

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Kennecott Land Company  
5295 South 300 West, Suite 475  
Murray, Utah 84107  
Attention: Senior Contracts and Revenue Analyst

10384532  
03/27/2008 03:57 PM \$52.00  
Book - 9587 Pg - 1673-1679  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: TMM, DEPUTY - WI 7 P.

**AMENDMENT NO. 1  
TO  
DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS  
IN SALT LAKE COUNTY, UTAH**

**THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS IN SALT LAKE COUNTY, UTAH** (this "**Amendment**") is declared this March 26, 2008 by **KENNECOTT LAND COMPANY**, a Delaware corporation, as "**Declarant**" under the Declaration of Condominium of Eastlake Village Condominiums in Salt Lake County, Utah.

**RECITALS**

A. Declarant and Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**") have previously established the "Declaration of Condominium of Eastlake Village Condominiums in Salt Lake County, Utah," recorded on July 31, 2007, as Entry No. 10179918, in Book 9498, beginning at page 1340 (the "**Declaration**") submitting the real property described on Exhibit "A" hereto as an expandable condominium project (the "**Project**") under the Utah Condominium Ownership Act and reserving the right to expand the Project to include the property described on Exhibit "B" hereto. Capitalized terms used in this Amendment, unless defined herein, shall have the meanings set forth in the Declaration.

B. By Special Warranty Deed recorded on August 28, 2007, as Entry No. 10206534, in Book 9508, beginning at page 9817, KLRDC conveyed to Holmes Homes, Inc., a Utah corporation ("**Holmes**") all Units within the Project, together with an undivided interest in the Common Area appurtenant to each Unit, as identified in that certain Plat recorded on July 31, 2007 as Entry No. 10179917, in Book 2007P at page 181 (the "**Original Plat**"), subject to the provisions of the Declaration, including any amendments thereto.

C. Declarant and Holmes desire to amend the Original Plat to remove portions of the Project from the Common Area, add such portions of the Common Area to certain Units and make certain other revisions to the Original Plat. For such purpose, Holmes, with the consent of Declarant, is recording concurrently herewith that certain Plat of Amended Eastlake Village Condominiums (the "**Amended Plat**").

D. Declarant and Holmes desire to amend the Declaration to incorporate therein the Amended Plat. Pursuant to Article 15 of the Declaration, Declarant has the right to amend the Declaration prior to conveyance of the first Unit by Builder to an Owner.

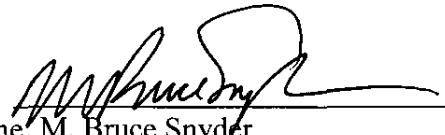
**NOW THEREFORE**, Declarant hereby declares as follows:

1. **Amendment Regarding the Plat.** All references in the Declaration to the Plat shall be deemed references to the Amended Plat recorded concurrently herewith. Without limiting the generality of the foregoing, the Units and Common Area (including Limited Common Area) shall be as identified in the Amended Plat. Exhibit "D" to the Declaration, which is the schedule of Units, Square Footage, Votes and Undivided Interests in Common Area, is hereby replaced in its entirety by Exhibit "D-1" attached hereto. All other provisions of the Declaration shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the undersigned Declarant has executed this Amendment, and Holmes has consented to the same, to be effective as of the day and year first above written.

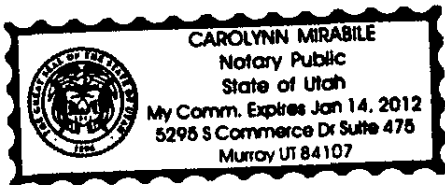
Declarant:

KENNECOTT LAND COMPANY,  
a Delaware corporation

By   
Name: M. Bruce Snyder  
Title: Vice President Residential and  
Commercial Development

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

On March 26, 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.

Carolynn Mirabile - Utah  
Notary Public in and for said State

My commission expires: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION  
PARCEL**

**LOT 1 BOUNDARY DESCRIPTION**

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1831.416 feet; thence South 89°52'45" West perpendicular to said section line for 3608.790 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 100.000 feet; thence North 90°00'00" West for 101.000 feet; thence North 00°00'00" East for 460.000 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 360.000 feet; thence North 90°00'00" East for 16.000 feet to the POINT OF BEGINNING.

Containing 40,700 sq. ft. or 0.9343 acres.

