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 12/21/2010 1:51:00 PM \$34.00  
 Book - 9891 Pg - 1037-1049  
 Gary W. Ott  
 Recorder, Salt Lake County, UT  
 FIRST AMERICAN TITLE  
 BY: eCASH, DEPUTY - EF 13 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company  
 4700 Daybreak Parkway  
 South Jordan, UT 84092  
 Attention: Senior Associate,  
 Contracts and Risk Management

**SUPPLEMENT TO AMENDED DECLARATION  
 OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS PROJECT  
 (WITHDRAWING CERTAIN PARCELS)**

**THIS SUPPLEMENT TO AMENDED DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS PROJECT** (this "Supplement") is made this December 9, 2010 by **KENNECOTT LAND COMPANY**, a Delaware corporation, as declarant ("**Declarant**") under that certain 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 by that certain Amendment No. 1 to Declaration of Condominium of Eastlake Village Condominiums, recorded on March 27, 2008, as Entry No. 10384532, in Book 9587, beginning at Page 1673, and as further amended and supplemented from time to time (collectively, the "**Declaration**"), and is consented to by **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation ("**KLRDC**"), **HOLMES HOMES, INC.**, a Utah corporation ("**Holmes**"), and the **DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS OWNERS' ASSOCIATION, INC.**, a Utah non-profit corporation ("**Eastlake Owners' Association**").

**RECITALS:**

- A. Pursuant to the Declaration, Declarant has established the Eastlake Village Condominiums Project (the "**Project**") consisting of certain lots as shown on the plat entitled "EASTLAKE VILLAGE CONDOMINIUMS", recorded on July 31, 2007, as Entry No. 10179917, in Book 2007P, at Page 181, as amended from time to time (collectively, as amended, the "**Plat**"), which lots are improved, or will 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. Pursuant to the Declaration and the Plat, certain parcels of real property more particularly described in Exhibit A, attached hereto and incorporated herein (collectively the "**Withdrawn Parcels**"), shown on the Plat (or in subsequent amendments thereto) were submitted to the Declaration and, thereby, became subject to the governance of the Eastlake Owners' Association, as described in the Declaration.
- C. Declarant now desires to supplement the Declaration to: (a) withdraw the Withdrawn Parcels from the Project and the governance of the Eastlake Owners' Association; and (b)

**COURTESY RECORDING**

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

to release the Withdrawn Parcels from the encumbrance of the Declaration, all as more particularly hereinafter set forth.

- D. Holmes owns a portion of the Withdrawn Parcels and desires to evidence its consent to the withdrawal of such respective portions of the Withdrawn Parcels from the Project as set forth below.

NOW, THEREFORE, Declarant hereby declares as follows:

1. **Definitions.** Unless otherwise defined herein, each capitalized term used herein and not defined herein shall have the meaning ascribed to it in the Declaration.
2. **Release from Declaration and Association.** Pursuant to the Declaration, Declarant hereby withdraws the Withdrawn Parcels from the Project and withdraws the Withdrawn Parcels from the encumbrance of the Declaration, including, without limitation, from all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. KLRDC hereby consents to the withdrawal of the Withdrawn Parcels from the Declaration as set forth herein. Accordingly, from and after the recordation of this Supplement, the Withdrawn Parcels shall be deemed released from all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration and shall no longer be deemed to be governed by the Eastlake Owners' Association, as provided by the Declaration.
3. **Number of Buildings and Units.** As of the recording of this Supplement (and the removal of the Withdrawn Parcels from the Project as set forth herein), there are eighty-four (84) total Units and fourteen (14) Condominium Buildings in the Project.
4. **Percentage of Ownership Interests.** Pursuant to the Declaration, the common profits of the Project 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. Accordingly, as of the recording of this Supplement (and the removal of the Withdrawn Parcel from the Project as set forth herein), the reallocated percentages of ownership interest of the Units in the Common Areas of the Project are set forth in **Exhibit B** attached hereto and incorporated herein by this reference. All prior exhibits attached to any prior amendment or Supplement to the Declaration, setting forth such prior allocation of the percentages of ownership interest of the Units, are hereby replaced in their entirety by **Exhibit B** attached hereto.
5. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.
6. **Full Force and Effect.** The Declaration, as supplemented hereby, shall otherwise remain in full force and effect with respect to all other property described therein.
7. **Builder Consent.** Holmes hereby consents to this Supplement and has executed and acknowledged this Supplement to evidence such consent.

