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When Recorded return to:

J. Jeffrey Miller
Daybreak Hill Corporation.
1720 East 3990 South
Salt Lake City, UT. 84124

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12/27/95 2:50 PM 77-00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
PDH CONSTRUCTION SERVICES
REC BY:D KILPACK DEPUTY - WI

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM

INCORPORATION OF PHASE I AND II WITH PHASE III

THIS FIFTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF DAYBREAK HILL PHASE I AN EXPANDABLE CONDOMINIUM COMMUNITY is for the purpose of INCORPORATION OF PHASE I, II and III and is dated for reference purposes only, December 7, 1995, and is made by Daybreak Hill Inc., a Utah Corporation for itself, its successors, grantees and assigns, pursuant to the Condominium Ownership Act.

Recitals:

A. Daybreak Hill, a Utah corporation, hereinafter referred to as "Daybreak" has purchased land, hereinafter referred to as "Phase III" more particularly described on the Record of Survey map of Phase Three recorded with this Fifth Amendment, and has obtained the rights to expand Daybreak Hill Condominiums, an Expandable Condominium Community, from The Ervin Group, a Utah corporation. Daybreak intends to construct four buildings and a club house on Phase III land and wishes to adjoin Phase I, II and III together for the mutual benefit and interest of the present and future residences.

1. AMENDMENT TO DECLARATION The following additions, deletions and revisions are hereby made to the Declaration:

a. Daybreak Hill Inc. as assignee of the Ervin Group, files this Fifth Amendment to the Declaration of Condominium, An Expandable Condominium Community, pursuant to the terms and conditions set forth in section 6 of the Declaration of Condominium, as amended by the Third Amendment, does so for the purpose of incorporating Phase I and Phase II with Phase III and upon and at the time of said incorporation as more specifically stated below, revises the percentage of ownership for each owner from 1/32 (one thirty second) of Phase I and Phase II separately, to 1/64 (one sixty fourth) of the adjoined Phases I, II and III AS FOLLOWS ON PAGE TWO ATTACHED:

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<u>BUILDING</u>	<u>UNIT</u>	<u>OWNERSHIP</u>	<u>BUILDING</u>	<u>UNIT</u>	<u>OWNERSHIP</u>
E	101	ONE/SIXTY FOURTH	D	101	ONE/SIXTY FOURTH
B	102	ONE/SIXTY FOURTH	D	102	ONE/SIXTY FOURTH
B	103	ONE/SIXTY FOURTH	D	103	ONE/SIXTY FOURTH
B	104	ONE/SIXTY FOURTH	D	104	ONE/SIXTY FOURTH
B	201	ONE/SIXTY FOURTH	D	201	ONE/SIXTY FOURTH
B	202	ONE/SIXTY FOURTH	D	202	ONE/SIXTY FOURTH
B	203	ONE/SIXTY FOURTH	D	203	ONE/SIXTY FOURTH
B	204	ONE/SIXTY FOURTH	D	204	ONE/SIXTY FOURTH
C	101	ONE/SIXTY FOURTH	E	101	ONE/SIXTY FOURTH
C	102	ONE/SIXTY FOURTH	E	102	ONE/SIXTY FOURTH
C	103	ONE/SIXTY FOURTH	E	103	ONE/SIXTY FOURTH
C	104	ONE/SIXTY FOURTH	E	104	ONE/SIXTY FOURTH
C	201	ONE/SIXTY FOURTH	E	201	ONE/SIXTY FOURTH
C	202	ONE/SIXTY FOURTH	E	202	ONE/SIXTY FOURTH
C	203	ONE/SIXTY FOURTH	E	203	ONE/SIXTY FOURTH
C	204	ONE/SIXTY FOURTH	E	204	ONE/SIXTY FOURTH
F	101	ONE/SIXTY FOURTH	G	101	ONE/SIXTY FOURTH
F	102	ONE/SIXTY FOURTH	G	102	ONE/SIXTY FOURTH
F	103	ONE/SIXTY FOURTH	G	103	ONE/SIXTY FOURTH
F	104	ONE/SIXTY FOURTH	G	104	ONE/SIXTY FOURTH
F	201	ONE/SIXTY FOURTH	G	201	ONE/SIXTY FOURTH
F	202	ONE/SIXTY FOURTH	G	202	ONE/SIXTY FOURTH
F	203	ONE/SIXTY FOURTH	G	203	ONE/SIXTY FOURTH
F	204	ONE/SIXTY FOURTH	G	204	ONE/SIXTY FOURTH
H	101	ONE/SIXTY FOURTH	A	101	ONE/SIXTY FOURTH
H	102	ONE/SIXTY FOURTH	A	102	ONE/SIXTY FOURTH
H	103	ONE/SIXTY FOURTH	A	103	ONE/SIXTY FOURTH
H	104	ONE/SIXTY FOURTH	A	104	ONE/SIXTY FOURTH
H	201	ONE/SIXTY FOURTH	A	201	ONE/SIXTY FOURTH
H	202	ONE/SIXTY FOURTH	A	202	ONE/SIXTY FOURTH
H	203	ONE/SIXTY FOURTH	A	203	ONE/SIXTY FOURTH
H	204	ONE/SIXTY FOURTH	A	204	ONE/SIXTH FOURTH


And at the time of the complete adjoining of Phases I and II with Phase III, the condominium association will elect officials to represent the adjoined phases as set forth in the existing Bylaws and Declaration of Condominium, which remain in full force and effect. Recorded with and as a part of this Fifth Amendment, is the Record of Survey map, containing the Legal description of Phase III. Phase I & II legal descriptions are referred to in the previously recorded Record of Survey Maps for Phases I and II and are incorporated herein by this reference. Acceptance of this act as required by the Declaration of the existing Phase I owners to extend the time of expansion has been obtained and their collective approval recorded with and is a part of the Third Amendment to the Declaration of Condominium.

B. During the construction of Phase III units, the Declarant will provide all maintenance, upkeep, insurance and related services for the Phase III units. Each building will become part of the Association at the time it is fully occupied by the entities purchasing units within said building. The Homeowners Association will at that time, acquire all rights of Management set forth in the Declaration and Bylaws. The Declarant may retain units for its own lawful purposes and will be obligated to pay homeowner fees when all other units in the same building are occupied by their purchasers or assigns. Declarant may retain said units as models, or to be occupied by its assigns..

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b. Effective Date. This Fifth Amendment shall take effect upon recording in the office of the Salt Lake County Recorder.

IN WITNESS WHEREOF, the undersigned have executed this Fifth Amendment on the date indicated below.



J. Jeffrey Miller
President, Daybreak Hill Corporation

Dec 20, 1995
DATED

On December 20th 1995, James Jeffrey Miller, President, Daybreak Hill Corporation, appeared before me and acknowledged that he executed the above signature.



NOTARY PUBLIC

NOTARY PUBLIC
MELANIE S. BRIGGS
8000 SOUTH REDWOOD ROAD
WEST JORDAN, UT 84038
My Commission Expires July 21, 1997
State of Utah