

1533144

BOOK 1402 PAGE 621

Recorded APR 4 1957 at 2:04 P.m.  
Request of First Baptist Church of Kearns  
Fee Paid. Hazel Taggart Chase,  
Recorder, Salt Lake County, Utah  
\$ 3.10 By A. M. Jensen Deputy  
Ref. 4380 West 5295 So. Kearns.

F & S CONSTRUCTION CO., INC.

-to-

Whom It May Concern.

Entry No. \_\_\_\_\_  
Recorded \_\_\_\_\_  
Book \_\_\_\_\_  
Dated March 20, 1957

KNOW ALL MEN BY THESE PRESENTS:

That the owners of all of the property and premises situated in Salt Lake County, and described as follows:

HOFFMAN HEIGHTS #4 Extended, a subdivision in Salt Lake County, Utah, according to the official plat thereof on file and of record in the office of the County Recorder of Salt Lake County, Utah, as Entry #1375898, in Book "0" of Maps, Page 25 thereof,

and

All of Lots 3 and 4, Kearns Townsite, Plat 7 as Amended, a subdivision of part of Section 7, Township 2 South, Range 1 West, S. L. B. M., according to the official plat thereof on record.

by petition dated May 8, 1956, and recorded as part of Entry No. 1495459, recorded August 2, 1956, Book 1333, Page 268, and by petition dated February 28, 1957, filed herewith have evidenced their desire and agreement that Declaration of Building and Use Restrictions dated June 9, 1954, recorded June 11, 1954, Book 1095, Pages 399 and 400, Entry No. 1376287, Declaration of Building and Use Restrictions dated May 6, 1953, recorded May 9, 1953, in Book 1006, Pages 27-29, Entry No. 1328965, and Declaration of Building and Use Restrictions dated June 30, 1949, recorded July 1, 1949, in Book 690, Pages 298-305, Entry No. 1162903, should be amended to permit the construction of a church building on Block 21, HOFFMAN HEIGHTS #4 Extended, and on Lots 3 and 4, Kearns Townsite, Plat 7 as Amended, being bounded by 4520 West Street and 4420 West Street, and with frontage on 5175 South Street.

That it is hereby established that the nature of the use and enjoyment of all lots in said subdivision, and that all conveyances of those lots, shall be subject to the following conditions, restrictions and stipulations:

Declaration of Building and Use Restrictions, dated June 9, 1954, recorded on June 11, 1954, Book 1095, Pages 399 and 400, in the Salt Lake County Recorder's Office, Entry No. 1376287, as amended by Amendment to Declaration of Building and Use Restrictions recorded August 2, 1956, in Book 1333, Page 268, Entry No. 1495459, Declaration of Building and Use Restrictions dated May 6, 1953, recorded May 9, 1953, in Book 1006, Pages 27-29, Entry No. 1328965, and Declaration of Building and Use Restrictions dated June 30, 1949, recorded July 1, 1949, in Book 690, Pages 298-305, Entry No. 1162903, are amended and corrected as follows:

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There is hereby added at the end of each of the aforesaid Declarations of Building and Use Restrictions the following paragraph:

"Notwithstanding any condition, restriction, or stipulation hereinbefore set out, a church may be constructed on Block 21, HOFFMAN HEIGHTS #4 Extended, and on Lots 3 and 4, Kearns Townsite, Plat 7 as amended, being bounded by 4520 West and 4420 West Street with frontage on 5175 South Street."

F & S CONSTRUCTION CO., INC.  
By W. S. Burrows, Attorney in Fact

KEARNS TOWNSITE, INC.  
By Alvin I. Smith, Attorney in Fact

STATE OF UTAH )  
COUNTY OF SALT LAKE ) SS

On this 20 day of March, 1957, personally appeared before me W. S. BURROWS, who being by me duly sworn did say: That he is the Attorney in Fact for F & S CONSTRUCTION CO., INC., and that the above and foregoing instrument was signed by him in behalf of said corporation by authority of a resolution of its Board of Directors, and said W. S. BURROWS acknowledged to me that said corporation executed the same.

Earl Monsey  
Notary Public

STATE OF UTAH )  
COUNTY OF SALT LAKE ) SS

On this 20 day of March, 1957, personally appeared before me ALVIN I. SMITH, who being by me duly sworn did say: That he is the Attorney in Fact for KEARNS TOWNSITE, INC., and that the above and foregoing instrument was signed by him in behalf of said corporation by authority of a resolution of its Board of Directors, and said ALVIN I. SMITH acknowledged to me that said corporation executed the same.

Earl Monsey  
Notary Public

PETITION

This petition made and presented for the signature of petitioners on this 28th day of February, 1957, on behalf of the undersigned petitioners for the purpose of amending:

(a) Declaration of Building and Use Restrictions dated June 9, 1954, recorded June 11, 1954, Book 1095, Pages 399 and 400, Entry No. 1376287,

(b) Declaration of Building and Use Restrictions dated May 6, 1953, recorded May 9, 1953, Book 1006, Pages 27-29, Entry No. 1328965, and

(c) Declaration of Building and Use Restrictions dated June 30, 1949, recorded July 1, 1949, Book 690, Pages 298-305, Entry No. 1162903.

WITNESSETH:

WHEREAS, the aforesaid Declarations of Building and Use Restrictions provide that the lots within the areas covered by such declarations shall be used for residential purposes only expressly or by implication prohibit the construction of a church building within the boundaries of said areas; and

WHEREAS, the undersigned petitioners desire to permit a church building to be constructed within the aforesaid areas for the further edification of the property holders within said areas; and

WHEREAS, the undersigned further agree that a church structure constructed within said areas would in no way detract, take away, or diminish the value of the properties within said areas.

NOW, THEREFORE, in view of the aforementioned facts and consideration, we the undersigned hereby grant permission for the construction of a church building on the site known as:

Block 21, HOFFMAN HEIGHTS #4 Extended, and Blocks 3 and 4, Kearns Townsite Plat 7, being bounded by 4520 West Street and 4420 West Street.

|  |                                       |
|--|---------------------------------------|
| 4466 W. 5215 S. <u>Lucas C. Cline</u>    | 4456 W. 5215 S. <u>Jack C. Whitch</u> |
| <u>Lucas C. Cline</u>                    | <u>Alice C. Whitch</u>                |
| 4486 W. 5215 S. <u>Albert A. Gerhart</u> | 4466 W 5215 S <u>Albert A Gerhart</u> |
| <u>Albert A. Gerhart</u>                 | <u>FOR MARIAN O. GERHART</u>          |
| 5195 S. 4520 W. <u>A. W. Moore</u>       |                                       |
| <u>A. W. Moore</u>                       |                                       |
| 5205 S. 4520 W. <u>Dell E. East</u>      |                                       |
| <u>Dell E. East</u>                      |                                       |
| <u>Paul J. East</u>                      |                                       |