

WHEN RECORDED, RETURN TO:

Kennecott Land Company
4700 Daybreak Parkway, 3S
South Jordan, UT 84095
Senior Associate, Contracts & Risk Management

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04/15/2009 03:57 PM \$46.00
Book - 9710 Pg - 6131-6139
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
HOLMES HOLMES
126 W SEGO LILY DR STE 250
SANDY UT 84070
BY: ARG, DEPUTY - WI 9 P.

**SECOND SUPPLEMENT
TO
DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS
IN SALT LAKE COUNTY, UTAH**

**CONVERTING A PORTION OF THE EXPANDABLE LAND TO BE KNOWN AS
KENNECOTT DAYBREAK CONDOMINIUMS PLAT 8A-3 & 8A-4**

THIS SECOND SUPPLEMENT TO DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS IN SALT LAKE COUNTY, UTAH adding land to the Eastlake Village Condominiums Project (this "**Supplement**") is made and entered into this 3rd day of March 2009, by KENNECOTT LAND COMPANY, a Delaware corporation, ("Declarant") and is consented to by HOLMES HOMES, INC., a Utah corporation ("Holmes").

RECITALS

- A. Pursuant to 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 (as amended from time to time, the "Declaration"), Declarant has previously established the Eastlake Village Condominium project as expandable condominium project (the "Project") submitting real property shown on the record of survey map entitled "Eastlake Village Condominiums Amending Parcels G, H, I, J, K, L, M, N, O & P as shown on Kennecott Daybreak Plat 7 Subdivision," recorded on July 31, 2007, as Entry No. 10179917, Book 2007P, beginning at Page 315 to the Declaration under the Utah Condominium Ownership Act.
- B. Pursuant to Article 16 of the Declaration, Declarant has the right to add all or a portion of the "Additional Land" (as defined in the Declaration) to the Project with the consent of the owner of the Additional Land to be added to the Project.
- C. Holmes is the owner of the real property described with particularity on Exhibit "A", inclusive, attached hereto and incorporated herein by this reference (the "Parcel"). The Parcel is part of the Additional Land.

- D. Declarant and Holmes desire to submit the Parcel, together with all buildings and improvements now or hereafter constructed on the Parcel, and all easements and rights appurtenant thereto (collectively, the "Property"), to the Declaration and add the Property to the Project as set forth herein.
- E. Holmes is recording concurrently herewith two supplemental condominium plats or record of survey maps entitled "Kennecott Daybreak Condominium Plat 8A-3 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision" and "Kennecott Daybreak Condominium Plat 8A-4 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision" (the "Supplemental Plats") with respect to the Property
- F. Holmes plans to construct the Common Area and Units (as defined in the Declaration) shown on the 8A-3 and 8A-4 Supplemental Plats in accordance with the 8A-3 and 8A-4 Supplemental Plats.
- G. Pursuant to Section 16.10 of the Declaration, Declarant desires to designate Holmes as an "Additional Builder" under the Declaration.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Submission to Declaration.** Pursuant to Article 16 of the Declaration, Declarant hereby adds the Property to the Project and submits and subjects the Property to the Declaration, including without limitation, all covenants, restrictions, easements, conditions, charges and liens, set forth in the Declaration. Holmes hereby consents to the submission of the Property to the Declaration. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restriction, easements, conditions, charges, and liens set forth in the Declaration.
3. **Builder Designation.** Declarant hereby designates Holmes as an "Additional Builder" under the Declaration
4. **Quality of Construction.** All improvements constructed on any portion of the Parcels will be consistent with the existing improvements in the Project in terms of quality of construction.
5. **Number of Buildings and Units.** There are currently 50 Units in the Project. As shown on the Supplemental Plats, Common Area and Facilities, 2 Buildings and 20 Units are or will be added to the Project on the Parcel. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Supplemental Plats and this Supplement, the total number of Units in the Project will be 70.

