

14-21

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC  
4700 Daybreak Parkway  
South Jordan, UT 84009  
Attention: Garry Langston

12375727  
09/28/2016 11:25 AM \$57.00  
Book - 10481 Pg - 2661-2674 A  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: CRA, DEPUTY - WI 1/ P.  
15

**SUPPLEMENT TO DECLARATION OF CONDOMINIUM  
FOR GARDEN PARK CONDOMINIUMS, PHASE 1  
(ADDING ADDITIONAL LAND - PHASE 6)**

**THIS SUPPLEMENT TO DECLARATION OF CONDOMINIUM FOR GARDEN PARK CONDOMINIUMS, PHASE 1 (ADDING ADDITIONAL LAND – PHASE 6)** (this “**Supplement**”) is made as of August 18, 2016, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company, as successor-in-interest to 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 previously amended and supplemented from time to time, collectively, the “**Declaration**”), and is consented to by **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.** Declarant 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. Definitions.** Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to such terms in the Declaration.
- 2. Submission to Declaration.** 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. Ivory Homes hereby consents 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 twenty-one (21) additional Units, for a total of sixty-seven (67) 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 1/67<sup>th</sup> undivided interest in the Common Area.
4. **Amendment to Allocated Interest of Each Unit in the Common Expenses of the Project.** Notwithstanding anything contained in the Declaration to the contrary, upon recordation of this Supplement, each Unit shall have a 1/67<sup>th</sup> 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. **Incorporation by Reference.** 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 Ivory Homes has consented to the same, as of the date first written above.

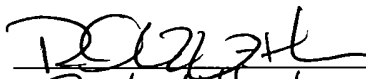
**Declarant:**

**VP DAYBREAK OPERATIONS LLC,**  
a Delaware limited liability company

By   
Name T.M. MCCUTCHEON  
Title VICE PRESIDENT

**Ivory Homes:**

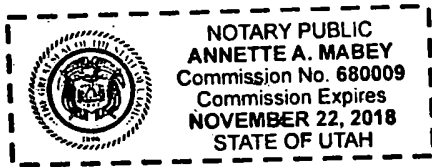
**IVORY HOMES, LTD,**  
a Utah limited partnership

By   
Name Rick Griffith  
Title CFO

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

On August 18, 2016, personally appeared before me, a Notary Public, Ty McClutcheon, the vice president of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, 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 VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.



Annette A. Mabeey  
Notary Public in and for said State

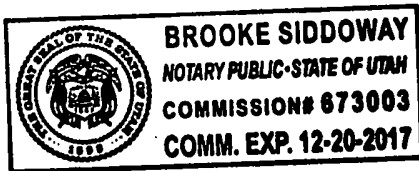
My commission expires: 11/22/2018

[SEAL]

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

On Sept 20<sup>th</sup>, 2016, personally appeared before me, a Notary Public, Rick Liffert, the CFO of IVORY HOMES, LTD, a Utah limited partnership, 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 IVORY HOMES, LTD, a Utah limited partnership.

WITNESS my hand and official Seal.



Brooke Siddoway  
Notary Public in and for said State

My commission expires: 12-20-17

[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 6 AMENDING LOT T4 OF AMENDED LOTS B2, B3, OS2, T4, V4, V7 & WTC2 KENNECOTT MASTER SUBDIVISION #1", recorded on SEPTEMBER 28, 2016, as Entry No. 12375726, in Book 2016P, at Page 253 of the Official Records of Salt Lake County, Utah,

Being more particularly described as follows:

Boundary Description:

A portion of Lot T4, AMENDED LOTS B2, B3, OS2, T4, V4, V7 & WTC2, KENNECOTT MASTER SUBDIVISION #1, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, more particularly described as follows:

