

WHEN RECORDED, RETURN TO:

Kennecott Land Company
4700 Daybreak Parkway, 3S
South Jordan, UT 84095
Senior Associate, Contracts & Risk Management

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08/26/2009 09:44 AM \$145.00
Book - 9757 Pg - 9736-9747
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
KENNECOTT LAND CO
4700 DAYBREAK PKW 3S
S JORDAN UT 84095
BY: ZJM, DEPUTY - WI 12 P.

**THIRD SUPPLEMENT
TO
DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS
IN SALT LAKE COUNTY, UTAH**

**CONVERTING A PORTION OF THE EXPANDABLE LAND TO BE KNOWN AS
KENNECOTT DAYBREAK CONDOMINIUMS PLAT 8A-5, 8A-6, 8A-7, 8A-8 AND 8A-9**

THIS THIRD SUPPLEMENT TO DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS IN SALT LAKE COUNTY, UTAH adding land to the Eastlake Village Condominiums Project (this "**Supplement**") is made and entered into this 5th day of August 2009, by KENNECOTT LAND COMPANY, a Delaware corporation, ("Declarant") and is consented to by HOLMES HOMES, INC., a Utah corporation ("Holmes").

RECITALS

- A. Pursuant to the Declaration of Condominium of Eastlake Village Condominiums in Salt Lake County, Utah, recorded on July 31, 2007 as Entry No. 10179918, in Book 9498, beginning at Page 1340 (as amended from time to time, the "Declaration"), Declarant has previously established the Eastlake Village Condominium project as expandable condominium project (the "Project") submitting real property shown on the record of survey map entitled "Eastlake Village Condominiums Amending Parcels G, H, I, J, K, L, M, N, O & P as shown on Kennecott Daybreak Plat 7 Subdivision," recorded on July 31, 2007, as Entry No. 10179917, Book 2007P, beginning at Page 315 to the Declaration under the Utah Condominium Ownership Act.
- B. Pursuant to Article 16 of the Declaration, Declarant has the right to add all or a portion of the "Additional Land" (as defined in the Declaration) to the Project with the consent of the owner of the Additional Land to be added to the Project.
- C. Holmes is the owner of the real property described with particularity on Exhibit "A", inclusive, attached hereto and incorporated herein by this reference (the "Parcel"). The Parcel is part of the Additional Land.

- D. Declarant and Holmes desire to submit the Parcel, together with all buildings and improvements now or hereafter constructed on the Parcel, and all easements and rights appurtenant thereto (collectively, the "Property"), to the Declaration and add the Property to the Project as set forth herein.
- E. Holmes is recording concurrently herewith five supplemental condominium plats or record of survey maps entitled "Kennecott Daybreak Condominium Plat 8A-5 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision," "Kennecott Daybreak Condominium Plat 8A-6 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision", "Kennecott Daybreak Condominium Plat 8A-7 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision", "Kennecott Daybreak Condominium Plat 8A-8 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision", "Kennecott Daybreak Condominium Plat 8A-9 amending Parcel A less and excepted from Kennecott Daybreak Plat 8 Subdivision" (the "Supplemental Plats") with respect to the Property
- F. Holmes plans to construct the Common Area and Units (as defined in the Declaration) shown on the 8A-5, 8A-6, 8A-7, 8A-8 and 8A-9 Supplemental Plats in accordance with the 8A-5, 8A-6, 8A-7, 8A-8 and 8A-9 Supplemental Plats.
- G. Pursuant to Section 16.10 of the Declaration, Declarant desires to designate Holmes as an "Additional Builder" under the Declaration.

