33123050090000	LOT	T169	562 W LEWSKI LN
33123050080000	LOT	T170	564 W LEWSKI LN
33123050070000	LOT	T171	566 W LEWSKI LN
33123050060000	LOT	T172	568 W LEWSKI LN
33123050050000	LOT	T173	572 W LEWSKI LN
33123050040000	LOT	T174	576 W LEWSKI LN
33123050030000	LOT	T175	578 W LEWSKI LN
33123050020000	LOT	T176	582 W LEWSKI LN
33123050010000	LOT	T177	584 W LEWSKI LN
33123060010000	LOT	T178	14733 S ASHER LN
33123060020000	LOT	T179	14735 S ASHER LN
33123060030000	LOT	T180	14737 S ASHER LN
33123060040000	LOT	T181	14741 S ASHER LN
33123060050000	LOT	T182	14745 S ASHER LN
33123060060000	LOT	T183	577 W LEWSKI LN
33123060070000	LOT	T184	575 W LEWSKI LN
33123060080000	LOT	T185	573 W LEWSKI LN
33123060090000	LOT	T186	571 W LEWSKI LN
33123060100000	LOT	T187	569 W LEWSKI LN
33123060110000	LOT	T188	567 W LEWSKI LN
33123060120000	LOT	T189	565 W LEWSKI LN
33123060130000	LOT	T190	563 W LEWSKI LN
33123020690000	LOT	T50	14798 S RISING STAR WY
33123020680000	LOT	T51	14796 S RISING STAR WY

33123020670000	LOT	T52	14794 S RISING STAR WY
33123020660000	LOT	T53	14792 S RISING STAR WY
33123020650000	LOT	T54	14788 S RISING STAR WY
33123020630000	LOT	T55	662 W KOINS WY
33123020620000	LOT	T56	664 W KOINS WY
33123020610000	LOT	T57	666 W KOINS WY
33123020600000	LOT	T58	668 W KOINS WY
33123020590000	LOT	T59	670 W KOINS WY
33123020550000	LOT	T60	14782 S RISING STAR WY
33123020560000	LOT	T61	14780 S RISING STAR WY
33123020570000	LOT	T62	14778 S RISING STAR WY
33123020530000	LOT	T63	14776 S RISING STAR WY
33123020520000	LOT	T64	14774 S RISING STAR WY
33123020510000	LOT	T65	14772 S RISING STAR WY
33123020500000	LOT	T66	14770 S RISING STAR WY
33123020490000	LOT	T67	14768 S RISING STAR WY
33123020480000	LOT	T68	14766 S RISING STAR WY
33123020470000	LOT	T69	14764 S RISING STAR WY
33123020460000	LOT	T70	14762 S RISING STAR WY
33123020450000	LOT	T71	14760 S RISING STAR WY
33123020440000	LOT	T72	14758 S RISING STAR WY
33123020420000	LOT	T73	14756 S RISING STAR WY
33123020410000	LOT	T74	14754 S RISING STAR WY
33123020400000	LOT	T75	14752 S RISING STAR WY
33123020390000	LOT	T76	14750 S RISING STAR WY
33123020380000	LOT	T77	14748 S RISING STAR WY
33123020370000	LOT	T78	14746 S RISING STAR WY
33123020360000	LOT	T79	
33123020350000	LOT	T80	14742 S RISING STAR WY
33123020340000	LOT	T81	14740 S RISING STAR WY
33123020330000	LOT	T82	14738 S RISING STAR WY
33123020310000	LOT	T83	14736 S RISING STAR WY
33123020300000	LOT	T84	14734 S RISING STAR WY
33123020290000	LOT	T85	14732 S RISING STAR WY
33123020280000	LOT	T86	14730 S RISING STAR WY
33123020270000	LOT	T87	14728 S RISING STAR WY
33123020260000	LOT	T88	14726 S RISING STAR WY
33123020250000	LOT	T89	14724 S RISING STAR WY
33123020240000	LOT	T90	14722 S RISING STAR WY
33123020230000	LOT	T91	14720 S RISING STAR WY
33123020220000	LOT	T92	14718 S RISING STAR WY
33123020200000	LOT	T93	14716 S RISING STAR WY
33123020190000	LOT	T94	14714 S RISING STAR WY
33123020180000	LOT	T95	14712 S RISING STAR WY
33123020170000	LOT	T96	14710 S RISING STAR WY
33123020160000	LOT	T97	14708 S RISING STAR WY
33123020150000	LOT	T98	14706 S RISING STAR WY
33123020140000	LOT	T99	14704 S RISING STAR WY

PARCEL AREA AND PARCEL D THROUGH V AS SHOWN ON THE MARKETPLACE ACCLAIM
AT INDEPENDENCE PLAT 'A' AS SHOWN ON THE OFFICIAL MAP THEREOF ON RECORD IN
THE SALT LAKE COUNTY RECORDER'S OFFICE.

33123050100000	Parcel D
33123030290000	Parcel E
33123070010000	Parcel F
33123020640000	Parcel G
33123020700000	Parcel H
33123020540000	Parcel I
33123020430000	Parcel J
33123020320000	Parcel K
33123020210000	Parcel L
33123020100000	Parcel M
33123030280000	Parcel N
33123040110000	Parcel P
33123070170000	Parcel Q
33123060140000	Parcel R
33123050200000	Parcel S
33123020580000	Parcel T
33123020020000	Parcel U
33123020030000	Parcel V
33123020010000	AREA