Beginning at a point on the northerly right-of-way line of Duckhorn Drive as described and platted with KENNECOTT DAYBREAK APARTMENT VENTURE #1 Subdivision (Amending Lots V2 & T4 of the KENNECOTT MASTER SUBDIVISION #1, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, located N89°58'42"W along the Section line 1,541.97 feet and North 2,928.65 feet from the Southeast Corner of Section 24, T3S, R2W, S.L.B.& M.; thence N36°32'54"W along said Plat 9.50 feet; thence S53°27'05"W along said plat 7.50 feet; thence N36°32'54"W 94.19 feet; thence N53°00'00"E 125.41 feet; thence North 10.42 feet to the southerly line of Parcel 1, KENNECOTT DAYBREAK VILLAGE 4A PLAT 8 Subdivision (Amending Lot T4 of the Kennecott Master Subdivision #1 Amended) according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence along said Plat the following 2 (two) courses and distances: Northeasterly along the arc of a 46.00 foot radius non-tangent curve to the left (radius bears: North) 29.34 feet through a central angle of 36°32'54" (chord: N71°43'33"E 28.85 feet); thence N53°27'06"E 88.00 feet to the southwesterly line of KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 Subdivision (Amending Lots V2 & T4 of the Kennecott Master Subdivision #1 Amended) according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence S36°32'54"E along said Plat 104.00 feet to the northerly line of said Duckhorn Drive; thence S53°27'06"W along said street 239.50 feet to the point of beginning.

Contains: 25,749+/- s.f.

**EXHIBIT B**

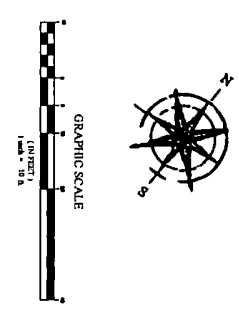
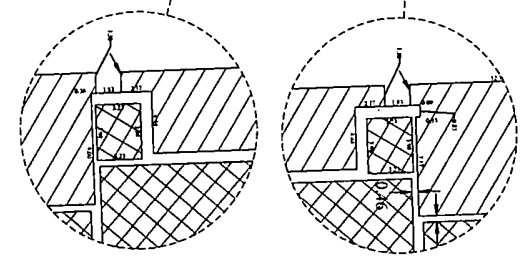
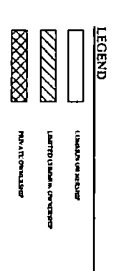
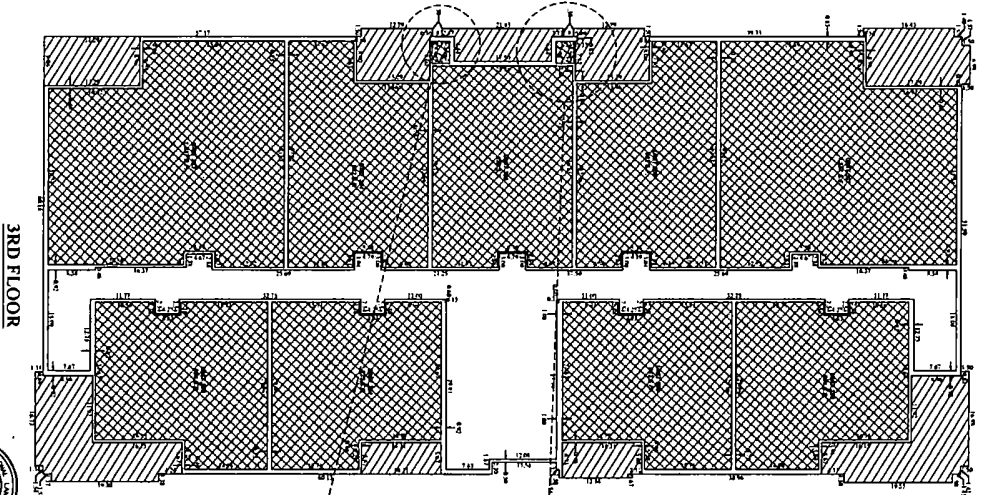
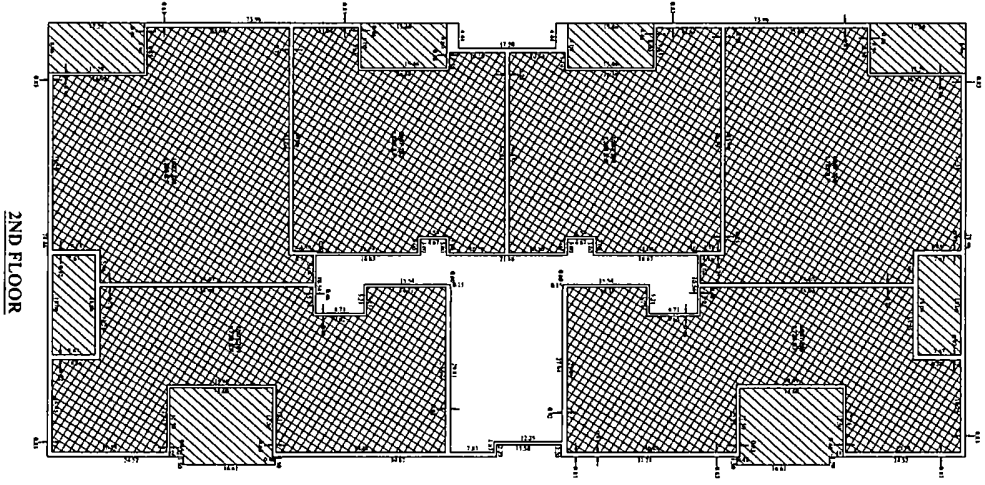
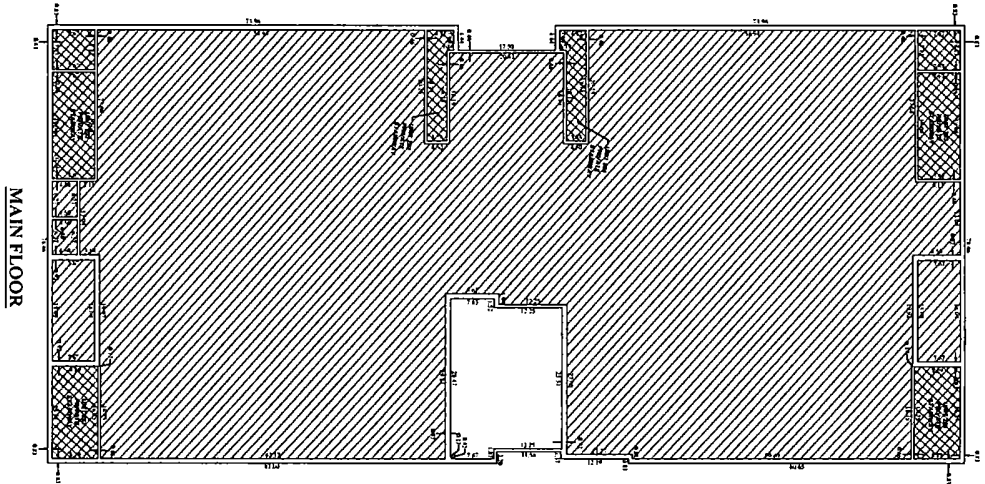
**PHASE 6 PLAT**

