WHEN RECORDED, RETURN TO:

Kennecott Land Company 4700 Daybreak Parkway South Jordan, UT 84095

Attention: Senior Advisor, Contracts & Risk

11841027 04/29/2014 03:47 PM \$51.00 Book - 10226 Pm - 9733-9747 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH FIRST AMERICAN TITLE BY: SSP, DEPUTY - WI 15 P.

SUPPLEMENT TO DECLARATION OF CONDOMINIUM FOR GARDEN PARK CONDOMINIUMS, PHASE 1

(ADDING ADDITIONAL LAND - PHASE 5)

THIS SUPPLEMENT TO DECLARATION OF CONDOMINIUM FOR GARDEN PARK CONDOMINIUMS, PHASE 1 (ADDING ADDITIONAL LAND – PHASE 5) (this "Supplement") is made as of __APQLL__ 22_, 2014, by KENNECOTT LAND COMPANY, a Delaware corporation, as declarant ("Declarant") under that certain Corrected Declaration of Condominium, Phase 1, recorded on February 12, 2010, as Entry No. 10896618, in Book 9803, beginning at Page 6231 (as amended and supplemented from time to time, the "Declaration"), and is consented to by DAYBREAK DEVELOPMENT COMPANY, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation) ("DDC"), and IVORY HOMES, LTD, a Utah limited partnership ("Ivory Homes").

RECITALS:

- A. Pursuant to the Declaration, Declarant has established the Garden Park Condominium Project (the "**Project**") initially consisting of various residential "Units" as more particularly defined and described therein, which Units are to be improved with certain attached residential units called "condominiums". The Project is located within the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- **B.** DDC owns certain parcels of real property ("Additional Land") adjacent to the Project. The Additional Land is legally described in **Exhibit A**, attached hereto and incorporated herein by this reference.
- C. Declarant desires to add the Additional Land to the Project and submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. <u>Definitions</u>. Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to such terms in the Declaration.

- 2. <u>Submission to Declaration</u>. Pursuant to Article 16 of the Declaration, Declarant hereby exercises its Option to Expand the Project and add the Additional Land to the Project, effective as of the recording of this Supplement; and Declarant submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. DDC and Ivory Homes hereby consent to the submission of the Additional Land to the Declaration. From and after the recordation of this Supplement, the Additional Land shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration. In addition, the Additional Land shall be subject to the governance of the Garden Park Condominium Owners' Association, Inc., a Utah nonprofit corporation, as more particularly described in the Declaration.
- 3. Amendment to Total Number of Units and Maximum Ownership Interests.

 Notwithstanding anything contained in the Declaration (and any previous supplements thereto) to the contrary, upon recordation of this Supplement, the Project shall be deemed to include thirteen (13) additional Units for a total of forty-six (46) Units in the Project. The Units added to the Project by this Supplement are depicted on the plat attached hereto as Exhibit B and incorporated herein by this reference. Accordingly, upon recordation of this Supplement, each Owner will be deemed to have a maximum 1/46th undivided interest in the Common Area.
- 4. <u>Amendment to Allocated Interest of Each Unit in the Common Expenses of the Project</u>. Notwithstanding anything contained in the Declaration to the contrary, upon recordation of this Supplement, each Unit shall have a 1/46th Allocated Interest in the Common Expenses.
- 5. Replacement of Exhibit D of Declaration. Exhibit D to the Declaration is hereby deleted in its entirety and replaced with Exhibit D-1 attached hereto and incorporated herein by this reference. All references to "Exhibit D" in the Declaration shall hereafter refer to Exhibit D-1.
- **6. Full Force and Effect.** The Declaration, as supplemented hereby, remains in full force and effect.
- 7. <u>Incorporation by Reference</u>. The Recitals and Exhibits to this Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Next Page]

IN WITNESS WHEREOF, Declarant has executed this Supplement, and DDC and Ivory Homes have consented to the same, as of the date first written above.