8. **Consent of Members/Owners.** This Supplement to the Declaration has been approved by a vote or agreement of Owners of Units to which at least sixty-seven percent (67%) of the current votes in the Association are allocated. To evidence and confirm such approval of the current Owners, the Association has duly executed and acknowledged this Supplement as set forth below.

**IN WITNESS WHEREOF**, as of this December 9, 2010, Declarant has executed this Supplement, and KLRDC, the Eastlake Owners' Association and Holmes have consented to the same.


**Declarant:**

**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By:   
Ty McCutcheon  
Its: Vice President Daybreak


**KLRDC:**

**KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY,** a Delaware  
corporation

By:   
Ty McCutcheon  
Its: Vice President Daybreak

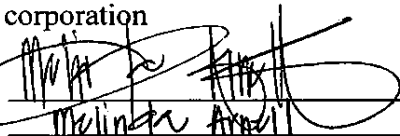
**Eastlake Owners' Association:**

**DAYBREAK EASTLAKE VILLAGE  
CONDOMINIUMS OWNERS'  
ASSOCIATION, INC.,**  
a Utah non-profit corporation

By:   
Name: officer Jeffrey Stephenson  
Its: officer

**Holmes:**

**HOLMES HOMES, INC.,**  
a Utah corporation

By:   
Name: Melinda Arndt  
Its: TRAVELER

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

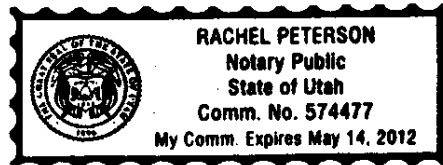
On December 9<sup>th</sup>, 2010 personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND COMPANY**, a Delaware corporation personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]



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

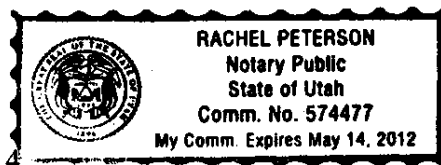
On December 9<sup>th</sup>, 2010 personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]



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

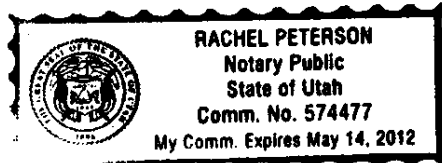
On December 9<sup>th</sup>, 2010 personally appeared before me, a Notary Public, Jeffrey Stephenson, the Officer of **DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS OWNERS' ASSOCIATION, INC.**, a Utah non-profit corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS OWNERS' ASSOCIATION, INC.**, a Utah non-profit corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State  
My commission expires: May 14, 2012

[SEAL]

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

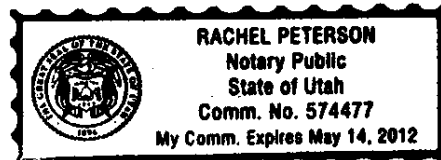


On December 9<sup>th</sup>, 2010 personally appeared before me, a Notary Public, Melinda Arnett the Treasurer of **HOLMES HOMES, INC.**, a Utah corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **HOLMES HOMES, INC.**, a Utah corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State  
My commission expires: May 14, 2014

[SEAL]



## EXHIBIT A

### LEGAL DESCRIPTION OF THE WITHDRAWN PARCELS

#### LOFTS/FLATS BUILDING (24 UNITS):

##### LEGAL DESCRIPTION OF PLAT 8A-7

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 937.336 feet; thence South 00°02'48" East perpendicular to said section line for 1061.379 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 82.602 feet; thence with a curve to the left having a radius of 90.000 feet, with a central angle of 14°41'58" (chord bearing and distance of North 82°39'01" East - 23.027 feet) for an arc distance of 23.090 feet; thence North 75°18'02" East for 5.131 feet; thence with a non-tangent curve to the left having a radius of 429.000 feet, whose center bears North 73°57'54" East, with a central angle of 16°47'22" (chord bearing and distance of South 24°25'47" East - 125.261 feet) for an arc distance of 125.710 feet; thence South 66°07'01" West for 109.566 feet; thence North 38°07'46" West for 78.240 feet; thence with a curve to the right having a radius of 101.760 feet, with a central angle of 38°07'46" (chord bearing and distance of North 19°03'53" West - 66.477 feet) for an arc distance of 67.720 feet; thence North 00°00'00" East for 21.782 feet; thence with a curve to the right having a radius of 8.000 feet, with a central angle of 90°00'00" (chord bearing and distance of North 45°00'00" East - 11.314 feet) for an arc distance of 12.566 feet to the POINT OF BEGINNING.