[Attach PDF Copy of Garden Park Condominiums, Phase 6 Plat]









MAIN FLOOR

2ND FLOOR

3RD FLOOR



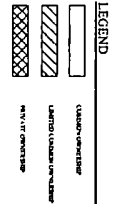
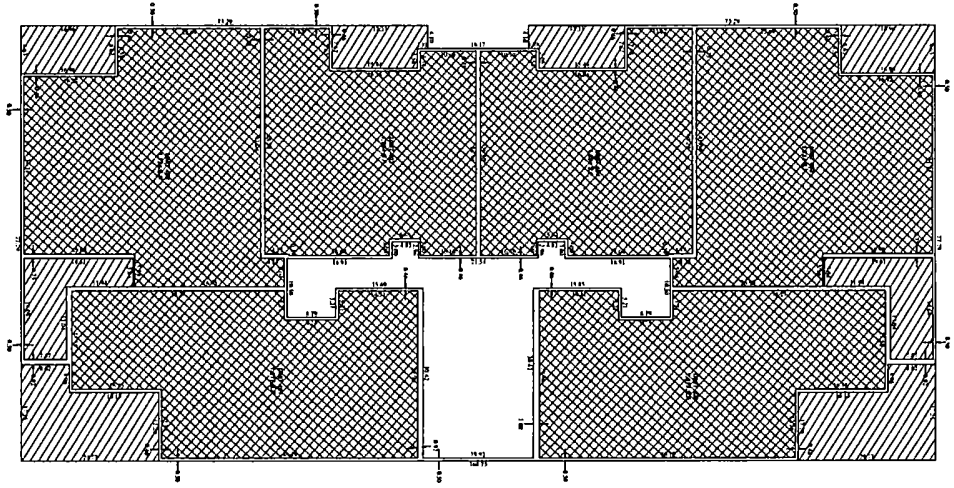
PLAT PREPARED BY  
**DAVID BREAK**  
 PROFESSIONAL ENGINEER  
 STATE OF VIRGINIA  
 LICENSE NO. 1000000000



