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Book - 11032 Pg - 201-207
RASHELLE HOBBS
Recorder, Salt Lake County, UT
SEB LEGAL LLC
BY: eCASH, DEPUTY - EF 7 P.

After Recording Return To:

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

**FIFTH 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.**

This Fifth 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 (“Declarant”).

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;
- 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;
- D. The Declaration was amended a third time by that certain Third 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 August 18, 2020, as Entry No. 13364276 in Book 1100 at Pages 7466-7473;
- E. The Declaration was amended a fourth time by that certain Fourth 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 September 30, 2020, as Entry No. 13410946 in Book 11029 at Pages 2922-2928;
- F. Unless otherwise specified, this amendment incorporates all defined terms in the Declaration and subsequent amendments;
- G. Solis Homes at the Marketplace, LLC, is identified as the Declarant under the Declaration;

- H. 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;
- I. This amendment is intended to exempt hair salons from the prohibitions found in Section 7.10 - Live-Work Units and to further exempt beauty salons, subject to Bluffdale City Code;
- J. This amendment affects the real property located in Salt Lake County, Utah, described in Exhibit A;
- K. 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 7.10 is amended in its entirety to read as follows:

7.10 Live-Work Units

No portion of a Live-Work Unit may be utilized as a warehouse; secondhand store; unemployment or welfare office; pet shop; animal raising business; veterinary hospital; any medical use generating bio-hazardous materials; pool hall; "adult" type bookstore; liquor store; bar or tavern; private club; commercial laundry; dry cleaning plant; laundromat; massage parlor; sexually oriented business (as that term is defined in the Bluffdale City Code); theater exhibiting pornographic movies or productions; arcade or game room; smoke shop; head shop or any establishment displaying or selling drug paraphernalia; tattoo studio; sports game or off-track betting facility; mortuary, crematorium, or funeral home; auto parts store; convenience store; fire sale, bankruptcy sale, or auction house operation; or any other operation which causes unreasonable amounts of traffic or noise, leads to loitering on the sidewalks or stoops, or which causes objectionable odors. Should any Live-Work Unit violate these restrictions, the Association may, after notice to the Owner, evict the tenant for violation of the restrictions. Any expenses incurred by the Association, including attorney's fees and court costs, shall be collectable from the Owner as an assessment.

The foregoing prohibition on massage parlors shall not be read to include those individuals legally and appropriately licensed by the Utah Department of Occupation and Professional Licensing ("DOPL") as a massage therapist, Chiropractic Physician or Physical Therapist (PT), as such individuals may, with the written approval from the HOA board, perform work for which they hold the above-described license(s) out of their Unit.

IN WITNESS WHEREOF, the Declarant has executed this amendment as of the 2nd day of October 2020 for itself and also on behalf of the Board which it controls.

Solis Homes at the Marketplace, LLC



By:

Its authorized representative

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
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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
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33123070030000	LOT	T146	606 W LIFE DR
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33123070050000	LOT	T148	602 W LIFE DR
33123070060000	LOT	T149	598 W LIFE DR
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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
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33123060120000	LOT	T189	565 W LEWSKI LN
33123060130000	LOT	T190	563 W LEWSKI LN
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33123020670000	LOT	T52	14794 S RISING STAR WY
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33123020620000	LOT	T56	664 W KOINS WY
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33123020560000	LOT	T61	14780 S RISING STAR WY
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33123020490000	LOT	T67	14768 S RISING STAR WY
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33123020410000	LOT	T74	14754 S RISING STAR WY
33123020400000	LOT	T75	14752 S RISING STAR WY
33123020390000	LOT	T76	14750 S RISING STAR WY
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33123020220000	LOT	T92	14718 S RISING STAR WY
33123020200000	LOT	T93	14716 S RISING STAR WY
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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