

14-12

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Book - 10774 Pg - 9507-9520
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
VP DAYBREAK OPERATIONS LLC
11248 KESTREL RISE RD, STE 201
SOUTH JORDAN UT 84009
BY: NUP, DEPUTY - WI 14 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
Attention: Gary Langston
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009

**AMENDMENT TO SUPPLEMENT TO DECLARATION OF CONDOMINIUM
FOR GARDEN PARK CONDOMINIUMS, PHASE 1
(ADDING ADDITIONAL LAND - PHASE 3)**

**THIS AMENDMENT TO SUPPLEMENT TO DECLARATION OF
CONDOMINIUM FOR GARDEN PARK CONDOMINIUMS, PHASE 1 (ADDING
ADDITIONAL LAND - PHASE 3) (this "Amended Supplement")** is made as of
November 5, 2018, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability
company, as successor-in-interest to Kennecott Land Company, a Delaware corporation, as
declarant ("**Declarant**") under that certain Corrected Declaration of Condominium, Phase 1,
recorded on February 12, 2010, as Entry No. 10896618, in Book 9803, beginning at Page 6231
(as amended and supplemented from time to time, the "**Declaration**"), and is consented to by
IVORY HOMES, LTD, a Utah limited partnership ("**Ivory Homes**").

RECITALS:

- A. Pursuant to the Declaration, Declarant has established the Garden Park Condominium Project (the "**Project**") initially consisting of various residential "Units" as more particularly defined and described therein, which Units are to 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. Declarant owns certain parcels of real property ("**Additional Land**") adjacent to the Project. The Additional Land is legally described in Exhibit A, attached hereto and incorporated herein by this reference.
- C. Declarant desires to add the Additional Land 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.

NOW, THEREFORE, Declarant hereby declares the following:

- 1. **Definitions.** Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to such terms in the Declaration.
- 2. **Submission to Declaration.** Pursuant to Article 16 of the Declaration, Declarant hereby exercises its Option to Expand the Project and add the Additional Land to the Project,



effective as of the recording of this Amended Supplement; and Declarant submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. Ivory Homes hereby consent to the submission of the Additional Land to the Declaration. From and after the recordation of this Amended Supplement, the Additional Land 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 Land shall be subject to the governance of the Garden Park Condominium Owners' Association, Inc., a Utah nonprofit corporation, as more particularly described in the Declaration.

3. **Amendment to Total Number of Units and Maximum Ownership Interests.** Notwithstanding anything contained in the Declaration (and any previous supplements thereto) to the contrary, upon recordation of this Amended Supplement, the Project shall be deemed to include three (3) additional Units for a total of seventy (70) Units in the Project. The Units added to the Project by this Amended Supplement are depicted on the plat attached hereto as **Exhibit B** and incorporated herein by this reference. Accordingly, upon recordation of this Amended Supplement, each Owner will be deemed to have a maximum 1/70th undivided interest in the Common Area.
4. **Amendment to Allocated Interest of Each Unit in the Common Expenses of the Project.** Notwithstanding anything contained in the Declaration to the contrary, upon recordation of this Amended Supplement, each Unit shall have a 1/70th Allocated Interest in the Common Expenses.
5. **Replacement of Exhibit D of Declaration.** **Exhibit D** to the Declaration is hereby deleted in its entirety and replaced with **Exhibit D-1** attached hereto and incorporated herein by this reference. All references to "**Exhibit D**" in the Declaration shall hereafter refer to **Exhibit D-1**.
6. **Full Force and Effect.** The Declaration, as supplemented hereby, remains in full force and effect.
7. **Incorporation by Reference.** The Recitals and Exhibits to this Amended Supplement are hereby incorporated into this Amended Supplement by this reference.


[Signatures on Following Pages]

IN WITNESS WHEREOF, Declarant has executed this Amended Supplement, and Ivory Homes has consented to the same, as of the date first written above.

Declarant:


VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon, President & CEO

Ivory Homes:

IVORY HOMES, LTD,
a Utah limited partnership

By: 
Name: Rick Griffith
Title: CEO

ACKNOWLEDGMENTS

STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On November 9th, 2018, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project Manager of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, 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 VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.



Katie K McDermott
Notary Public in and for said State

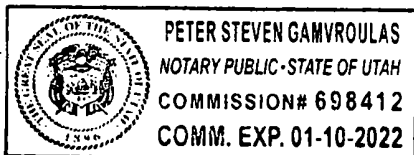
My commission expires: 09/17/2019

[SEAL]

STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On November 5th, 2018, personally appeared before me, a Notary Public, Rick Liffert, the SECRETARY of IVORY HOMES LTD, a Utah limited partnership, 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 IVORY HOMES LTD, a Utah limited partnership.

