

WHEN RECORDED RETURN TO:
 James R. Blakesley
 Attorney at Law
 1305 N. Commerce Drive, Suite 230
 Saratoga Springs, Utah 84045
 (801) 766-1968

10352671
 2/21/2008 10:05:00 AM \$89.00
 Book - 9572 Pg - 2826-2833
 Gary W. Ott
 Recorder, Salt Lake County, UT
 FIRST AMERICAN TITLE
 BY: eCASH, DEPUTY - EF 8 P.

**AMENDMENT
 TO
 DECLARATION OF CONDOMINIUM OF CARRIAGE HOME CONDOMINIUMS IN
 SALT LAKE COUNTY, UTAH FOR PHASES 3B1 THROUGH 3B10, INCLUSIVE**

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OF CARRIAGE HOME CONDOMINIUMS IN SALT LAKE COUNTY, UTAH FOR PHASES 3B1 THROUGH 3B10, INCLUSIVE is made and entered into this February 20, 2008 by KENNECOTT LAND COMPANY, a Delaware corporation, ("Declarant"), and is consented to by HEARTHSIDE AT FOUNDERS PARK, L.C., a Utah limited liability company ("Hearthside").

RECITALS

- A. The Declaration of Condominium of Carriage Home Condominiums in Salt Lake County, Utah was recorded on November 21, 2005, as Entry No. 9559763, in Book 9220, beginning at Page 274 of the official records of the County Recorder of Salt Lake County, Utah (the "Declaration").
- B. Amendment No. 1 to Declaration of Condominium of Carriage Home Condominiums in Salt Lake County, Utah was recorded on October 23, 2006, as Entry No. 9884648 in Book 9369, at Pages 2861-2867 of the official records of the County Recorder of Salt Lake County, Utah ("Amendment No. 1").
- C. Addendum No. 1 to Declaration of Condominium of Carriage Home Condominiums in Salt Lake County, Utah was recorded on February 2, 2007, as Entry No. 9993338 in Book 9417, at Pages 8007-8036 of the official records of the County Recorder of Salt Lake County, Utah ("Addendum No. 1").
- D. Carriage Home Condominium is an expandable condominium project (the "Project").
- E. The real property shown on the Final Plat entitled "Carriage Home Condominiums Amending Parcels C, D, E, F & G of Kennecott Daybreak Phase II Subdivision" was recorded on November 21, 2005, as Entry No. 9559762, in Book 2005P, beginning at Page 379 to the Declaration under the Utah Condominium Ownership Act.
- F. The Declaration was supplemented as follows (collectively "Supplements"):

**ACCOMMODATION RECORDING ONLY
 NO LIABILITY FOR CONTENT, TIME OR
 EFFECT OF RECORDING OF DOCUMENT
 IS ASSUMED HEREBY**

Phase	Date	Entry	Book	Pages
3B1	1-18-2007	9976833	9410	6874-6881
3B2	1-18-2007	9976835	9410	6883-6890
3B3	1-18-2007	9976837	9410	6892-6899
3B4	1-18-2007	9976839	9410	6901-6909
3B5	1-18-2007	9976833	9410	6911-6919
3B6	1-18-2007	9976833	9410	6921-6929
3B7	1-18-2007	9976833	9410	6931-6940
3B8	1-18-2007	9976833	9410	6942-6951
3B9	1-18-2007	9976833	9410	6953-6962
3B10	1-18-2007	9976833	9410	6964-6974

G. The Final Plats for Phases 3B1 through 3B10, inclusive, were recorded concurrently.

H. Pursuant to Article XV, Section 15.02 of the Declaration, Hearthside desires to amend the Declaration to note the removal of half of the platted corner decks from the following Buildings and Units (referred to individually as "Unit" or collectively as "Units"). The Final Plat or Plats **WILL NOT** be amended. Declarant is executing this Amendment at the request of and for the benefit of Hearthside, the owner of the Project. Declarant does not own the Project and disclaims any responsibility to amend the Final Plat or Plats to reflect the removal of the forgoing platted corner decks.

I. The corner decks for the following Buildings and Units, as shown on the Final Plats **WERE NOT** and **WILL NOT** be constructed; it is the desire of the undersigned that in the event of any conflict, incongruity or inconsistency between the Buildings, Limited Common Area and Units as platted and the Buildings, Limited Common Area and Units as constructed, the latter shall in all respects govern and control:

Building	Unit	Sheet	Date	Entry	Book	Page
A	1, 5, 9	2	1-18-07	9976834	2007P	26
C	4, 8, 12	2,3	1-18-07	9976836	2007P	27
G	2, 6, 10	2,3	1-18-07	9976844	2007P	31
J	1, 5, 9	2,3	1-18-07	9976850	2007P	34

A G R E E M E N T

NOW THEREFORE, Declarant hereby declares as follows:

1. Removal of Corner Decks. Notice is hereby given that the Buildings and Units identified in Section G (above) of the Recitals **WILL NOT** have the corner decks as shown on the Final Plats. Each Owner by virtue of his or her acceptance of a deed or other document of conveyance hereby accepts his or her Unit without the corner deck. In the event of any conflict, incongruity or inconsistency between the Buildings,

Limited Common Area and Units as platted and the Buildings, Limited Common Area and Units as constructed, the latter shall in all respects govern and control.