Containing 17,668 sq. ft. or 0.4056 acres.

##### LEGAL DESCRIPTION OF PLAT 8A-8

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 952.656 feet; thence South 00°02'48" East perpendicular to said section line for 945.033 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 109.174 feet; 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 12°30'25" (chord bearing and distance of South 07°06'37" East - 93.459 feet) for an arc distance of 93.645 feet; thence South 75°18'02" West for 5.131 feet; thence with a curve to the right having a radius of 70.000 feet, with a central angle of 14°41'58" (chord bearing and distance of South 82°39'01" West - 17.910 feet) for an arc distance of 17.959 feet; thence South 90°00'00" West for 98.017 feet; thence North 00°00'00" East for 96.333 feet to the POINT OF BEGINNING.

Containing 10,908 sq. ft. or 0.2504 acres.

## LEGAL DESCRIPTION OF PLAT 8A-9

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 1063.564 feet; thence South 00°02'48" East perpendicular to said section line for 944.943 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 110.908 feet; thence South 00°00'00" West for 96.333 feet; thence South 90°00'00" West for 110.908 feet; thence North 00°00'00" East for 96.333 feet to the POINT OF BEGINNING.

## 2 CARRIAGE CONDO BUILDINGS:

### PARCEL H:

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 2013.033 feet; thence South 89°52'45" West perpendicular to said section line for 3624.408 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 91.472 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

### PARCEL K

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 100.000 feet; thence North 90°00'00" East for 101.000 feet to the POINT OF BEGINNING.

Containing 10,100 sq. ft. or 0.2319 acres

Eastlake Village Condominium Tax Parcel Nos.:

27-18-329-014-0000

27-18-329-013-0000

27-18-329-012-0000

27-18-329-021-0000

27-18-329-022-0000

27-18-329-023-0000



RXLP KENNECOTT DAYBREAK PL 8A 7 CONDO

BLK, LOT-QUAR

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER
		U	AREA	27-18-134-090-0000
B	G	U	1	27-18-134-066-0000
B	G	U	2	27-18-134-067-0000
B	G	U	3	27-18-134-068-0000
B	G	U	4	27-18-134-069-0000
B	G	U	5	27-18-134-070-0000
B	G	U	6	27-18-134-071-0000
B	G	U	7	27-18-134-072-0000
B	G	U	8	27-18-134-073-0000
B	G	U	9	27-18-134-074-0000
B	G	U	10	27-18-134-075-0000

RXLP KENNECOTT DAYBREAK PL 8A 8 CONDO

BLK, LOT-QUAR

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER
		U	AREA	27-18-134-090-0000
B	H	U	1	27-18-134-076-0000
B	H	U	2	27-18-134-077-0000
B	H	U	3	27-18-134-078-0000
B	H	U	4	27-18-134-079-0000
B	H	U	5	27-18-134-080-0000
B	H	U	6	27-18-134-081-0000
B	H	U	7	27-18-134-082-0000

RXLP KENNECOTT DAYBREAK PL 8A 9 CONDO

BLK, LOT-QUAR

B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER
		U	AREA	27-18-134-090-0000
B	I	U	1	27-18-134-083-0000
B	I	U	2	27-18-134-084-0000
B	I	U	3	27-18-134-085-0000
B	I	U	4	27-18-134-086-0000
B	I	U	5	27-18-134-087-0000
B	I	U	6	27-18-134-088-0000
B	I	U	7	27-18-134-089-0000

**EXHIBIT B**

**PERCENTAGES OF UNDIVIDED OWNERSHIP INTERESTS**

**EASTLAKE VILLAGE CONDOMINIUMS**

(Existing, Following Removal of Withdrawn Parcels)

<b>Plat #</b>	<b>Building</b>	<b>Unit Number</b>	<b>Undivided Interest Per Unit</b>	<b>Number of Votes per Unit</b>
7	1	A	1/84 <sup>th</sup>	1
7	1	B	1/84 <sup>th</sup>	1
7	1	C	1/84 <sup>th</sup>	1
7	3	A	1/84 <sup>th</sup>	1
7	3	B	1/84 <sup>th</sup>	1
7	3	C	1/84 <sup>th</sup>	1
7	4	A	1/84 <sup>th</sup>	1
7	4	B	1/84 <sup>th</sup>	1
7	4	C	1/84 <sup>th</sup>	1
7	6	A	1/84 <sup>th</sup>	1
7	6	B	1/84 <sup>th</sup>	1
7	6	C	1/84 <sup>th</sup>	1
7	7	A	1/84 <sup>th</sup>	1
7	7	B	1/84 <sup>th</sup>	1
7	7	C	1/84 <sup>th</sup>	1
7	8	A	1/84 <sup>th</sup>	1
7	8	B	1/84 <sup>th</sup>	1
7	8	C	1/84 <sup>th</sup>	1