WITNESS my hand and official Seal.



Peter Steven Gamvroulas
Notary Public in and for said State

My commission expires: 01-10-2022

[SEAL]

EXHIBIT A

**LEGAL DESCRIPTION OF ADDITIONAL LAND
ADDED TO PROJECT PER THIS AMENDED SUPPLEMENT**

All of the real property described on that certain plat entitled "GARDEN PARK CONDOMINIUMS, PHASE 3, FIRST AMENDMENT, AMENDING PARCELS K AND L OF KENNECOTT DAYBREAK VILLAGE 4A MULTI FAMILY NO. 1 SUBDIVISION", recorded on April 29, 2019, as Entry No. 12977254, in Book 2019 P, at Page 145 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Being more particularly described as follows:

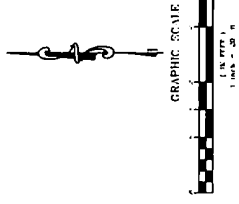
Commencing at the Southeast corner Section 24 Township 3 South Range 2 West Salt Lake Base and Meridian (basis of bearing being N89°58'42"W 2,677.863 feet between the Southeast corner and the South quarter corner of said Section 24) and running along the South line of Section 24 N89°58'42"W 805.25 feet; thence North 3,919.10 feet to the point of beginning; thence N36°32'54"W 120.08 feet along the East Right-of-Way line of Oakmond Road; thence N53°27'06"E 226.00 feet to a point on the West Right-of-Way line of Arugla Drive; thence S36°32'54"E 100.00 feet along the Right-of-Way line of Arugla Drive to a point on the North Right-of-Way line of Acer Lane; thence along said Right-of-Way line S53°27'06"W 120.00 feet to an intersection point of the South and West Right-of-way line of Acer Lane; thence S36°32'54"E 20.08 feet along the West Right-of-Way Acer Lane; thence S53°27'06"W 106.0 feet to the POINT OF BEGINNING.

Contains 0.5677 acres - 13 units.

EXHIBIT B

PLAT

[Attach Garden Park Condominiums, Phase 3, 1st Amendment Plat]



LEGEND

BOUNDARY LINE
 CENTERLINE
 ROW LINE
 PROPERTY LINE
 SECTION LINE
 PROPERTY CORNER
 SECTION CORNER (FOUND)
 SECTION CORNER (NOT FOUND)

P.U.# D.E.
 PUBLIC UTILITY AND DRAINAGE EASEMENT

* MONUMENT AND SECTION INFORMATION FOR THE KENNECOTT DAYBREAK VILLAGE 4A PLAT 1 SUBDIVISION RECORDED IN BOOK 2008P AT PAGE 108.

PLAT	ADDRESS
1	11117 S OAKMONT ROAD
2	11108 S OAKMONT ROAD
3	11120 S OAKMONT ROAD
4	11143 S OAKMONT ROAD
5	11187 S OAKMONT ROAD
6	11113 S OAKMONT ROAD
7	11129 S OAKMONT ROAD
8	11172 S OAKMONT ROAD
9	11177 S OAKMONT ROAD
10	11181 S OAKMONT ROAD
11	11137 S OAKMONT ROAD
12	11123 S OAKMONT ROAD
13	11125 S OAKMONT ROAD

