

68/11
WHEN RECORDED RETURN TO:
DAYBREAK AT HARVEST HILLS, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058
(801) 227-0550

3

ENT 59495:2004 PG 1 of 11
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 May 25 8:42 am FEE 68.00 BY LJ
RECORDED FOR SARATOGA SPRINGS

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

This SIXTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS CONDOMINIUM, an expandable Utah condominium project, is made and executed by DAYBREAK AT HARVEST HILLS, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84058 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for Daybreak at Harvest Hills Condominium 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 (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 13th day of August, 2002, as Entry No. 92627:2002 of the Official Records (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 13th day of August, 2002, as Entry No. 92630:2002 of the Official Records (the "Third 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, the Fourth Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 13th day of August, 2002, as Entry No. 92633:2002 of the Official Records (the "Fourth Supplement").

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

Whereas, the Fifth Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 13th day of August, 2002, as Entry No. 92636:2002 of the Official Records (the "Fifth Supplement").

Whereas, the related Plat Map(s) for Phase VI 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, Declarant 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, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-7" attached hereto and incorporated herein by this reference (the "Phase VII Property").

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

Whereas, Declarant now intends that the Phase VII Property shall become subject to the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-8" attached hereto and incorporated herein by this reference (the "Phase VIII Property").

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

Whereas, Declarant now intends that the Phase VIII Property shall become subject to the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-9" attached hereto and incorporated herein by this reference (the "Phase IX Property").

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

Whereas, Declarant now intends that the Phase IX Property shall become subject to the Declaration.

Whereas, under the provisions of the Declaration, Declarant 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.

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, Declarant hereby executes this SIXTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS CONDOMINIUM.

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

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

B. **Sixth Supplemental Map or Phase VII Map** shall mean and refer to the Supplemental Plat Maps for Phases VII, VIII and IX of the Project, prepared and certified to by Roger Dudley at Dudley Engineering, 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 Sixth 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 Exhibits A-7, 8 and 9 are 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.** Declarant hereby declares that the Phases VII, VIII and IX Property shall be annexed to and become subject to the Declaration, which upon recordation of this Sixth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibits A-7, 8 and 9 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Phases VII, VIII and IX Maps, three (3) Buildings and thirty-six (36) additional Units are or will be constructed and/or created

in the Project on the Phases VII, VIII and IX Property. One building and twelve (12) Units will be added in each phase. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phases VII, VIII and IX Maps and this Sixth Supplement to the Declaration, the total number of Units in the Project will be one hundred and eight (108). The additional Buildings and Units are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phases.

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

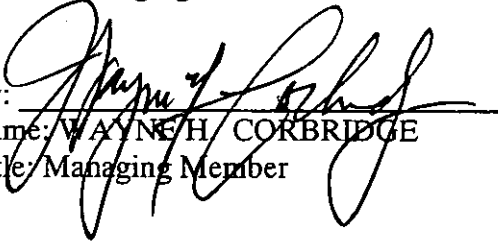
6. **Effective Date.** The effective date of this Sixth Supplement to the Declaration and the Phases VII, VIII and IX Maps shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

EXECUTED the 16th day of March, 2004.

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

By: TROPHY HOMES, L.C.
a Utah limited liability company

Its: Managing Member

By: 
Name: WAYNE H. CORBRIDGE
Title: Managing Member

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 10th day of March, 2004 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Managing Member of TROPHY HOMES, L.C., a Utah limited liability company, who is the Managing Member of DAYBREAK AT HARVEST HILLS, 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.

Stacy Lassen
NOTARY PUBLIC
Residing At: Pleasant Grove, UT
Commission Expires: 5.15.06

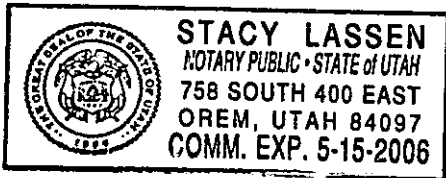


EXHIBIT "A-7"

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

The land described in the foregoing document as the Phase VII Property 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 753.22 FEET AND EAST 953.05 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 ALONG DAYBREAK CONDOMINIUMS, PHASE 5, 151.01 FEET; THENCE NORTH 88°40'35" WEST ALONG DAYBREAK CONDOMINIUMS, PHASE 5, 68.18 FEET; THENCE NORTH 01°00'00" EAST ALONG DAYBREAK CONDOMINIUMS, PHASE 5, 22.50 FEET; THENCE SOUTH 89°00'00" EAST 338.11 FEET; THENCE SOUTH 61.64 FEET; THENCE SOUTH 45°31'08" WEST 268.99 FEET; THENCE NORTH 44°53'59" WEST ALONG DAYBREAK CONDOMINIUMS, PHASE 6, 114.28 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-8"