6. **Allocation of Common Expenses.** The common profits of the Property shall be distributed among, the common expenses shall be charged to, and the voting rights shall be available to, the Unit Owners equally and uniformly according to their respective percentage or fractional undivided interests in the Common Areas and Facilities.
7. **Percentage of Ownership Interest.** The percentages of ownership interest of the Units added to the Project are set forth in Exhibit "B" attached hereto and incorporated herein by this reference. Exhibit "B" attached in the First Supplement to Declaration of Condominium of Eastlake Village Condominiums recorded on January 15, 2009, Entry No 10599249, Book 9674, Page 7753 is hereby replaced in its entirety.
8. **Full Force and Effect.** The Declaration, as amended hereby, shall remain in full force and effect.
9. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

(Signature page follows)

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

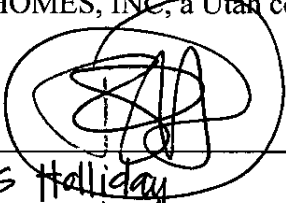
Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: Ty McCutcheon
Title: Vice President Daybreak

CONSENTED TO BY:

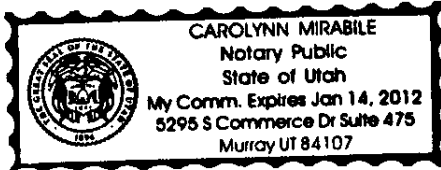
HOLMES HOMES, INC, a Utah corporation

By: 
Name: Ross Halliday
Title: Vice President

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

On March 3, 2009, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak 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
Notary Public in and for said State

My commission expires: 1-14-2012

[SEAL]

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

On 3/6/09, personally appeared before me, a Notary Public, Ross Holliday, the Vice President of **HOLMES HOMES, INC.** 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 **HOLMES HOMES, INC.**

WITNESS my hand and official Seal.

V Fleming
Notary Public in and for said State

My commission expires: _____

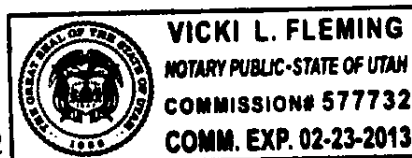


EXHIBIT A

LEGAL DESCRIPTION OF PLAT 8A-3

BOUNDARY DESCRIPTION PLAT 8A-3

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 Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 940.360 feet; thence South 00°02'48" East perpendicular to said section line for 1350.124 feet to the POINT OF BEGINNING; thence North 50°49'10" East for 59.133 feet; thence North 81°51'24" East for 12.373 feet; thence North 51°52'21" East for 44.242 feet; thence South 38°07'47" East for 52.321 feet; thence with a curve to the left having a radius of 160.000 feet, a central angle of 19°49'08" (chord bearing and distance of South 48°02'20" East, 55.069 feet) for an arc distance of 55.345 feet; thence South 57°56'54" East for 12.053 feet; thence South 32°03'06" West for 99.735 feet; thence North 57°56'54" West for 140.710 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 10°04'54" (chord bearing and distance of North 08°31'40" West 28.117 feet) for an arc distance of 28.153 feet to the POINT OF BEGINNING.

Containing 15,687 sq. ft. or 0.3601 acres.

LEGAL DESCRIPTION OF PLAT 8A-4

BOUNDARY DESCRIPTION PLAT 8A-4

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 Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 817.012 feet; thence South 00°02'48" East perpendicular to said section line for 1452.704 feet to the POINT OF BEGINNING; thence North 32°03'06" East for 99.735 feet; thence South 57°56'54" East for 135.707 feet; thence South 32°03'06" West for 99.735 feet; thence North 57°56'54" West for 135.707 feet to the POINT OF BEGINNING.

Containing 13,535 sq. ft. or 0.3107 acres.

EXHIBIT B (SECOND SUPPLEMENT)

