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KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
WEST JORDAN CITY
REC BY: KARMA BLANCHARD, DEPUTY

WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Attorney
8000 South Redwood Road
West Jordan, Utah 84088

6018855

FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM

INCORPORATION OF PHASE I AND II

THIS FOURTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF DAYBREAK HILL PHASE I AN EXPANDABLE CONDOMINIUM COMMUNITY is for the purpose of INCORPORATION OF PHASE I AND II, and is dated for reference purposes only, December 1, 1993, and is made by Daybreak Hill Inc., a Utah Corporation for itself, its successors, grantees and assigns, pursuant to the Condominium Ownership Act.

Recitals:

A. Daybreak Hill, a Utah corporation, hereinafter referred to as "Daybreak" has purchased land, hereinafter referred to as "Phase II" more particularly described on the attached plat map of Phase Two attached with and made a part of this Fourth Amendment, and has obtained the rights to expand Daybreak Hill Condominiums, an Expandable Condominium Community, hereinafter referred to as "The Project", from The Ervin Group, a Utah corporation hereinafter referred to as "Ervin". Daybreak is constructing two buildings on Phase II land and wishes to adjoin Phase I and II together for the mutual benefit and interest of the present and future residences. The Owners of the Phase I units have agreed to the expansion of the project and adjoinment of Phase I and II, as evidenced by the creation and recordation of Amendment Number Three, recorded July 16, 1993 as document Number 555596, Book 6710 Page 0843, incorporated herein by this reference. Also, that a declaratory judgment has been made with respect to extending the lawful time of expansion for the entire project which a certified copy and related documents are attached hereto as Exhibit "A" and by this reference herein, made a part of this Fourth Amendment.

LIGHT TYPE
CO. RECORDER

TERMS AND CONDITIONS OF AGREEMENT

NOW, THEREFORE, for the sum of Ten Dollars and in consideration of the mutual promises and obligations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. AMENDMENT TO DECLARATION The following additions, deletions and revisions are hereby made to the Declaration:

a. Daybreak Hill Inc. as assignee of the Ervin Group, files this fourth Amendment to the Declaration of Condominium, An Expandable Condominium Community, pursuant to the terms and conditions set forth in section 27 of the Declaration for Condominium, does so for the purpose of incorporating Phase I with Phase II and upon and at the time of said incorporation, revises the percentage of ownership for each owner from 1/16 (one sixteenth) of Phase I and Phase II separately, to 1/32 (one thirty second) of the adjoined Phases I & II AS FOLLOWS ON PAGE TWO ATTACHED:

BK 6826 PG 1955

BUILDING	UNIT	OWNERSHIP	PERCENT	BUILDING	UNIT	OWNERSHIP
B	101	ONE/THIRTY SECOND		D	101	ONE/THIRTY SECOND
B	102	ONE/THIRTY SECOND		D	102	ONE/THIRTY SECOND
B	103	ONE/THIRTY SECOND		D	103	ONE/THIRTY SECOND
B	104	ONE/THIRTY SECOND		D	104	ONE/THIRTY SECOND
B	201	ONE/THIRTY SECOND		D	201	ONE/THIRTY SECOND
B	202	ONE/THIRTY SECOND		D	202	ONE/THIRTY SECOND
B	203	ONE/THIRTY SECOND		D	203	ONE/THIRTY SECOND
B	204	ONE/THIRTY SECOND		D	204	ONE/THIRTY SECOND
C	101	ONE/THIRTY SECOND		E	101	ONE/THIRTY SECOND
C	102	ONE/THIRTY SECOND		E	102	ONE/THIRTY SECOND
C	103	ONE/THIRTY SECOND		E	103	ONE/THIRTY SECOND
C	104	ONE/THIRTY SECOND		E	104	ONE/THIRTY SECOND
C	201	ONE/THIRTY SECOND		E	201	ONE/THIRTY SECOND
C	202	ONE/THIRTY SECOND		E	202	ONE/THIRTY SECOND
C	203	ONE/THIRTY SECOND		E	203	ONE/THIRTY SECOND
C	204	ONE/THIRTY SECOND		E	204	ONE/THIRTY SECOND

And that at the time of adjoining the phases, the condominium association will elect officials to represent the adjoining phases as required within the existing Bylaws and Declaration of Condominium, which remain in full force and effect. Recorded with and as a part of this fourth amendment, is the plat map with the Legal description of Phase II. Phase I legal description is referred to in the previously recorded Declaration of Condominium and is incorporated herein by this reference. Acceptance of this act as required by the Declaration of the existing Phase I owners has been obtained and their signatures are recorded with the Salt Lake County recorder as a part of Amendment Three to the Declaration.

