

**SECOND AMENDMENT  
TO THE  
DECLARATION FOR BRICKYARD CONDOMINIUMS**

This SECOND AMENDMENT TO THE DECLARATION FOR BRICKYARD CONDOMINIUMS ("Second Amendment") is effective when recorded with the Salt Lake County Recorder's Office by Brickyard Home Owners Association ("Association").

**RECITALS**

- A. The Final Declaration for Brickyard Condominiums—Phases I and II was recorded on November 14, 1978 as Entry No. 3197101 in the Office of the Salt Lake County Recorder ("Declaration").
- B. The Amendment to the Declaration for Brickyard Condominiums was recorded on August 3, 2021 as Entry No. 13735065 in the Office of the Salt Lake County Recorder.
- C. This Second Amendment affects the real property situated in Salt Lake City, Salt Lake County, Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated in this Second Amendment by reference (the "Project") and shall be binding on all parties having or acquiring any right, title, or interest to the Project or any part thereof.
- D. Pursuant to Article III, Section 24 of the Declaration, the undersigned hereby certifies that this Second Amendment was approved by at least two-thirds (2/3) of the undivided ownership interest in the Common Area and Facilities.
- E. Unless specifically modified herein, all remaining provisions of the Declaration shall remain in full force and effect.
- F. In case of any conflict between the terms of this Second Amendment and the terms of the Declaration, the provisions of this Second Amendment shall control.
- G. Unless otherwise provided in this Second Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.

## SECOND AMENDMENT

NOW, THEREFORE, the Declaration is amended as follows:

**1. Article III, Subsection 20(k) (Reinvestment Fee) is hereby added to the Declaration and shall read as follows:**

- (k) Reinvestment Fee. The Association shall have the right to collect a "Reinvestment Fee" assessment in accordance with this Section and Utah Code §57-1-46. The following terms and conditions shall govern Reinvestment Fees:
- (1) Upon the occurrence of any sale, transfer, or conveyance of any Unit as reflected in the office of the Salt Lake County recorder, regardless of whether it is pursuant to the sale of the Unit or not (as applicable, a "Transfer"), the party receiving title to the Unit (the "Transferee") shall pay to the Association a Reinvestment Fee.
  - (2) The Board shall have the power to set the amount of the Reinvestment Fee, in the Board's sole discretion, provided that in no event shall the amount of the Reinvestment Fee exceed the maximum rate permitted by law. If no amount is otherwise set by the Board, the amount of the Reinvestment Fee shall be the maximum rate permitted by law.
  - (3) The Association shall not levy or collect a Reinvestment Fee for any of the Transfer exempted by Utah Code §57-1-46.
  - (4) The Reinvestment Fee shall be due and payable by the Transferee to the Association at the time of the Transfer giving rise to the payment of such Reinvestment Fee and shall be treated as an assessment against the Unit and, if unpaid, may be collected in the same manner as an unpaid assessment.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]*

**CERTIFICATION**

IN WITNESS WHEREOF, this Second Amendment to the Declaration for Brickyard Condominiums was approved by at least two-thirds (2/3) of the undivided ownership interest in the Common Area and Facilities.

DATED as of the 3 day of August, 2023.

**Brickyard Home Owners Association**  
A Utah Nonprofit Corporation

BRADLEY DICKTER

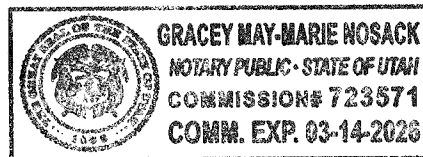
By: *Bradley Dickter*

Its: President

State of Utah )  
County of Salt Lake ) ss.

On the 3<sup>rd</sup> day of August, 2023, personally appeared before me Bradley Dickter who by me being duly sworn, did say that she/he is the President of Brickyard Home Owners Association and that the foregoing instrument is signed on behalf of said corporation and executed with all necessary authority.

Notary Public *Gracey May-Marie Nosack*



## EXHIBIT A

### Legal Description and Parcel Numbers

All Units (101-106, 201-206, 301-306, 401-406, 501-506, 601-606, 701-706, 801-806, and 901-906) and Common Area as shown on The Brickyard Condominiums Phase 1 Plat on file in the Salt Lake County Recorder's Office.

**Parcel Numbers: 16:29:255:056:0000 (Common Area)  
16:29:358:002:0000 through 16:29:258:055:0000**

All Units (1001-1006, 1101-1106, 1201-1206, 1301-1306, 1401-1406, 1501-1506, 1601-1606, 1701-1706, and 1801-1806) and Common Area as shown on The Brickyard Condominiums Phase 2 Plat on file in the Salt Lake County Recorder's Office.

**Parcel Numbers: 16:29:255:002:0000 through 16:29:255:055:0000  
16:29:255:056:0000 (Common Area)**

(110 Total Parcels)