Declarant:	KENNECOTT LAND COMPANY, a Delaware corporation
	By JURE NEWTCHEON Title VICE PRESIDENT DAYMEN.
DDC:	DAYBREAK DEVELOPMENT COMPANY, a Delaware corporation
	(formerly known as Kennecott Land Residential Development Company, a Delaware corporation)
	By JOCO
	Name Ty Newrough Title VICE PREMER MYSNEAL
Ivory Homes:	a Utah limited partnership By Name Title

STATE OF UTAH)) SS.
COUNTY OF SALT LAKE)
On April 22, 2014, personally appeared before me, a Notary Public, Typy Chatcher, the Mcepvesice of KENNECOTT LAND COMPANY, a Delaware corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of KENNECOTT LAND COMPANY, a Delaware corporation.
NOTARY PUBLIC ANNETTE A. MABEY Commission No. 603535 Commission Expires NOVEMBER 22, 2014 STATE OF UTAH WITNESS my hand and official Seal. AND ALVALOR NOTARY PUBLIC ANNETTE A. MABEY Commission No. 603535 Notary Public in and for said State My commission expires: 11/22/30/4
[SEAL]
STATE OF UTAH)) SS. COUNTY OF SALT LAKE)
On <u>Intel 22</u> , 2014, personally appeared before me, a Notary Public, <u>TAMELLER</u> , the <u>MCL president</u> of DAYBREAK DEVELOPMENT COMPANY , a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation), personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of DAYBREAK DEVELOPMENT COMPANY , a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation).
WITNESS my hand and official Seal.
NOTARY PUBLIC ANNETTE A. MABEY Commission No. 603535 Commission Expires NOVEMBER 22, 2014 STATE OF UTAH NOTARY PUBLIC ANNETTE A. MABEY Commission No. 603535 Notary Public in and for said State My commission expires: 1/1/22/2014

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[SEAL]

STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE	
On , 2014, personally a	appeared before me, a Notary
Public,	the of IVORY HOMES,
LTD, a Utah limited partnership, person	nally known or proved to me to be the person whose
name is subscribed to the above instrum	ent who acknowledged to me that he executed the
	HOMES, LTD, a Utah limited partnership.
	WITNESS my hand and official Seal.
	Notary Public in and for said State
	My commission expires:
[SEAL]	

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL LAND ADDED TO PROJECT PER THIS SUPPLEMENT

All of the real property described on that certain plat entitled "GARDEN PARK CONDOMINIUMS, PHASE 5 AMENDING PARCELS Q AND R OF KENNECOTT DAYBREAK VILLAGE 4A PLAT 4 SUBDIVISION", recorded on April 29, 2014, as Entry No. 1194104, in Book 2014 P, at Page 86 of the Official Records of Salt Lake County, Utah,

Being more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER SECTION 24, TOWNSHIP 3, SOUTH RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING BEING NORTH 89°58'42" WEST, 2,677.86 FEET BETWEEN THE SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 24) AND RUNNING ALONG THE SOUTH LINE OF SECTION 24 NORTH 89°58'42" WEST, 1242.50 FEET; THENCE NORTH 00°01'18" EAST, 3875.22 FEET TO THE POINT OF BEGINNING, SAID POINT IS ALSO A COMMON LOT CORNER OF LOT 235 AND PARCEL R OF THE ABOVE MENTIONED PLAT; THENCE ALONG SAID COMMON LOT LINE N36°32'54"W 112.70 FEET; THENCE LEAVING SAID LOT LINE N53°27'06"E 20.12 FEET; THENCE N36°32'54"W 134.46 FEET; THENCE N53°27'06"E 124.92 FEET; THENCE S36°32'54"E 157.30 FEET; THENCE SOUTHEASTERLY 51.13 FEET ALONG THE ARC OF A 185.08 RADIUS CURVE TO THE LEFT (CHORD BEARS S44°27'48"E 50.97 FEET); THENCE SOUTHWESTERLY 113.85 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S36°39'45"W 113.47 FEET); THENCE S44°49'00"W 43.92 FEET TO THE POINT OF BEGINNING.