b. The Third Amendment to the Declaration of Condominium, first paragraph is revised to read as follows: [THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM AND CONSENT TO EXTENSION OF TIME FOR EXERCISE OF EXPANSION RIGHTS (hereinafter the "Third Amendment and Consent") is dated, for reference purposes only, June 10, 1993, and is made by The Ervin Group, a Utah corporation (hereinafter called "Ervin"), for itself, its successors, grantees and assigns, and by the owners Association (hereinafter called the "Committee"), pursuant to the Utah Condominium Act.]

c. Paragraph D, page two of The Third Amendment is eliminated in its entirety.

d. Paragraph F, page two of The Third Amendment is amended to read as follows:
[Declarant desires to expand the Condominium Project, and the Committee and the owners are willing to consent to the expansion of the Condominium Project and an extension of the time for exercise of Declarant's expansion rights, pursuant to the terms and conditions of Declaration as amended.]


e. Paragraph four, pages four and five of the Third Amendment are revised to read as follows.
[Certification by Management Committee. The officer of the Management Committee signing this Third Amendment and Consent certifies that the necessary consent of the Unit Owners required by Section 27 of the Declaration have been obtained.]

g. Effective Date. This Fourth Amendment shall take effect upon recording in the office of the Salt Lake County Recorder.

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CO. RECORDER

BK 6826 PG 1956

IN WITNESS WHEREOF, the undersigned have executed this Fourth Amendment on the date indicated below.



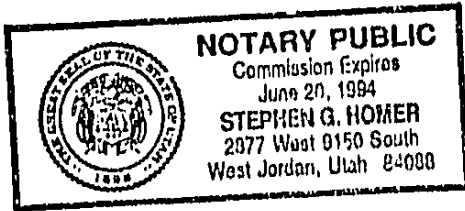
J. Jeffrey Miller
President, Daybreak Hill Inc.

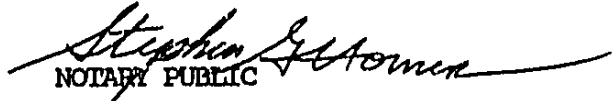
12-10-93
DATED

LIST TYPE
CO. RECORDER

STATE OF UTAH)
) SS
COUNTY OF SALT LAKE)

On the 10th day of December, 1993, J JEFFERY MILLER personally appeared before me and, on his oath, acknowledged to me that he is the President of Daybreak Hill Incorporated, a Utah corporation, and that the foregoing Instrument was signed for and in behalf of Daybreak Hill Incorporated for the purposes therein indicated.




NOTARY PUBLIC

BK 6826 PG 1957

EXHIBIT A

FILED
DISTRICT COURT

JUL 28 2 15 PM '93

THIRD JUDICIAL DISTRICT
SALT LAKE COUNTY
DEPUTY CLERK

Debra G. Bailey

RICHARD L. HALLIDAY (4588)
BROWN, LARSON, JENKINS & HALLIDAY
Attorney for Plaintiff
660 South 200 East, #301
Salt Lake City, UT 84111
Telephone: (801) 532-6200

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

DAYBREAK HILL, a Utah Corporation, :
Petitioners, : PETITION FOR
DECLARATORY JUDGMENT

vs. :

VETERANS ADMINISTRATION, : Civil No. 930904304CV
a Federal Agency, DAYBREAK HILLS :
CONDOMINIUM HOMEOWNERS ASSOCIATION, : Judge

Interested parties, :

JUDGE PAT BRIAN

Petitioner, by and through its undersigned counsel, hereby petitions the Court for a declaratory judgment and alleges as follows:

1. Petitioner Daybreak Hill, Inc. is a Utah Corporation and an owner and developer of the expansion property subject to this petition.

2. Interested Party Daybreak Hill Condominium Homeowners Association is an association of the homeowners of the Daybreak Hill Condominium Project located at approximately 6600 South and 1300 West, Salt Lake City, Utah.

3. The Veterans Administration is a federal government agency which guarantees loans on real property.

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4. This Court has jurisdiction over the above-entitled matter pursuant to Utah Code Ann. §78-33-1 et seq. (1953 as Amended).

FACTS

1. The Daybreak Hill Condominium Project (hereinafter "the Project") was initiated on or about January 24, 1986 by the original developer/declarant The Ervin Group, pursuant to a recorded Declaration of Covenants, Conditions and Restrictions.

2. On July 26th, 1993, Daybreak Hill, Inc. succeeded to all rights and interests of the Ervin Group as owner of undeveloped property in the project and developer/declarant of the project.