7	9	A	1/84 <sup>th</sup>	1
7	9	B	1/84 <sup>th</sup>	1
7	9	C	1/84 <sup>th</sup>	1
7	10	A	1/84 <sup>th</sup>	1
7	10	B	1/84 <sup>th</sup>	1
7	10	C	1/84 <sup>th</sup>	1
8A-1	A	1	1/84 <sup>th</sup>	1
8A-1	A	2	1/84 <sup>th</sup>	1
8A-1	A	3	1/84 <sup>th</sup>	1
8A-1	A	4	1/84 <sup>th</sup>	1
8A-1	A	5	1/84 <sup>th</sup>	1
8A-1	A	6	1/84 <sup>th</sup>	1
8A-1	A	7	1/84 <sup>th</sup>	1
8A-1	A	8	1/84 <sup>th</sup>	1
8A-1	A	9	1/84 <sup>th</sup>	1
8A-1	A	10	1/84 <sup>th</sup>	1
8A-2	B	1	1/84 <sup>th</sup>	1
8A-2	B	2	1/84 <sup>th</sup>	1
8A-2	B	3	1/84 <sup>th</sup>	1
8A-2	B	4	1/84 <sup>th</sup>	1
8A-2	B	5	1/84 <sup>th</sup>	1
8A-2	B	6	1/84 <sup>th</sup>	1
8A-2	B	7	1/84 <sup>th</sup>	1
8A-2	B	8	1/84 <sup>th</sup>	1

8A-2	B	9	1/84 <sup>th</sup>	1
8A-2	B	10	1/84 <sup>th</sup>	1
8A-3	C	1	1/84 <sup>th</sup>	1
8A-3	C	2	1/84 <sup>th</sup>	1
8A-3	C	3	1/84 <sup>th</sup>	1
8A-3	C	4	1/84 <sup>th</sup>	1
8A-3	C	5	1/84 <sup>th</sup>	1
8A-3	C	6	1/84 <sup>th</sup>	1
8A-3	C	7	1/84 <sup>th</sup>	1
8A-3	C	8	1/84 <sup>th</sup>	1
8A-3	C	9	1/84 <sup>th</sup>	1
8A-3	C	10	1/84 <sup>th</sup>	1
8A-4	D	1	1/84 <sup>th</sup>	1
8A-4	D	2	1/84 <sup>th</sup>	1
8A-4	D	3	1/84 <sup>th</sup>	1
8A-4	D	4	1/84 <sup>th</sup>	1
8A-4	D	5	1/84 <sup>th</sup>	1
8A-4	D	6	1/84 <sup>th</sup>	1
8A-4	D	7	1/84 <sup>th</sup>	1
8A-4	D	8	1/84 <sup>th</sup>	1
8A-4	D	9	1/84 <sup>th</sup>	1
8A-4	D	10	1/84 <sup>th</sup>	1
8A-5	E	1	1/84 <sup>th</sup>	1
8A-5	E	2	1/84 <sup>th</sup>	1

8A-5	E	3	1/84 <sup>th</sup>	1
8A-5	E	4	1/84 <sup>th</sup>	1
8A-5	E	5	1/84 <sup>th</sup>	1
8A-5	E	6	1/84 <sup>th</sup>	1
8A-5	E	7	1/84 <sup>th</sup>	1
8A-5	E	8	1/84 <sup>th</sup>	1
8A-5	E	9	1/84 <sup>th</sup>	1
8A-5	E	10	1/84 <sup>th</sup>	1
8A-6	F	1	1/84 <sup>th</sup>	1
8A-6	F	2	1/84 <sup>th</sup>	1
8A-6	F	3	1/84 <sup>th</sup>	1
8A-6	F	4	1/84 <sup>th</sup>	1
8A-6	F	5	1/84 <sup>th</sup>	1
8A-6	F	6	1/84 <sup>th</sup>	1
8A-6	F	7	1/84 <sup>th</sup>	1
8A-6	F	8	1/84 <sup>th</sup>	1
8A-6	F	9	1/84 <sup>th</sup>	1
8A-6	F	10	1/84 <sup>th</sup>	1