CONTAINS: 31,203 SQUARE FEET

Contains approximately 0.716 acres.

EXHIBIT B

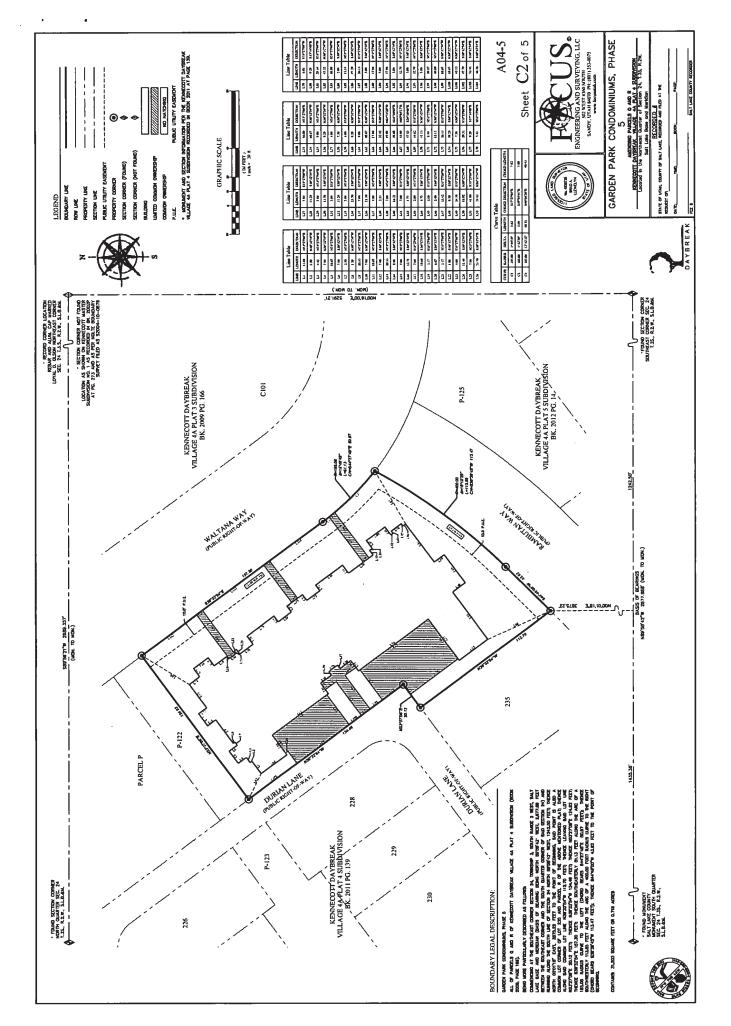
PLAT

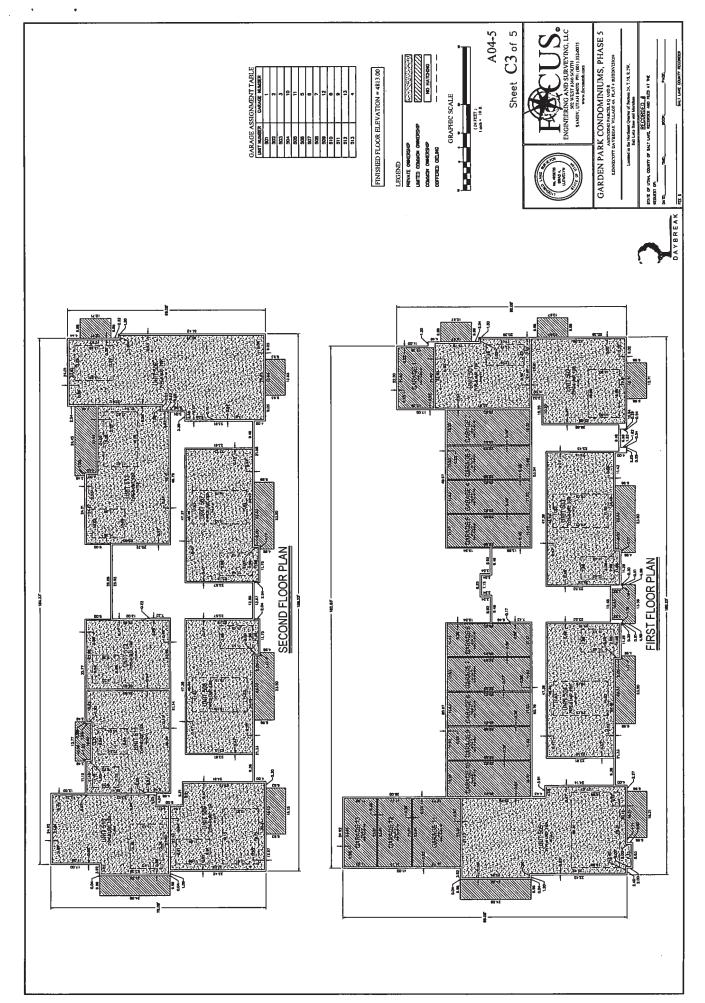