3. Pursuant to Utah Code Ann. §57-8-10(4)(c), Article XIV, Paragraph 36 of said CC&R's states that said project was expandable by the declarant for a period of seven (7) years from the original filing date.

4. Subsequent thereto, former declarant/developer The Ervin Group went out of business, and the remaining portions of undeveloped property were purchased by Daybreak Hill, Inc. for the purpose of completing said Project.

5. During negotiation for the purchase of the property, it was discovered that the seven (7) year deadline for expansion of the Project was about to pass and that said Project could not be continued or completed without extending said deadline.

6. The Daybreak Hill Condominium Homeowners'

Association agreed unanimously to amend the Declaration to extend the deadline to expand the Project until January 24, 2000.

7. A Third Amendment to Declaration of Condominium and Consent to Extension of Time for Exercise of Expansion Rights was executed by 100% of the owners of the project and recorded with the Salt Lake County Recorder on July 16, 1993, Entry No. 5555596. A copy of said Amendment and the signatures of said homeowners are attached hereto as Exhibits. No other consent is necessary to amend said CC&R's.

8. Said Amendment to the CC&R's extends the deadline to expand the Project an additional seven (7) years until January 24, 2000.

9. The current developers of the Project are prepared to begin construction on an additional phase and anticipate having prospective buyers for said units who will require loan approval from the Veterans Administration.

10. The Veterans Administration has refused to approve loans on condominiums completed after the original January 24, 1993 expansion deadline pending a declaratory judgment of this Court regarding the propriety of said Amendment increasing the amount of time allowed to expand the Project.

WHEREFORE, PETITIONERS pray for relief as follows:

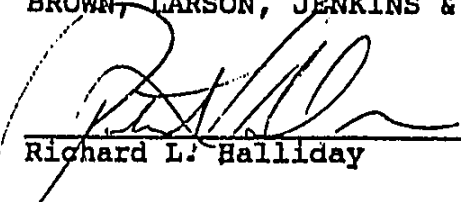
1. For a declaratory judgment providing that the subject Amendment to the CC&R's of the Daybreak Hill Condominium Project was effective in extending the time to expand the

Daybreak Hill Condominium Project to January 24, 2000.

2. For such other and further relief as the Court deems just and equitable.

DATED this 28th day of July, 1993.

BROWN, LARSON, JENKINS & HALLIDAY


Richard L. Halliday

daybreak.pet

BK6826P91910

BK6826P

DISTRICT COURT COVER SHEET

I. (a) PLAINTIFFS)

DAYBREAK HILL)

DEFENDANTS

VETERANS ADMINISTRATION,
DAYBREAK HILLS CONDOMINIUM
HOMEOWNERS ASSOCIATION

(b) ATTORNEYS (Attorney name,
Bar#, Address & Telephone #)

ATTORNEY (If known)

Richard L. Halliday #4588
660 South 200 East, Suite 301
Salt Lake City, Utah 84111
Telephone: (801) 532-6200

II. NATURE OF SUIT (Place an X in appropriate category)

DOMESTIC

_____ DA Divorce/Annulment
_____ SM Separate Maintenance
_____ PA Paternity
_____ SA Spouse Abuse
_____ UR URESA Action

PROBATE

_____ ES Estate
_____ GC Guardian/Conservator
_____ NC Name Change
_____ OT Other Probate

ABSTRACTS

_____ AJ Abstract of Judgment
_____ TL Tax Lien

ADOPTIONS

_____ AD Adoption

CIVIL

_____ AA Administrative Agency
_____ AP Appeal
_____ CV Other Civil
_____ CN Contract
_____ CS Custody and Support
_____ HC Writ-Habeas Corpus
_____ PD Property Damage
_____ PI Personal Injury
_____ PR Property Rights -Real

MISCELLANEOUS

_____ MI Miscellaneous

MENTAL HEALTH

_____ MH Mental Health

III. JURY DEMAND: () Yes

(X) No

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AUG 05 1993

RICHARD L. HALLIDAY (4588)
BROWN, LARSON, JENKINS & HALLIDAY
Attorney for Plaintiff
660 South 200 East, #301
Salt Lake City, UT 84111
Telephone: (801) 532-6200

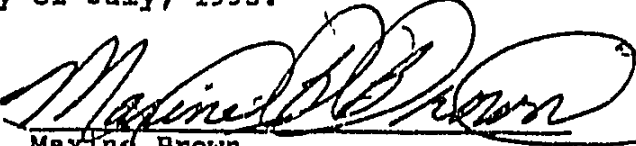
SALT LAKE COUNTY
By J. Ashley
Deputy Clerk

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

DAYBREAK HILL, a Utah Corporation, :
Petitioners, : ACCEPTANCE OF SERVICE
vs. : AND WAIVER OF TIME TO
: RESPOND
VETERANS ADMINISTRATION, : Civil No. 930904304CV
a Federal Agency, DAYBREAK HILLS :
CONDOMINIUM HOMEOWNERS ASSOCIATION, : Judge Pat B. Brian
Interested parties, :

COMES NOW Interested Party Daybreak Hill Condominium
Homeowners Association by and through their President Maxine
Brown, and hereby accepts service of the Summons and Petition in
the above-entitled action, and further waives the right to
Answer or otherwise plead to said Petition within the time
period stated in the Summons.