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

The land described in the foregoing document as the Phase VIII Property 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 672.27 FEET AND EAST 1034.52 FEET FROM THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 45°31'08" EAST ALONG DAYBREAK CONDOMINIUMS, PHASE 7, 268.99 FEET; THENCE SOUTH 343.98 FEET; THENCE SOUTH 12°44'00" WEST 30.99 FEET; THENCE NORTH 44°53'59" WEST 262.21 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-9"

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

The land described in the foregoing document as the Phase IX Property 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 442.80 FEET AND EAST 860.82 FEET FROM THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 09°42'08" EAST ALONG DAYBREAK CONDOMINIUMS PHASE 6, 69.06 FEET; THENCE NORTH 45°31'08" EAST ALONG DAYBREAK CONDOMINIUMS PHASE 6, 230.35 FEET; THENCE SOUTH 44°53'59" EAST ALONG DAYBREAK CONDOMINIUMS PHASE 8, 262.21 FEET; THENCE SOUTH 12°44'00" WEST 104.10 FEET; THENCE NORTH 80°17'52" WEST 343.04 FEET TO THE POINT OF BEGINNING.

SIXTH 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	0.925%
1	A	2	0.925%
1	A	3	0.925%
1	A	4	0.925%
1	A	5	0.925%
1	A	6	0.925%
1	A	7	0.925%
1	A	8	0.925%
1	A	9	0.925%
1	A	10	0.925%
1	A	11	0.925%
1	A	12	0.925%
2	B	1	0.925%
2	B	2	0.925%
2	B	3	0.925%
2	B	4	0.925%
2	B	5	0.925%
2	B	6	0.925%
2	B	7	0.925%
2	B	8	0.925%
2	B	9	0.925%
2	B	10	0.925%
2	B	11	0.925%
2	B	12	0.925%
3	C	1	0.925%
3	C	2	0.925%
3	C	3	0.925%
3	C	4	0.925%
3	C	5	0.925%
3	C	6	0.925%
3	C	7	0.925%
3	C	8	0.925%
3	C	9	0.925%
3	C	10	0.925%
3	C	11	0.925%
3	C	12	0.925%

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
4	D	1	0.925%
4	D	2	0.925%
4	D	3	0.925%
4	D	4	0.925%
4	D	5	0.925%
4	D	6	0.925%
4	D	7	0.925%
4	D	8	0.925%
4	D	9	0.925%
4	D	10	0.925%
4	D	11	0.925%
4	D	12	0.925%
5	E	1	0.925%
5	E	2	0.925%
5	E	3	0.925%
5	E	5	0.925%
5	E	6	0.925%
5	E	7	0.925%
5	E	8	0.925%
5	E	9	0.925%
5	E	10	0.925%
5	E	11	0.925%
5	E	12	0.925%
6	F	1	0.925%
6	F	2	0.925%
6	F	3	0.925%
6	F	4	0.925%
6	F	5	0.925%
6	F	6	0.925%
6	F	7	0.925%
6	F	8	0.925%
6	F	9	0.925%
6	F	10	0.925%
6	F	11	0.925%
6	F	12	0.925%

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
7	G	1	0.925%
7	G	2	0.925%
7	G	3	0.925%
7	G	4	0.925%
7	G	5	0.925%
7	G	6	0.925%
7	G	7	0.925%
7	G	8	0.925%
7	G	9	0.925%
7	G	10	0.925%
7	G	11	0.925%
7	G	12	0.925%
8	I	1	0.925%
8	I	2	0.925%
8	I	3	0.925%
8	I	4	0.925%
8	I	5	0.925%
8	I	6	0.925%
8	I	7	0.925%
8	I	8	0.925%
8	I	9	0.925%
8	I	10	0.925%
8	I	11	0.925%
8	I	12	0.925%
9	H	1	0.925%
9	H	2	0.925%
9	H	3	0.925%
9	H	4	0.925%
9	H	5	0.925%
9	H	6	0.925%
9	H	7	0.925%
9	H	8	0.925%
9	H	9	0.925%
9	H	10	0.925%
9	H	11	0.925%
9	H	12	0.925%
TOTAL:	9	108	100.0%