2. Percentage of Ownership Interest. The percentages of ownership interest **WILL NOT** change as a result of this amendment.

3. Full Force and Effect. The Declaration, as supplemented (and amended hereby), shall remain in full force and effect. In the event of any conflict, incongruity or inconsistency between the provisions of the Final Plat and Declaration and the provisions of this Amendment, this Amendment shall in all respects govern and control.

4. Effective Date. The effective date of this First Amendment to Declaration of Condominium of Carriage Home Condominiums in Salt Lake County, Utah for Phases 3B1 through 3B10, inclusive, shall be the date on which said instrument is filed for record in the Office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration, and Hearthside has consent to the same, to be effective as of the day and year first above written.

Declarant: KENNECOTT LAND COMPANY,
A Delaware corporation

By: M. Bruce Snyder
Name: M. BRUCE SNYDER
Title: VICE PRESIDENT

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

On the 20 day of February, 2008, personally appeared before me, a Notary Public, M. Bruce Snyder, the vice President of KENNECOTT LAND 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 KENNECOTT LAND COMPANY.

WITNESS my hand and official Seal.



Natalie K. Alberico
Notary Public in and for said state
My commission expires:

[SEAL]

CONSENTED TO BY:

Hearthside:

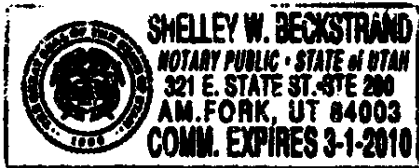
HEARTHIDE AT FOUNDERS PARK, L.C.
A Utah limited liability company

By: *Wayne H. Corbridge*
Name: *Wayne H. Corbridge*
Title: *managing member*

STATE OF UTAH)
) SS.
COUNTY OF UTAH)

On the *20* day of February, 2008, personally appeared before me, a Notary Public, *Wayne H. Corbridge*, the *managing member* of HEARTHIDE AT FOUNDERS PARK, L.C., 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 HEARTHIDE AT FOUNDERS PARK, L.C.

WITNESS my hand and official Seal.



[Signature]

Notary Public in and for said state
My commission expires: *3-1-10*

[SEAL]

EXHIBIT "A"
LEGAL DESCRIPTIONS FOR PARCELS A AND B

The land referred to in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

LEGAL DESCRIPTION
DAYBREAK PLAT 3B
PARCEL A

Commencing at the Southeast Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'42" West – 2677.868 feet between the Southeast Corner and the South Quarter of said Section 24) and running North 89°58'42" West along the south line of said Section 24 for 1770.708 feet; thence North 00°01'18" East perpendicular to said section line for 89.537 feet to the **POINT OF BEGINNING**; thence North 90°00'00" West for 151.041 feet; thence North 00°00'00" West for 48.944 feet; thence North 29°31'41" West for 140.809 feet; thence North 00°00'00" West for 244.781 feet; thence North 53°27'06" East for 53.512 feet; thence with a non-tangent curve to the left having a radius of 42.000 feet, whose center bears South 36°32'54" East, with a central angle of 53°27'06" (chord bearing and distance of South 26°43'33" West – 37.777 feet) for an arc distance of 39.182 feet; thence South 00°00'00" East 20.271 feet; thence North 90°00'00" East for 20.000 feet; thence North 00°00'00" West for 20.271 feet; thence with a curve to the right having a radius of 22.000 feet, with a central angle of 143°27'06" (chord bearing and distance of North 71°43'33" East – 41.781 feet) for an arc distance of 55.081 feet, thence South 36°32'54" East for 9.674 feet, thence with a curve to the left having a radius of 42.000 feet, with a central angle of 38°01'13" (chord bearing and distance of South 55°33'31" East – 27.362) for an arc distance of 27.870 feet, thence South 74°34'07" East for 113.666 feet, thence with a non-tangent curve to the left having a radius of 124.000 feet, whose center bears South 77°06'37" East, with a central angle of 10°45'22" (chord bearing and distance of South 07°30'42" West – 23.244 feet) for an arc distance of 23.278 feet, thence with a curve to the left having a radius of 132.000 feet, with a central angle of 02°08'01" (chord bearing and distance of South 01°04'01" West- 4.915 feet) for an arc distance of 4.915 feet, thence South 00°00'00" West for 346.022 feet to the **POINT OF BEGINNING**

Containing 81,720 square feet or 1.8760 acres.