DATED this 29th day of July, 1993.


Maxine Brown
President for Interested Party
Daybreak Hill Condominium
Homeowners Association

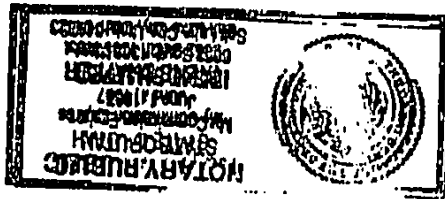
BK6826FG1963

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On this 29th day of July, 1993, personally appeared before me Maxine Brown who duly acknowledged to me that he executed the foregoing Acceptance of Service.

Anna P. Shaffer
Notary Public

daybrea2.aos



RICHARD L. HALLIDAY (4588)
BROWN, LARSON, JENKINS & HALLIDAY
Attorney for Plaintiff
660 South 200 East, #301
Salt Lake City, UT 84111
Telephone: (801) 532-6200

FILED
DISTRICT COURT
July 2, 1993
THE DISTRICT
Clerk
BY *Brida C. Carley*
CLERK

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

DAYBREAK HILL, a Utah Corporation, :
Petitioners, : NOTICE OF DISMISSAL OF
vs. : THE VETERANS
VETERANS ADMINISTRATION, : ADMINISTRATION AS AN
a Federal Agency, DAYBREAK HILLS : INTERESTED PARTY
CONDOMINIUM HOMEOWNERS ASSOCIATION, : Civil No. 930904304
: Judge *Briah*
Interested parties, :

Petitioner, by and through its undersigned counsel,
pursuant to Rule 41 of the Utah Rules of Civil Procedure and at
the specific request of the Veterans Administration, hereby
dismisses the Veterans Administration as an interested party
herein.

DATED this 30th day of July, 1993.

BROWN, LARSON, JENKINS & HALLIDAY

[Signature]
Richard L. Halliday

BK6826PG1965

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of July, 1993, I mailed, postage prepaid, a copy of the foregoing Notice of Dismissal to the following:

James McKee
Veterans' Administration
District Counsel
125 South State Street
P.O. Box 11500
Salt Lake City, Utah 84147

Laura Gallagher

daybreak.pet

AUG 05 1993

By J. Ashley
SALT LAKE COUNTY
Deputy Clerk

RICHARD L. HALLIDAY (4588)
BROWN, LARSON, JENKINS & HALLIDAY
Attorney for Plaintiff
660 South 200 East, #301
Salt Lake City, UT 84111
Telephone: (801) 532-6200

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

DAYBREAK HILL, a Utah Corporation, :
Petitioners, : DECLARATORY JUDGMENT
vs. :
VETERANS ADMINISTRATION, : Civil No.: 930904304 CV
a Federal Agency, DAYBREAK HILLS : Judge: Pat B. Brian
CONDOMINIUM HOMEOWNERS ASSOCIATION, :
Interested parties, :

Petitioners' request for Declaratory Judgment, having come before the Honorable Judge Pat B. Brian of the above-entitled Court, and the Petitioners having appeared by and through their counsel of record, and the Court, having noted that waivers have been executed by all interested parties waiving any and all right or opportunity to respond to the said Petition, and having heard the representations of counsel and the documents on file herein and being otherwise fully advised in the premises and good cause appearing therefor:


IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Declaration of Covenants, Conditions and Restrictions for the Daybreak Hill Condominium Project was effectively amended on

BK6826PG1967

July 16, 1993 by the Briarwood Springs Homeowners Association and its members allowing for the expansion of the project by the developers, as provided therein, until January 24, 2000.

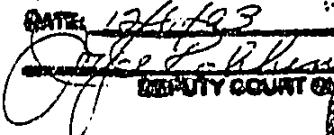
DATED this 5 day of August, 1993.

BY THE COURT:



Judge

daybreak.dec

ORDERED THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT FILED IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.
DATE: 12/6/93


DEPUTY COURT CLERK