[Attach Garden Park Condominiums, Phase 5 Plat]

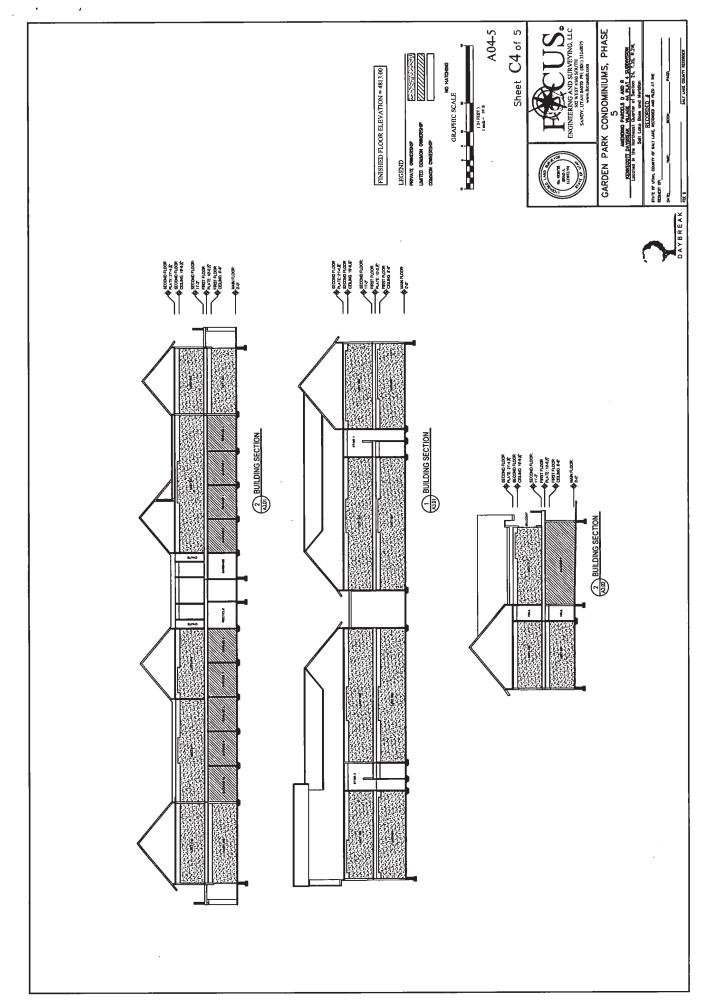
A04-5 SHEETS: C10F 05 SURVEYOR'S CERTIFICATE

