

WHEN RECORDED RETURN TO:  
DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.  
Wayne H. Corbridge  
758 South 400 East  
Orem, Utah 84097  
(801) 227-0550

ENT 92633:2002 PG 1 of 8  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2002 Aug 13 10:41 am FEE 84.00 BY JRD  
RECORDED FOR CITY OF SARATOGA SPRINGS

**FOURTH SUPPLEMENT TO THE  
DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS**  
an expandable Utah condominium project

This FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS, an expandable Utah condominium project, is made and executed by DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 and POINT ASSET MANAGEMENT INC., a California Corporation, of 3746 Amaryllis Drive, San Diego, California 92106 (the "Declarants").

**RECITALS**

Whereas, the original Declaration of Condominium for DAYBREAK AT HARVEST HILLS was recorded in the office of the County Recorder of Utah County, Utah on the 2 day of May, 2002 as Entry No. 50342 in Book 2002 at Page(s) 1-59 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the First Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 24 day of May, 2002, as Entry No. 59660 in Book No. 2002 of the Official Records of the County Recorder of Utah County, Utah (the "First Supplement").

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Second Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 13 day of August, 2002, as Entry No. 92627 in Book No. 2002 at Page \_\_\_\_\_ of the Official Records of the County Recorder of Utah County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase III of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Third Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 13 day of August, 2002, as Entry No.

92633 in Book No. 2002 at Page \_\_\_\_\_ of the Official Records of the County Recorder of Utah County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase IV of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarantss reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarants is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-5" attached hereto and incorporated herein by this reference (the "Phase V Property").

Whereas, under the provisions of the Declaration, Declarants expressly reserved the absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarants desires to expand the Project by creating on the Phase V Property a residential condominium development.

Whereas, Declarants now intends that the Phase V Property shall become subject to the Declaration.

## A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarants hereby executes this FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

**1. Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

**A. Fourth Supplement to the Declaration** shall mean and refer to this FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

**B. Fourth Supplemental Map or Phase V Map** shall mean and refer to the Supplemental Plat Map for Phase V of the Project, prepared and certified to by Rodger D. Dudley, a duly registered Utah Land Surveyor holding Certificate No. 147089, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this Fourth Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-5 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. **Annexation.** Declarants hereby declares that the Phase V Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fourth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-5 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Phase V Map, one Building and twelve (12) additional Units are or will be constructed and/or created in the Project on the Phase V Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase V Map and this Fourth Supplement to the Declaration, the total number of Units in the Project will be sixty (60). The additional Building and Units are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phase.

5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarants is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Third Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Fourth Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Effective Date.** The effective date of this Fourth Supplement to the Declaration and the Phase V Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

EXECUTED the 24 day of June, 2002.

DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.,  
a Utah limited liability company

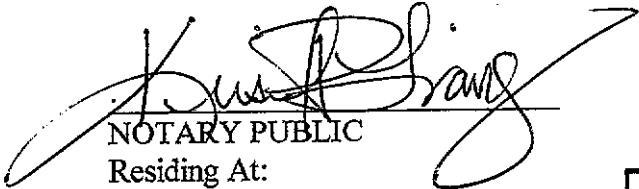
By: 

Name: WAYNE H. CORBRIDGE

Title: Manager

STATE OF UTAH )  
 )ss:  
COUNTY OF UTAH )

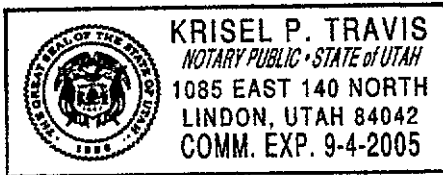
On the 24 day of June, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.



NOTARY PUBLIC

Residing At:

Commission Expires:



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SIGNATURES CONTINUE ON NEXT PAGE

POINT ASSET MANAGEMENT, INC.

By: Steven R Keeling  
Name: Steven R. Keeling  
Title: President

By: Barbara A Keeling  
Name: Barbara A. Keeling  
Title: Secretary

STATE OF CALIFORNIA )  
( ss  
COUNTY OF )

On the 5<sup>th</sup> day of July, 2002, personally appeared before me Steven R. Keeling and Barbara A. Keeling, who, being by me duly sworn, did say that they are the President and Secretary of POINT ASSET MANAGEMENT, INC., a California corporation, and that the said instrument was signed in behalf of said corporation by authority of Steven R. Keeling and Barbara A. Keeling pursuant to a Resolution of the Board of Directors or its Articles of Incorporation, and the aforesaid officers acknowledged to me that said corporation executed the same.

Esteban Castrejon  
Notary Public

My Commission Expires: 5-23-03  
Residing at: SAN DIEGO, CA



**EXHIBIT "A-5"**

**DAYBREAK AT HARVEST HILLS PHASE IV  
LEGAL DESCRIPTION**

The land described in the foregoing document is located in Utah County, Utah and is described more particularly as follows:

**Commencing at a point located North 00°34'14" East along the Section line 668.04 feet and East 778.08 feet from the West quarter corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 00°52'22" East 193.85 feet; thence North 89°07'38" West 22.63 feet; thence North 01°00'00" East 68.34 feet; thence South 89°00'00" East 128.85 feet; thence South 01°00'00" West 22.50 feet; thence South 88°40'35" East 68.18 feet; thence South 00°52'22" West 149.91 feet; thence South 44°20'50" West 47.82 feet; thence North 45°39'08" West 39.68 feet; thence South 44°15'39" West 122.20 feet; thence North 44°28'52" West 17.05 feet; thence South 75°05'09" West 17.39 feet to the point of beginning.**

**FOURTH REVISED EXHIBIT "C"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	A	1	1.666%
1	A	2	1.666%
1	A	3	1.666%
1	A	4	1.666%
1	A	5	1.666%
1	A	6	1.666%
1	A	7	1.666%
1	A	8	1.666%
1	A	9	1.666%
1	A	10	1.666%
1	A	11	1.666%
1	A	12	1.666%
2	B	1	1.666%
2	B	2	1.666%
2	B	3	1.666%
2	B	4	1.666%
2	B	5	1.666%
2	B	6	1.666%
2	B	7	1.666%
2	B	8	1.666%
2	B	9	1.666%
2	B	10	1.666%
2	B	11	1.666%
2	B	12	1.666%
3	C	1	1.666%
3	C	2	1.666%
3	C	3	1.666%
3	C	4	1.666%
3	C	5	1.666%
3	C	6	1.666%
3	C	7	1.666%
3	C	8	1.666%
3	C	9	1.666%
3	C	10	1.666%
3	C	11	1.666%
3	C	12	1.666%

**FOURTH REVISED EXHIBIT "C"  
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
4	D	1	1.666%
4	D	2	1.666%
4	D	3	1.666%
4	D	4	1.666%
4	D	5	1.666%
4	D	6	1.666%
4	D	7	1.666%
4	D	8	1.666%
4	D	9	1.666%
4	D	10	1.666%
4	D	11	1.666%
4	D	12	1.666%
5	E	1	1.666%
5	E	2	1.666%
5	E	3	1.666%
5	E	5	1.666%
5	E	6	1.666%
5	E	7	1.666%
5	E	8	1.666%
5	E	9	1.666%
5	E	10	1.666%
5	E	11	1.666%
5	E	12	1.666%
<b>TOTAL:</b>	<b>5</b>	<b>60</b>	<b>100.0%</b>