PLAT PREPARED BY
FOCUS
 ENGINEERING AND SURVEYING
 2000 S. 1000 E. SUITE 100
 SALT LAKE CITY, UT 84143

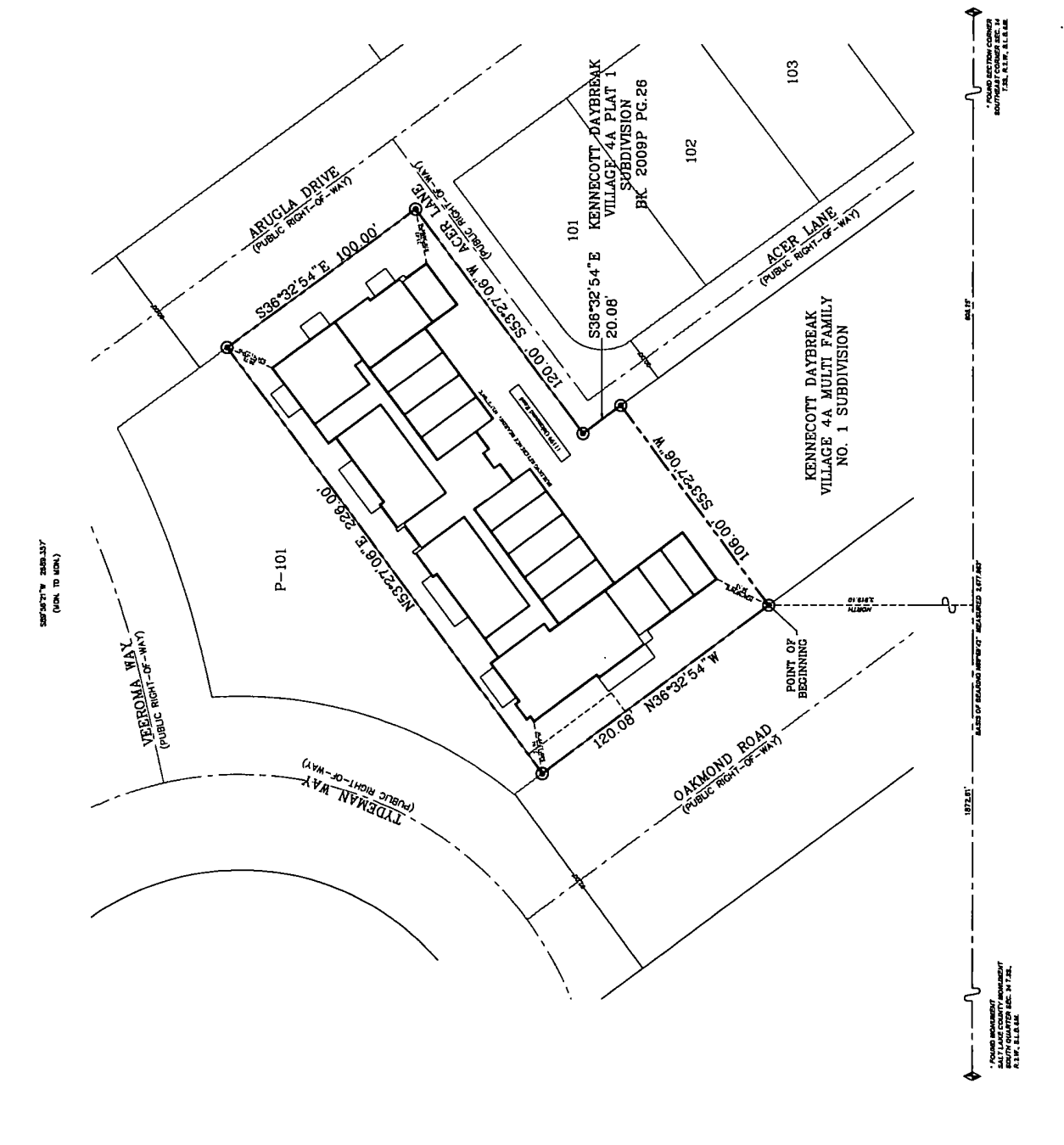
Sheet 2 of 4

**GARDEN PARK CONDOMINIUMS, PHASE 3,
 1st AMENDMENT**

KENNECOTT DAYBREAK VILLAGE 4A MULTI-FAMILY NO. 1 SUBDIVISION
 AMENDING PARCELS 1E AND 1F
 Located in the Northeast Quarter of Section 24, T.2N, R.2W,
 Salt Lake County, Utah

