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 2/1/2012 11:37:00 AM \$50.00
 Book - 9987 Pg - 9396-9402
 Gary W. Ott
 Recorder, Salt Lake County, UT
 FIRST AMERICAN TITLE
 BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
 4700 Daybreak Parkway
 South Jordan, UT 84095
 Attention: Financial Analyst
 Tax Parcel No. 26-24-278-022

**SUPPLEMENT TO DECLARATION OF
 COVENANTS, CONDITIONS AND RESTRICTIONS FOR
 SODA ROW TOWNHOME PROJECT
 (ADDING LOT 135)**

THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SODA ROW TOWNHOME PROJECT (ADDING LOT 135) (this "**Supplement**") is made this January 24th, 2011, by **KENNECOTT LAND COMPANY**, a Delaware corporation, as declarant ("**Declarant**") under the Declaration of Covenants, Conditions and Restrictions for Soda Row Townhome Project, recorded on January 26, 2010, as Entry No. 10885373, in Book 9799, beginning at Page 3280 (as amended and/or supplemented from time to time, the "**Declaration**"), and is consented to by Kevin Chase and Diana Chase, husband and wife (collectively, "**Owner**") and First Colony Mortgage Corporation ("**Lender**").

RECITALS:

- A. Pursuant to the Declaration, Declarant has established the Soda Row Townhome Project (the "**Project**") initially consisting of various "Lots" as more particularly defined and described therein, which Lots are to be improved with certain attached residential units called "Townhomes". The Project is located within the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. This Supplement is made with respect to Lot 135 of that certain map plat entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #2A AMENDING PARCEL B OF THE KENNECOTT DAYBREAK-APARTMENT VENTURE #1 recorded on March 15, 2011, as Entry No. 11150330, Book 2011p, at Page 28 of the Official Records of Salt Lake County, Utah (the "**Additional Lot**"), which Additional Lot is located adjacent to the Project. Owner owns and Lender has a recorded security interest encumbering the Additional Lot.
- C. Declarant desires to add the Additional Lot 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, and the Owner and Lender desire to evidence their consent to the same.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meanings assigned to them in the Declaration.
2. **Submission to Soda Row Townhomes Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Additional Lot to the Project and submits and subjects the Additional Lot to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. The Owner and Lender hereby consent to the submission of the Additional Lot to the Declaration. From and after the recordation of this Supplement, the Additional Lot 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 Lot shall be subject to the governance of the Soda Row Townhome Association, Inc., a Utah nonprofit corporation (the "**Association**"), as more particularly described in the Declaration. Owner and Lender hereby consent to the submission of the Additional Lot to the Declaration and to the governance of the Association as provided herein.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, shall remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Next Page]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #2A AMENDING PARCEL B OF THE KENNECOTT DAYBREAK APARTMENT VENTURE #1" recorded on March 15, 2011, as Entry No. 11150330, Book 2011p, at Page 28 of the Official Records of Salt Lake County, Utah.

IN WITNESS WHEREOF, as of this January 24, 2011¹², Declarant has executed this Supplement and Owner and Lender have consented to the same.

Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By [Signature]
Name TM MCCUTCHEON
Title VICE PRESIDENT DAYBREAK

Owner:

Kevin Chase
KEVIN CHASE

Diana Chase
DIANA CHASE

Lender:

FIRST COLONY MORTGAGE CORPORATION, a Utah corporation

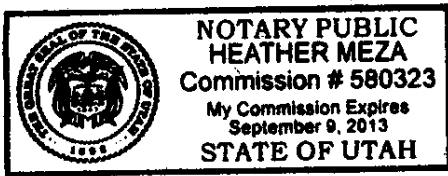
By [Signature]
Name Jackson O'Brien
Title Loan Officer

ACKNOWLEDGMENTS

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

On 1.17.12, personally appeared before me, a Notary Public, Kevin Chase, personally known or proved to me to be the person whose name is subscribed to the above instrument.

WITNESS my hand and official Seal.



Heather Meza
Notary Public in and for said State

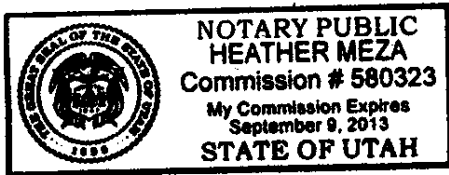
My commission expires: 9.9.13

[SEAL]

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

On 1.17.12, personally appeared before me, a Notary Public, Diana Chase, personally known or proved to me to be the person whose name is subscribed to the above instrument.

WITNESS my hand and official Seal.



Heather Meza
Notary Public in and for said State

My commission expires: 9.9.13

[SEAL]

STATE OF Utah)
COUNTY OF Holt) SS.

On 1/15/12, personally appeared before me, a Notary Public,
Jackson Oyst., the Manager of **FIRST COLONY MORTGAGE CORPORATION**, 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/she executed the above instrument on behalf of **FIRST COLONY MORTGAGE CORPORATION**, a Utah corporation.

WITNESS my hand and official Seal.



Notary Public in and for said State

My commission expires: 6-13-2015

[SEAL]

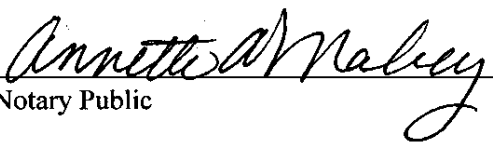


State of Utah)
) SS.
County of Salt Lake)

On Jan 24, 2012, before me, the undersigned Notary Public, personally appeared, **Ty McCutcheon**, the Vice President of **Daybreak Development Company**, formerly known as **Kennecott Land Residential Development Company** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 11/22/2014


Notary Public

