

When Recorded Please Return to:

Anthem Center, LLC
10610 South Jordan Gateway, Suite 110
South Jordan, Utah 84095
Attn: Cory Gust
26-25-178-015

14034972 B: 11381 P: 8867 Total Pages: 7
10/26/2022 03:06 PM By: zjorgensen Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: STEWART TITLE OF UTAH
6955 S UNION PARK CTR STE 100MIDVALE, UT 840476516

SUPPLEMENT TO DECLARATION OF EASEMENTS AND CONDITIONS

THIS SUPPLEMENT TO DECLARATION OF EASEMENTS AND CONDITIONS (this “Supplement”) is executed as of the 26 day of October, 2022, by ANTHEM CENTER, LLC, a Utah limited liability company (“Anthem”).

RECITALS:

A. Anthem and WINCO FOODS, LLC, a Delaware limited liability company (“WinCo”) entered into that certain Declaration of Easements and Conditions dated April 23, 2019 and recorded in the Salt Lake County Recorder’s Office as Document 12973216 (as amended, restated, supplemented or otherwise modified from time to time, the “DEC”).

B. Pursuant to the DEC, Anthem and WinCo have established certain rights to use the Center Signs (as defined in the DEC).

C. Pursuant to Section 3.2 of the DEC, Anthem has the right to use the remaining area on the Center Signs not designated for use by the owner of the WinCo Parcel (as defined in the DEC) and may separately designate the parties and/or Anthem Parcels (as defined in the DEC) entitled to use the remaining area on the Center Signs pursuant to a sign agreement which may be recorded as a supplement to the DEC against the Parcels subject to the Center Signs.

D. Anthem hereby desires to grant the right to the owner of the Anthem Parcel described on Exhibit “B” attached hereto (the “Designated Parcel”) to use the sign panel on a portion of the Center Signs located on the real property described on Exhibit “A” attached hereto, and generally depicted in the areas shown on Exhibit “C” attached hereto and made a part hereof (individually and collectively, as the context may require, the “Sign Location”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Incorporation; Defined Terms. The recitals set forth above are hereby incorporated into this Supplement by reference. Capitalized terms used but not otherwise defined herein shall have their meanings set forth in the DEC.

2. Designation. In accordance with the DEC, Anthem hereby grants to the owner of the Designated Parcel the right to install the sign panels on the Center Signs in the Sign Location. Such

owner shall install and maintain such sign panel in accordance with the requirements of the DEC, and shall be responsible for such owner's share of the costs and expenses of operating, repairing, replacing and maintaining the Center Signs on which such owner's sign panel is located in accordance with the requirements of the DEC. The use of any such sign panel shall at all times comply with the requirements of the DEC. Anthem shall not revoke the right to use the sign panels granted herein to the owner of the Designated Parcel without prior written consent of such owner.

3. Conflict. In the event of a conflict between this Supplement and the DEC, the DEC will control. This Supplement will not amend or modify the DEC, but shall supplement the DEC to the extent permitted by Section 3.2 of the DEC.

4. Counterparts. This Supplement may be executed in counterparts.

5. Applicable Law. This Supplement shall be construed, enforced and interpreted in accordance with the laws of the State of Utah, excluding any choice of law rules that would apply the law of another jurisdiction.


[Signatures commence on following page]

IN WITNESS WHEREOF, Anthem has executed this Supplement on the date first set forth above.

“ANTHEM”

ANTHEM CENTER, LLC,
a Utah limited liability company,
by its Managers

Arbor Commercial Real Estate L.L.C., a Utah limited liability company

By: 

Name: CORY GUST
Title: MANAGER

Anthem Commercial, LLC, a Utah limited liability company

By: 

Name: RYAN BUTTON
Title: MANAGER

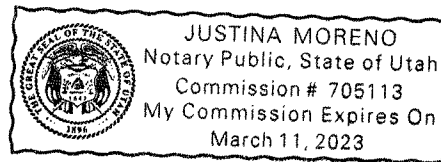
STATE OF UTAH)
)ss.
County of Salt Lake)

On this 25 day of October, 2022 before me, a Notary Public, personally appeared Coey Gust, known or proved to me to be a manager of Arbor Commercial Real Estate L.L.C., a Utah limited liability company, a manager of Anthem Center, LLC, a Utah limited liability company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Justina Moreno
Notary Public

Residing at



STATE OF UTAH)
)ss.
County of Salt Lake)

On this 25 day of October, 2022 before me, a Notary Public, personally appeared Ryan Burton, known or proved to me to be a manager of Anthem Commercial, LLC, a Utah limited liability company, a manager of Anthem Center, LLC, a Utah limited liability company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Justina Moreno
Notary Public

Residing at

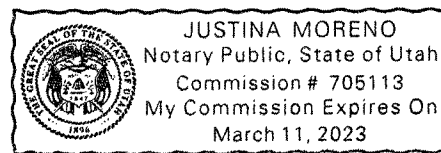


EXHIBIT A

Legal Description of Parcel on which Center Sign is Located

Lot 403, Anthem Commercial 4th Amended Subdivision, Amending Lots 302 and 308 of Anthem Commercial 3rd Amended Subdivision, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

Lot 309, 310 Anthem Commercial 3rd Amended Subdivision , Amending Lots 2 Thru 5 of Anthem Commercial Subdivision, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

Tax Parcel ID: 26-25-128-005 and 26-25-252-902
26-25-252-003

EXHIBIT B

Legal Description of Designated Parcel

PARCEL 1:

Lot 701, Anthem Commercial 7th Amended Subdivision, Amending Lots 501 and 505 of Anthem Commercial 5th Amended Subdivision, according to the plat thereof recorded June 6, 2022 as Entry No. 13965802 in Book 2022P of Plats at Page 135 in the office of the Salt Lake County Recorded.