November 13, 2006

**LEGAL DESCRIPTION
DAYBREAK PLAT 3B
PARCEL B**

Commencing at the Southeast Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'42" West – 2677.868 feet between the Southeast Corner and the South Quarter of said Section 24) and running North 89°58'42" West along the south line of said Section 24 for 1102.348 feet; thence North 00°01'18" East perpendicular to said section line for 89.791 feet to the **POINT OF BEGINNING**; thence North 90°00'00" West for 604.359 feet; thence North 00°00'00" East for 281.359 feet; thence South 90°00'00" East for 604.359 feet; thence South 00°00'00" West for 281.359 feet to the **POINT OF BEGINNING**.

Containing 170,042. square feet or 3.9036 acres.

November 13, 2006

TAX PARCEL NOS.

26-24-454-121-0000	26-24-454-121-0000	26-24-454-121-0000
26-24-454-061-0000	26-24-454-037-0000	26-24-454-073-0000
26-24-454-064-0000	26-24-454-040-0000	26-24-454-076-0000
26-24-454-070-0000	26-24-454-046-0000	26-24-454-082-0000
26-24-454-067-0000	26-24-454-043-0000	26-24-454-079-0000
26-24-454-062-0000	26-24-454-038-0000	26-24-454-074-0000
26-24-454-065-0000	26-24-454-041-0000	26-24-454-077-0000
26-24-454-071-0000	26-24-454-047-0000	26-24-454-083-0000
26-24-454-068-0000	26-24-454-044-0000	26-24-454-080-0000
26-24-454-063-0000	26-24-454-039-0000	26-24-454-075-0000
26-24-454-066-0000	26-24-454-042-0000	26-24-454-078-0000
26-24-454-072-0000	26-24-454-048-0000	26-24-454-084-0000
26-24-454-069-0000	26-24-454-045-0000	26-24-454-081-0000

26-24-454-121-0000	26-24-454-121-0000	26-24-454-121-0000
26-24-454-109-0000	26-24-454-097-0000	26-24-454-025-0000
26-24-454-112-0000	26-24-454-100-0000	26-24-454-028-0000
26-24-454-118-0000	26-24-454-106-0000	26-24-454-034-0000
26-24-454-115-0000	26-24-454-103-0000	26-24-454-031-0000
26-24-454-110-0000	26-24-454-098-0000	26-24-454-026-0000
26-24-454-113-0000	26-24-454-101-0000	26-24-454-029-0000
26-24-454-119-0000	26-24-454-107-0000	26-24-454-035-0000
26-24-454-116-0000	26-24-454-104-0000	26-24-454-032-0000
26-24-454-111-0000	26-24-454-099-0000	26-24-454-027-0000
26-24-454-114-0000	26-24-454-102-0000	26-24-454-030-0000
26-24-454-120-0000	26-24-454-108-0000	26-24-454-036-0000
26-24-454-117-0000	26-24-454-105-0000	26-24-454-033-0000

26-24-454-121-0000	26-24-454-121-0000	26-24-454-121-0000
26-24-454-049-0000	26-24-454-085-0000	26-24-454-013-0000
26-24-454-052-0000	26-24-454-088-0000	26-24-454-016-0000
26-24-454-058-0000	26-24-454-094-0000	26-24-454-022-0000
26-24-454-055-0000	26-24-454-091-0000	26-24-454-019-0000
26-24-454-050-0000	26-24-454-086-0000	26-24-454-014-0000
26-24-454-053-0000	26-24-454-089-0000	26-24-454-017-0000
26-24-454-059-0000	26-24-454-095-0000	26-24-454-023-0000
26-24-454-056-0000	26-24-454-092-0000	26-24-454-020-0000
26-24-454-051-0000	26-24-454-087-0000	26-24-454-015-0000
26-24-454-054-0000	26-24-454-090-0000	26-24-454-018-0000
26-24-454-060-0000	26-24-454-096-0000	26-24-454-024-0000
26-24-454-057-0000	26-24-454-093-0000	26-24-454-021-0000

26-24-454-121-0000
26-24-454-001-0000
26-24-454-004-0000
26-24-454-010-0000
26-24-454-007-0000
26-24-454-002-0000
26-24-454-005-0000
26-24-454-011-0000
26-24-454-008-0000
26-24-454-003-0000
26-24-454-006-0000
26-24-454-012-0000
26-24-454-009-0000