**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST
EASTLAKE VILLAGE CONDOMINIUMS
(Existing)**

| Plat # | Building | Unit No. | Undivided Interest Per Unit | No. of Votes Per Unit |
|----------------------|----------|----------|-----------------------------|-----------------------|
| <i>EXISTING</i> | | | | |
| | 1 | A | 1.429% | 1 |
| | 1 | B | 1.429% | 1 |
| | 1 | C | 1.429% | 1 |
| | 2 | A | 1.429% | 1 |
| | 2 | B | 1.429% | 1 |
| | 2 | C | 1.429% | 1 |
| | 3 | A | 1.429% | 1 |
| | 3 | B | 1.429% | 1 |
| | 3 | C | 1.429% | 1 |
| | 4 | A | 1.429% | 1 |
| | 4 | A | 1.429% | 1 |
| | 4 | B | 1.429% | 1 |
| | 5 | C | 1.429% | 1 |
| | 5 | A | 1.429% | 1 |
| | 5 | B | 1.429% | 1 |
| | 6 | C | 1.429% | 1 |
| | 6 | A | 1.429% | 1 |
| | 6 | B | 1.429% | 1 |
| | 7 | C | 1.429% | 1 |
| | 7 | A | 1.429% | 1 |
| | 7 | A | 1.429% | 1 |
| | 8 | B | 1.429% | 1 |
| | 8 | C | 1.429% | 1 |
| | 8 | A | 1.429% | 1 |
| | 9 | B | 1.429% | 1 |
| | 9 | C | 1.429% | 1 |
| | 9 | A | 1.429% | 1 |
| | 10 | B | 1.429% | 1 |
| | 10 | C | 1.429% | 1 |
| ↓ <i>EXISTING</i> | 10 | A | 1.429% | 1 |

**KENNECOTT DAYBREAK CONDOMINIUMS
PLAT 8A-1 AND 8A-2
(Existing)**

| Plat # | Building | Unit No. | Undivided Interest Per Unit | No. of Votes Per Unit |
|---------------|-----------------|-----------------|------------------------------------|------------------------------|
| 8A-1 | A | 1 | 1.429% | 1 |
| 8A-1 | A | 2 | 1.429% | 1 |
| 8A-1 | A | 3 | 1.429% | 1 |
| 8A-1 | A | 4 | 1.429% | 1 |
| 8A-1 | A | 5 | 1.429% | 1 |
| 8A-1 | A | 6 | 1.429% | 1 |
| 8A-1 | A | 7 | 1.429% | 1 |
| 8A-1 | A | 8 | 1.429% | 1 |
| 8A-1 | A | 9 | 1.429% | 1 |
| 8A-1 | A | 10 | 1.429% | 1 |
| 8A-2 | B | 1 | 1.429% | 1 |
| 8A-2 | B | 2 | 1.429% | 1 |
| 8A-2 | B | 3 | 1.429% | 1 |
| 8A-2 | B | 4 | 1.429% | 1 |
| 8A-2 | B | 5 | 1.429% | 1 |
| 8A-2 | B | 6 | 1.429% | 1 |
| 8A-2 | B | 7 | 1.429% | 1 |
| 8A-2 | B | 8 | 1.429% | 1 |
| 8A-2 | B | 9 | 1.429% | 1 |
| 8A-2 | B | 10 | 1.429% | 1 |

**KENNECOTT DAYBREAK CONDOMINIUMS
PLAT 8A-3 AND 8A-4
(Added by this Second Supplement)**

| Plat # | Building | Unit No. | Undivided Interest Per Unit | No. of Votes Per Unit |
|---------------|-----------------|-----------------|------------------------------------|------------------------------|
| 8A-3 | C | 1 | 1.429% | 1 |
| 8A-3 | C | 2 | 1.429% | 1 |
| 8A-3 | C | 3 | 1.429% | 1 |
| 8A-3 | C | 4 | 1.429% | 1 |
| 8A-3 | C | 5 | 1.429% | 1 |
| 8A-3 | C | 6 | 1.429% | 1 |
| 8A-3 | C | 7 | 1.429% | 1 |
| 8A-3 | C | 8 | 1.429% | 1 |
| 8A-3 | C | 9 | 1.429% | 1 |
| 8A-3 | C | 10 | 1.429% | 1 |
| 8A-4 | D | 1 | 1.429% | 1 |
| 8A-4 | D | 2 | 1.429% | 1 |
| 8A-4 | D | 3 | 1.429% | 1 |
| 8A-4 | D | 4 | 1.429% | 1 |
| 8A-4 | D | 5 | 1.429% | 1 |
| 8A-4 | D | 6 | 1.429% | 1 |
| 8A-4 | D | 7 | 1.429% | 1 |
| 8A-4 | D | 8 | 1.429% | 1 |
| 8A-4 | D | 9 | 1.429% | 1 |
| 8A-4 | D | 10 | 1.429% | 1 |