

WHEN RECORDED RETURN TO:
DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058

ENT 59660:2002 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 May 24 11:03 am FEE 41.00 BY ML
RECORDED FOR CITY OF SARATOGA SPRINGS

**FIRST SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS**
an expandable Utah condominium project

This FIRST SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS , an expandable Utah condominium project, is made and executed by DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 and CENTRALBANK, CUSTODIAN FBO KIM A. COOPER IRA ACCOUNT #20220, of 758 South 400 East, Orem, Utah, 84097 (the "Declarants").

RECITALS

Whereas, the original Declaration of Condominium for DAYBREAK AT HARVEST HILLS was recorded in the office of the County Recorder of Utah County, Utah on the 2nd day of May, 2002 as Entry No. 50342:2002 in Page(s) 1- 59 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Phase II Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase II Property a residential condominium development.

Whereas, Declarant now intends that the Phase II Property shall become subject to the Declaration.

AGREEMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FIRST SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. **First Supplement to the Declaration** shall mean and refer to this FIRST SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

B. **First Supplemental Map or Phase II Map** shall mean and refer to the Supplemental Plat Map for Phase II of the Project, prepared and certified to by Gary Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-2 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. **Annexation.** Declarant hereby declares that the Phase II Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-2 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Phase II Map, one Building and twelve (12) additional Units are or will be constructed and/or created in the Project on the Phase II Property. The additional Building and Units are located within a portion of the Additional Land.

Upon the recordation of the Phase II Map and this First Supplement to the Declaration, the total number of Units in the Project will be twenty-four (24). The additional Building and Units are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phase.

5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Revised Exhibit 'C,'" attached hereto and

incorporated herein by this reference, is substituted in lieu thereof.

6. **Effective Date.** The effective date of this First Supplement to the Declaration and the Phase II Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

EXECUTED the 30 day of April, 2002.

DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.,
a Utah limited liability company

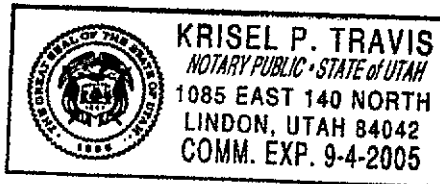
Daybreak at Harvest Hills Development LC
Wayne H. Corbridge

By: _____
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 30 day of April, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.

Krisel P. Travis
NOTARY PUBLIC
Residing At: *Lindon*
Commission Expires: *9/4/05*



CENTRAL BANK, CUSTODIAN FBO KIM A. COOPER
IRA ACCOUNT #20220

ENT 59660:2002 PG 4 of 6

By: *Kathy Klindt*
Name: Kathy Klindt
Title: Assistant Trust Officer

State of Utah)
County of Utah)

Acknowledgement

On this 30 day of April, 2002, before me personally appeared Kathy Klindt, to me known to be the Assistant Trust Officer of Central Bank, authorized agent for the corporation that executed the within and foregoing instrument and acknowledged the instrument to be the free and voluntary act and deed of the corporation, by authority of its bylaws or by resolution of its Board of Directors, for the uses and purposed therein mentioned, and on oath, state that she was authorized to execute the instrument and that the seal affixed is the corporate seal of the corporation.

Krisel P. Travis

Notary Public

My commission expires : 9/4/05



REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	A	1	4.166%
1	A	2	4.166%
1	A	3	4.166%
1	A	4	4.166%
1	A	5	4.166%
1	A	6	4.166%
1	A	7	4.166%
1	A	8	4.166%
1	A	9	4.166%
1	A	10	4.166%
1	A	11	4.166%
1	A	12	4.166%
2	B	1	4.166%
2	B	2	4.166%
2	B	3	4.166%
2	B	4	4.166%
2	B	5	4.166%
2	B	6	4.166%
2	B	7	4.166%
2	B	8	4.166%
2	B	9	4.166%
2	B	10	4.166%
2	B	11	4.166%
2	B	12	4.166%
TOTAL:			100.0%