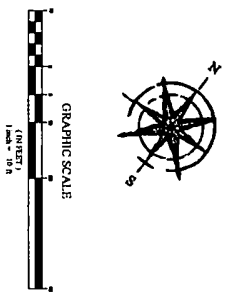
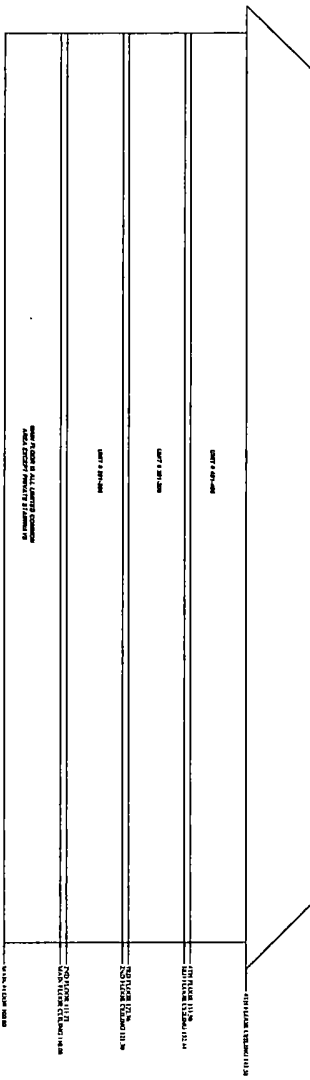
**SHEET: 3 OF 5**  
 GARDEN PARK CONDOMINIUMS, PHASE 6  
 AMENDING LOT 7 OF AMENDED LOTS B1, B2, T1, VA, V7 & W7C  
 KENNEDY MASTER SUBDIVISION #1  
 LOCATED IN THE NE1/4 OF SECTION 24, T8S, R2W,  
 SALT PINE TRACT AND AMENDMENT

RECORDED & INDEXED BY	DATE	BOOK	PAGE
FILED IN THE COUNTY OF SALT PINE, ALABAMA			

4TH FLOOR



**BUILDING ELEVATIONS**



SHEET: 4 OF 5

PLANNED BY  
**DAV B R A K**



DESIGNED BY  
**INTERIOR 1**

PREPARED BY  
**INTERIOR 1**

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT: \_\_\_\_\_

LOCATION: \_\_\_\_\_

**GARDEN PARK CONDOMINIUMS, PHASE 6**  
 ADDING LOTS 7 OF AMENDED LOTS B, B1, G2, 7A, VA, V7A, RTG3  
 KENNEDY MASTER SUBDIVISION #1  
 LOCATED IN THE CITY OF RICHMOND, VA, FOR:  
 SALT LAKEBASE AND AERODAN

PLAT NUMBER	NUMBER OF UNITS	TOTAL AREA	COLLATED PERCENT	PER-COLLATED PERCENT	PLATE AREA	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE
PLAT 1	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 2	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 3	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 4	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 5	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 6	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 7	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 8	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 9	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 10	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

PLAT NUMBER	NUMBER OF UNITS	TOTAL AREA	COLLATED PERCENT	PER-COLLATED PERCENT	PLATE AREA	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE
PLAT 11	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 12	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 13	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 14	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 15	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 16	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 17	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 18	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 19	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PLAT 20	1	1.00	100.00	100.00	1.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

- REPRESENTATION MADE BY ABOVE APPLICANT ON A FINAL PLAN
- THESE PLANS WERE NOT ADDED IN THE TOTAL COLUMN AT THE BOTTOM OF THE TABLE, THESE PLANS WERE EITHER ADDED AND DELETED OR DELETED AND ADDED TO THE TOTAL IN THE BOTTOM OF THE TABLE.
- THESE PLANS WERE NOT ADDED IN THE TOTAL COLUMN AT THE BOTTOM OF THE TABLE, THESE PLANS WERE EITHER ADDED AND DELETED OR DELETED AND ADDED TO THE TOTAL IN THE BOTTOM OF THE TABLE.
- REPRESENTATION SHOWN ON A FINAL PLAN PREPARED BY OWNER.
- REPRESENTATION SHOWN ON A FINAL PLAN PREPARED BY OWNER.
- INFORMATION SHOWN ON A FINAL PLAN PREPARED BY OWNER.
- THESE PLANS WERE NOT ADDED IN THE TOTAL COLUMN AT THE BOTTOM OF THE TABLE, THESE PLANS WERE EITHER ADDED AND DELETED OR DELETED AND ADDED TO THE TOTAL IN THE BOTTOM OF THE TABLE.
- REPRESENTATION SHOWN ON A FINAL PLAN PREPARED BY OWNER.
- THESE PLANS WERE NOT ADDED IN THE TOTAL COLUMN AT THE BOTTOM OF THE TABLE, THESE PLANS WERE EITHER ADDED AND DELETED OR DELETED AND ADDED TO THE TOTAL IN THE BOTTOM OF THE TABLE.