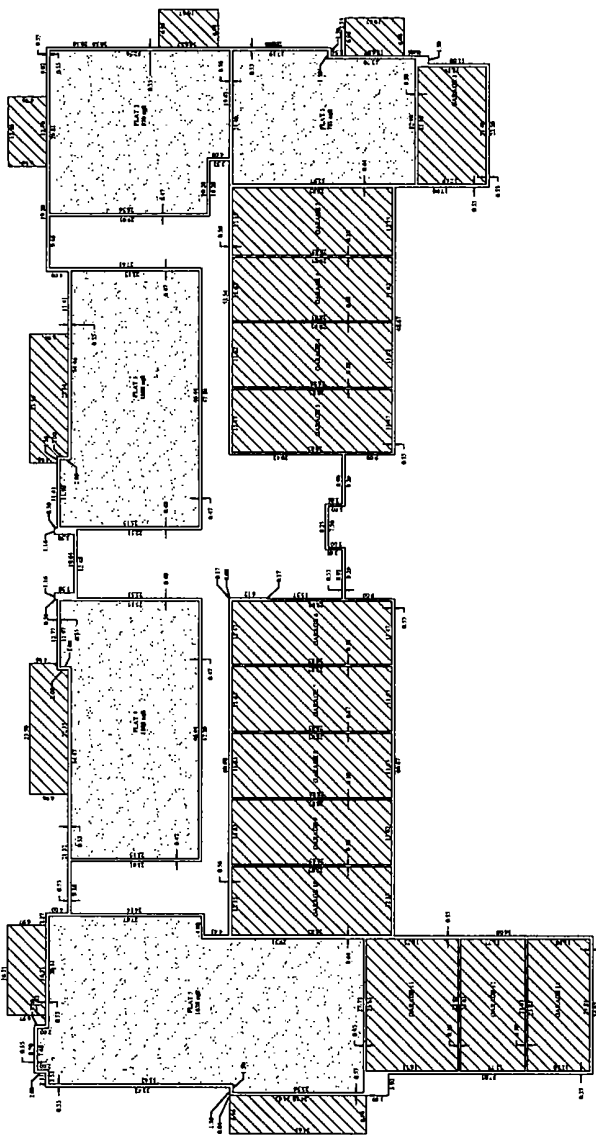
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
 REGISTRY OF:
 IN THE _____ BOOK _____ PAGE _____
 DATE _____

DAYBREAK
 DAY LAKE COUNTY RECORDS

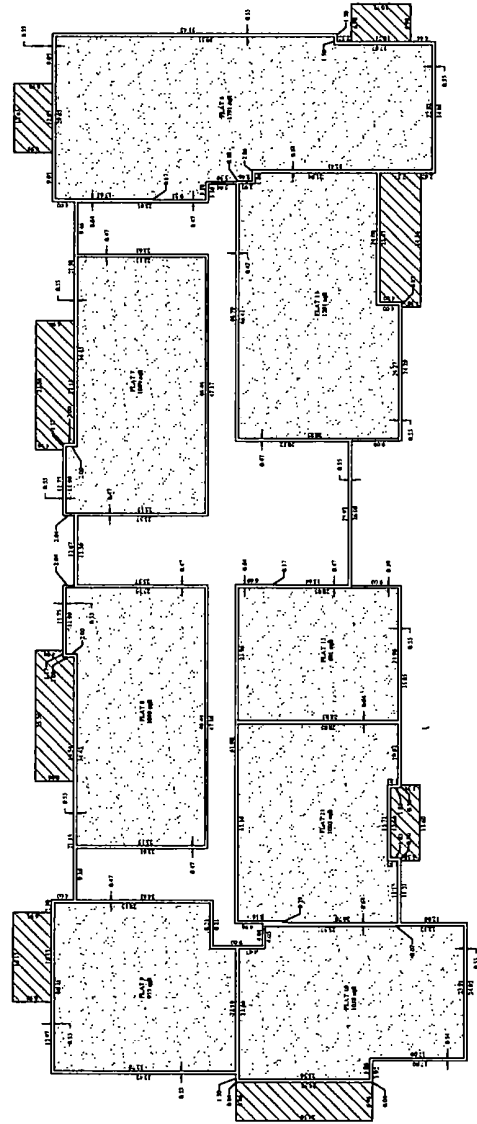


* FOUND SECTION CORNER
 BOUNDARY CORNER
 S.W. 1/4, S. 1/4, S. 1/4, S. 1/4

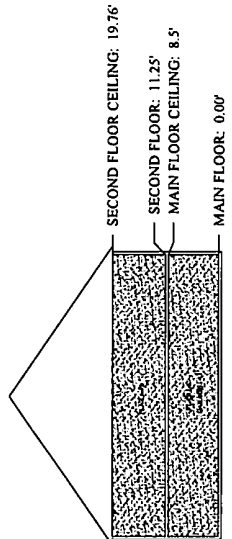
* FOUND MONUMENT
 MULTI-FAMILY CONDOMINIUM
 BOUNDARY CORNER
 S.W. 1/4, S. 1/4, S. 1/4, S. 1/4



FIRST FLOOR
PLAN
1"=10'



SECOND FLOOR
PLAN
1"=10'



LEGEND

	PRIVATE OPERATED
	LOCATED UNDER OPERATED
	COMMON OPERATED
	NOT OPERATED

PLAT PREPARED BY
FOCUS
 ENGINEERING AND SURVEYING
 100 SOUTH MAIN STREET
 SALT LAKE CITY, UT 84111

Sheet 3 of 4

**GARDEN PARK CONDOMINIUMS, PHASE 3,
 1st AMENDMENT**
 AMENDING PARCELS 8 AND 1
 EDENHOTT BAYVIEW VILLAGE IN SALT LAKE COUNTY