**LOT 2 BOUNDARY DESCRIPTION**

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1742.858 feet; thence South 89°52'45" West perpendicular to said section line for 3105.376 feet to the POINT OF BEGINNING; thence South 82°42'12" West for 81.155 feet; thence with a curve to the right having a radius of 271.000 feet, with a central angle of 05°57'39" (chord bearing and distance of South 85°41'02" West - 28.181 feet) for an arc distance of 28.194 feet; thence North 00°00'00" East for 99.926 feet; thence South 90°00'00" East for 15.000 feet; thence North 00°00'00" East for 360.000 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 288.074 feet; thence with a curve to the left having a radius of 1482.000 feet, with a central angle of 06°10'32" (chord bearing and distance of South 03°05'16" East - 159.656 feet) for an arc distance of 159.734 feet to the POINT OF BEGINNING.

Containing 40,547 sq. ft. or 0.9308 acres

**EXHIBIT "B"**

**LEGAL DESCRIPTION  
ADDITIONAL LAND**

The following described real property, located in Salt Lake County, Utah, is the Additional Land:

**Boundary Description - Additional Land Area**

**PARCEL A**

Commencing at the North Quarter corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East - 2639.700 feet between the North Quarter and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 843.482 feet; thence South 00°02'48" West perpendicular to said section line for 945.122 feet to the POINT OF BEGINNING; thence with a non tangent curve to the left having a radius of 429.000 feet, whose center bears North 89°08'36" East, with a central angle of 57°05'30" (chord bearing and distance of South 29°24'09" East - 410.005 feet) for an arc distance of 427.472 feet; thence South 57°56'54" East for 61.183 feet; thence with a curve to the right having a radius of 6.500 feet, a central angle of 90°00'00" (chord bearing and distance of South 12°56'54" East - 9.192 feet) for an arc length of 10.210 feet; thence South 32°03'06" West for 213.500 feet; thence North 57°56'54" West for 276.417 feet; thence with a non-tangent curve to the left having a radius of 160.000 feet, whose center bears South 86°30'47" West, with a central angle of 74°58'34" (chord bearing and distance of North 40°58'30" West - 194.751 feet) for an arc length of 209.373 feet; thence North 00°00'00" East for 285.851 feet; thence North 90°00'00" East for 220.082 feet to the POINT OF BEGINNING.

Containing 3.3281 acres

**EXHIBIT "D-1"**

**EASTLAKE VILLAGE CONDOMINIUMS**

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>
Building 1 Unit A	Triplex A	2691	1/30	1
Building 1 Unit B	Triplex A	2597	1/30	1
Building 1 Unit C	Triplex A	1365	1/30	1
Building 2 Unit A	Triplex A	2691	1/30	1
Building 2 Unit B	Triplex A	2597	1/30	1
Building 2 Unit C	Triplex A	1365	1/30	1
Building 3 Unit A	Triplex A	2691	1/30	1
Building 3 Unit B	Triplex A	2597	1/30	1
Building 3 Unit C	Triplex A	1365	1/30	1
Building 4 Unit A	Triplex A	2691	1/30	1
Building 4 Unit B	Triplex A	2597	1/30	1
Building 4 Unit C	Triplex A	1365	1/30	1
Building 5 Unit A	Triplex A	2691	1/30	1
Building 5 Unit B	Triplex A	2597	1/30	1
Building 5 Unit C	Triplex A	1365	1/30	1
Building 6 Unit A	Triplex A	1976	1/30	1
Building 6 Unit B	Triplex A	1905	1/30	1
Building 6 Unit C	Triplex A	1365	1/30	1
Building 7 Unit A	Triplex A	1976	1/30	1
Building 7 Unit B	Triplex A	1905	1/30	1
Building 7 Unit C	Triplex A	1365	1/30	1
Building 8 Unit A	Triplex A	2691	1/30	1
Building 8 Unit B	Triplex A	2597	1/30	1
Building 8 Unit C	Triplex A	1365	1/30	1
Building 9 Unit A	Triplex A	2691	1/30	1
Building 9 Unit B	Triplex A	2597	1/30	1
Building 9 Unit C	Triplex A	1365	1/30	1

Building 10 Unit A	Triplex A	2691	1/30	1
Building 10 Unit B	Triplex A	2597	1/30	1
Building 10 Unit C	Triplex A	1365	1/30	1

\* All references to building numbers and unit designations refer to such numbers and designations as contained in the Plat.

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