PLAT PREPARED BY  
DAYBEAK

RECORDED AT  
LAND RECORDS DEPARTMENT

REGISTERED AT  
LAND RECORDS DEPARTMENT

PLAT PREPARED BY  
DAYBEAK

RECORDED AT  
LAND RECORDS DEPARTMENT

REGISTERED AT  
LAND RECORDS DEPARTMENT

PLAT PREPARED BY  
DAYBEAK

RECORDED AT  
LAND RECORDS DEPARTMENT

REGISTERED AT  
LAND RECORDS DEPARTMENT

**EXHIBIT C**

**INTENTIONALLY OMITTED**

**EXHIBIT D-1**

**GARDEN PARK CONDOMINIUMS, PHASE 1, 3, 4, 5, & 6**  
Updated Schedule of Units, Square Footage,  
Votes and Undivided Interests in Common Areas

<b>Unit Identifying Number</b>	<b>Unit Type</b>	<b>Approx. Sq. Footage of Unit</b>	<b>Undivided Interest Per Unit</b>	<b>No. of Votes Per Unit</b>
<b>Phase 1</b>				
101	condo	930	1/67th	1
102	condo	1097	1/67th	1
103	condo	1097	1/67th	1
104	condo	1193	1/67th	1
105	condo	947	1/67th	1
106	condo	1384	1/67th	1
107	condo	1097	1/67th	1
108	condo	1095	1/67th	1
109	condo	1193	1/67th	1
110	condo	1412	1/67th	1
<b>Phase 3</b>				
301	condo	930	1/67th	1
302	condo	1097	1/67th	1
303	condo	1097	1/67th	1
304	condo	1193	1/67th	1
305	condo	947	1/67th	1
306	condo	1384	1/67th	1
307	condo	1097	1/67th	1
308	condo	1095	1/67th	1
309	condo	1193	1/67th	1
310	condo	1412	1/67th	1
<b>Phase 4</b>				
401	condo	785	1/67th	1
402	condo	937	1/67th	1
403	condo	1099	1/67th	1
404	condo	1122	1/67th	1

405	condo	1613	1/67th	1
406	condo	1791	1/67th	1
407	condo	1099	1/67th	1
408	condo	1122	1/67th	1
409	condo	932	1/67th	1
410	condo	1036	1/67th	1
411	condo	1002	1/67th	1
412	condo	696	1/67th	1
413	condo	1291	1/67th	1
Phase 5				
501	condo	785	1/67th	1
502	condo	937	1/67th	1
503	condo	1099	1/67th	1
504	condo	1099	1/67th	1
505	condo	1657	1/67th	1
506	condo	1791	1/67th	1
507	condo	1099	1/67th	1
508	condo	1122	1/67th	1
509	condo	932	1/67th	1
510	condo	1037	1/67th	1
511	condo	1001	1/67th	1
512	condo	696	1/67th	1
513	condo	1292	1/67th	1
Phase 6				
201	condo	1720	1/67th	1
202	condo	1789	1/67th	1
203	condo	1360	1/67th	1
204	condo	1360	1/67th	1
205	condo	1789	1/67th	1
206	condo	1720	1/67th	1
301	condo	823	1/67th	1
302	condo	834	1/67th	1
303	condo	1557	1/67th	1
304	condo	902	1/67th	1

305	condo	899	1/67th	1
306	condo	902	1/67th	1
307	condo	1557	1/67th	1
308	condo	834	1/67th	1
309	condo	823	1/67th	1
401	condo	1617	1/67th	1
402	condo	1724	1/67th	1
403	condo	1364	1/67th	1
404	condo	1364	1/67th	1
405	condo	1724	1/67th	1
406	condo	1617	1/67th	1

\* All references to unit designations refer to such numbers and designations as contained on the respective condominium plats.

\*\* All square footages are approximate and may vary by up to as much as 10% per unit.