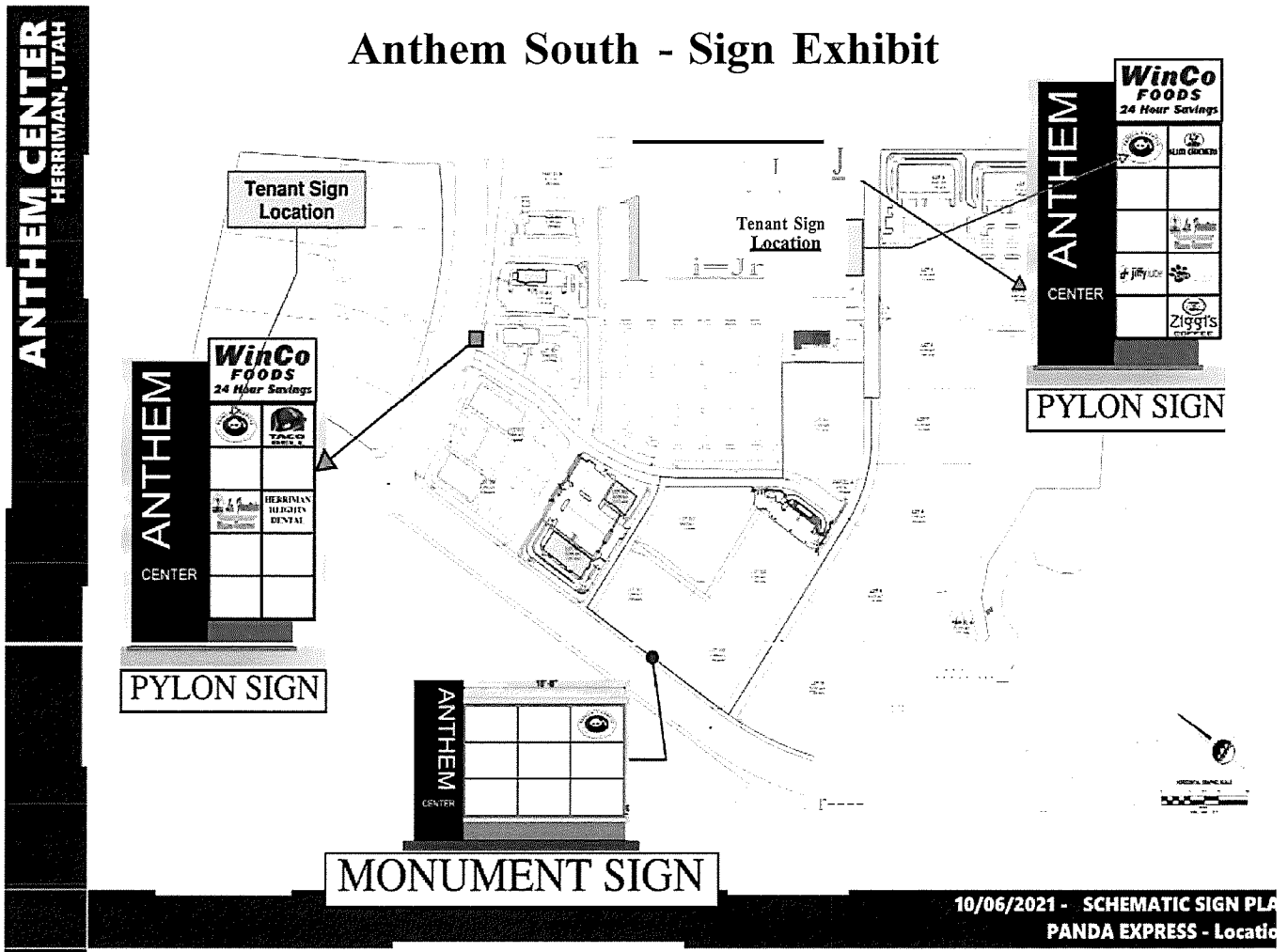
PARCEL 2:

Non-exclusive easements appurtenant to Parcel 1, as set forth in Declaration of Easement and Conditions, recorded April 23, 2019, as Entry No. 12973216, in Book 10772, at Page 8661, as amended by First Amendment to Declaration of Easements and Conditions, recorded August 13, 2019, as Entry No. 13051013, in Book 10815, Page 8588, as amended by Supplement to Declaration of Easements, recorded June 30, 2020, as Entry No. 13314863, in Book 10971, Page 2551, as amended by Supplement to Declaration

Tax Parcel ID: [_____]

EXHIBIT C

Pylon Signage Location¹



1 To be updated to remove monument sign as that will be address in another agreement.