Located in the Northwest Quarter of Section 24, T.33, R.2W,
 25th East Range and 35th North
 MERIDIAN
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDS AND PLATS AT THE
 RECORDS OF:
 DATE: _____ TIME: _____ PAGE: _____
 SEE # _____ SALT LAKE COUNTY RECORDS



Table with columns: PLAN NUMBER, DAVENPORT PARK LOT AREA, DAVENPORT OPEN SPACE LOT AREA, COLLECTOR STREET PARE STEP AREA, NON-COLLECTOR STREET PARE STEP AREA, OPEN SPACE AREA DEDICATED TO CITY, PARK AREA DEDICATED TO CITY, TOTAL, LINDSAY FOOTAGE, LINDSAY PORTAGE.



Sheet 4 of 4

GARDEN PARK CONDOMINIUMS, PHASE 3, 1st AMENDMENT

RESUBMITTAL TO ILLINOIS MULTIJURISDICTION SUBDIVISION

Located in the Northeast Quarter of Section 24, T.33. N.27E. R.77W.

Shelby County, Illinois

DATE: _____

BY: _____

TITLE: _____



EXHIBIT C

INTENTIONALLY OMITTED

EXHIBIT D-1

GARDEN PARK CONDOMINIUMS, PHASE 1, 3, 4, 5 & 6

Updated Schedule of Units, Square Footage,
Votes and Undivided Interests in Common Areas

Unit Identifying Number	Unit Type	Approx. Sq. Footage of Unit	Undivided Interest Per Unit	No. of Votes Per Unit
Phase 1				
101	condo	930	1/70th	1
102	condo	1097	1/70th	1
103	condo	1097	1/70th	1
104	condo	1193	1/70th	1
105	condo	947	1/70th	1
106	condo	1384	1/70th	1
107	condo	1097	1/70th	1
108	condo	1095	1/70th	1
109	condo	1193	1/70th	1
110	condo	1412	1/70th	1
Phase 3				
301	condo	781	1/70th	1
302	condo	930	1/70th	1
303	condo	1098	1/70th	1
304	condo	1098	1/70th	1
305	condo	1658	1/70th	1
306	condo	1791	1/70th	1
307	condo	1099	1/70th	1
308	condo	1099	1/70th	1
309	condo	955	1/70th	1
310	condo	1038	1/70th	1
311	condo	1002	1/70th	1
312	condo	691	1/70th	1
313	condo	1291	1/70th	1
Phase 4				
401	condo	785	1/70th	1

402	condo	937	1/70th	1
403	condo	1099	1/70th	1
404	condo	1122	1/70th	1
405	condo	1613	1/70th	1
406	condo	1791	1/70th	1
407	condo	1099	1/70th	1
408	condo	1122	1/70th	1
409	condo	932	1/70th	1
410	condo	1036	1/70th	1
411	condo	1002	1/70th	1
412	condo	696	1/70th	1
413	condo	1291	1/70th	1
Phase 5				
501	condo	785	1/70th	1
502	condo	937	1/70th	1
503	condo	1099	1/70th	1
504	condo	1099	1/70th	1
505	condo	1657	1/70th	1
506	condo	1791	1/70th	1
507	condo	1099	1/70th	1
508	condo	1122	1/70th	1
509	condo	932	1/70th	1
510	condo	1037	1/70th	1
511	condo	1001	1/70th	1
512	condo	696	1/70th	1
513	condo	1292	1/70th	1
Phase 6				
201	condo	1720	1/70th	1
202	condo	1789	1/70th	1
203	condo	1360	1/70th	1
204	condo	1360	1/70th	1
205	condo	1789	1/70th	1
206	condo	1720	1/70th	1
301	condo	823	1/70th	1

302	condo	834	1/70th	1
303	condo	1557	1/70th	1
304	condo	902	1/70th	1
305	condo	899	1/70th	1
306	condo	902	1/70th	1
307	condo	1557	1/70th	1
308	condo	834	1/70th	1
309	condo	823	1/70th	1
401	condo	1617	1/70th	1
402	condo	1724	1/70th	1
403	condo	1364	1/70th	1
404	condo	1364	1/70th	1
405	condo	1724	1/70th	1
406	condo	1617	1/70th	1

* All references to unit designations refer to such numbers and designations as contained on the Plats.

** All square footages are approximate and may vary by up to as much as 10% per unit.