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AS SET THE PLAT LAND TAXABLES, AND A SET AS COURT DECISION TO SET AS CO a. Ch may leit ar 1968 A.A.T. DECLARATIOS DY A BLANKET FALKE ELASDERT, CHROS RECENTATION TO RELECTE MAS/CH MASK MASKELLARY, FORE SWE LECKNISH OF BLOY LUCKNOTT BY OWED RECORDING A WISSE OF SLOOT HIGH THE PREPARE MERCHES OF SALE LAND ECOLORY. and on any expension of the Ask and medicant nearton of refere secures incurs on the preference head. In the expension of the control of the Loci unti odestio en her falt wa contrado when a conació exchae say el soneo fir a conació sono lastoa, anti La tribula consecución de ser de contrados or an una locestio de the faul el sobol "chasio alsa" vao Beal, c'entato and sentrado de trig exectó accounta non tel enecto. THE OFFICE STREAM IN THE OF WHITE MEDICAL WITH DESIGNATION DESIGNATION, ADDRESS CHARLON, LOGATION OF ALL STREAM IN THE OFFICE STREAM INTO THE OFFICE STREAM, AND ADDRESS CHARLON AND ADDRESS AND ADDRESS CHARL 1. OTTER LOTI OF DATATI MAY RESPOND FY SEVEN LANDARY WAS ARE LOTS THAN IN THE BLOOM SEADLED. IN CASE OF THE PRESENCE AND ARE LOTS THE PROPERTY TO RESPONDED TO RE EASEMBNT NOTE:

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EXHIBIT C

INTENTIONALLY OMITTED

EXHIBIT D-1

GARDEN PARK CONDOMINIUMS, PHASE 1, 3, 4 & 5
Updated Schedule of Units, Square Footage,
Votes and Undivided Interests in Common Areas

Unit Identifying Number	Unit Type	Approx. Sq. Footage of Unit	Undivided Interest Per Unit	No. of Votes Per Unit
Phase 1				
101	condo	930	1/46th	1
102	condo	1097	1/46th	1
103	condo	1097	1/46th	1
104	condo	1193	1/46th	1
105	condo	947	1/46th	1
106	condo	1384	1/46th	1
107	condo	1097	1/46th	1
108	condo	1095	1/46th	1
109	condo	1193	1/46th	1
110	condo	1412	1/46th	1
Phase 3				
301	condo	930	1/46th	1
302	condo	1097	1/46th	1
303	condo	1097	1/46th	1
304	condo	1193	1/46th	1
305	condo	947	1/46th	1
306	condo	1384	1/46th	1
307	condo	1097	1/46th	1
308	condo	1095	1/46th	1
309	condo	1193	1/46th	1
310	condo	1412	1/46th	1
Phase 4		 		
401	condo	785	1/46th	1
402	condo	937	1/46th	1
403	condo	1099	1/46th	1
404	condo	1122	1/46th	1

405	condo	1613	1/46th	1
406	condo	1791	1/46th	1
407	condo	1099	1/46th	1
408	condo	1122	1/46th	1
409	condo	932	1/46th	1
410	condo	1036	1/46th	1
411	condo	1002	1/46th	1
412	condo	696	1/46th	1
413	condo	1291	1/46th	1
Phase 5				
501	condo	785	1/46th	1
502	condo	937	1/46th	1
503	condo	1099	1/46th	1
504	condo	1099	1/46th	1
505	condo	1657	1/46th	1
506	condo	1791	1/46th	1
507	condo	1099	1/46th	1
508	condo	1122	1/46th	1
509	condo	932	1/46th	1
510	condo	1037	1/46th	1
511	condo	1001	1/46th	1
512	condo	696	1/46th	1
513	condo	1292	1/46th	1

^{*} All references to unit designations refer to such numbers and designations as contained on the Plats.
** All square footages are approximate and may vary by up to as much as 10% per unit.