NOW, THEREFORE, Declarant hereby declares the following:

- 1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
- 2. **Submission to Declaration.** Pursuant to Article 16 of the Declaration, Declarant hereby adds the Property to the Project and submits and subjects the Property to the Declaration, including without limitation, all covenants, restrictions, easements, conditions, charges and liens, set forth in the Declaration. Holmes hereby consents to the submission of the Property to the Declaration. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restriction, easements, conditions, charges, and liens set forth in the Declaration.
- 3. **Builder Designation.** Declarant hereby designates Holmes as an "Additional Builder" under the Declaration
- 4. **Quality of Construction.** All improvements constructed on any portion of the Parcels will be consistent with the existing improvements in the Project in terms of quality of construction.
- 5. **Number of Buildings and Units.** There are currently 70 Units in the Project. As shown on the Supplemental Plats, Common Area and Facilities, 5 Buildings and 44 Units are or will be added to the Project on the Parcel. The additional Buildings and Units are located

within a portion of the Additional Land. Upon the recordation of the Supplemental Plats and this Supplement, the total number of Units in the Project will be 114.


6. **Allocation of Common Expenses.** The common profits of the Property shall be distributed among, the common expenses shall be charged to, and the voting rights shall be available to, the Unit Owners equally and uniformly according to their respective percentage or fractional undivided interests in the Common Areas and Facilities.
7. **Percentage of Ownership Interest.** The percentages of ownership interest of the Units added to the Project are set forth in Exhibit "B" attached hereto and incorporated herein by this reference. Exhibit "B" attached in the Second Supplement to Declaration of Condominium of Eastlake Village Condominiums recorded on April 15, 2009, Entry No 10675386, Book 9710, Page 6131-6139 is hereby replaced in its entirety.
8. **Full Force and Effect.** The Declaration, as amended hereby, shall remain in full force and effect.
9. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

(Signature page follows)

IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration, and Homes has consented to the same, to be effective as of the day and year first above written.

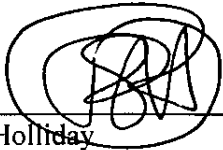
Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: Ty McCutcheon
Title: Vice President Daybreak

CONSENTED TO BY:

HOLMES HOMES, INC, a Utah corporation

By 
Name: Ross Holliday
Title: Vice President

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

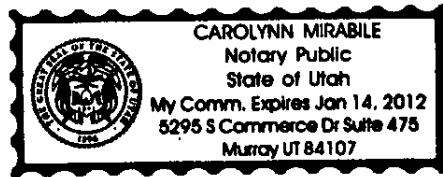
On August 5, 2009, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND COMPANY** personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND COMPANY**.

WITNESS my hand and official Seal.

Carolynn Mirabile / Utah
Notary Public in and for said State

My commission expires: 1-14-12

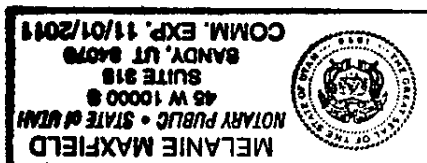
[SEAL]



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

On 8/5/09, personally appeared before me, a Notary Public, Ross Holliday, the Vice President of **HOLMES HOMES, INC.** 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 **HOLMES HOMES, INC.**

WITNESS my hand and official Seal.



Maxfield
Notary Public in and for said State

My commission expires: 11-1-11

EXHIBIT A

LEGAL DESCRIPTION OF PLAT 8A-5

Commencing at the North Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East – 2639.700 feet between the North Quarter Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 754.526 feet; thence South 00°02'48" East perpendicular to said section line for 1350.558 feet to the POINT OF BEGINNING; thence North 32°03'06" East for 105.911 feet; thence with a non-tangent curve to the left having a radius of 429.000 feet, whose center bears North 41°21'25" East, with a central angle of 09°18'19" (chord bearing and distance of South 53°17'45" East – 69.596 feet) for an arc distance of 69.673 feet; thence South 57°56'54" East for 61.183 feet; thence with a curve to the right having a radius of 6.500 feet, with a central angle of 90°00'00" (chord bearing and distance of South 12°56'54" East – 9.192 feet) for an arc distance of 10.210 feet; thence South 32°03'06" West for 93.765 feet; thence North 57°56'54" West for 137.050 feet to the POINT OF BEGINNING.

Containing 13,863 sq. ft. or 0.3182 acres.

LEGAL DESCRIPTION OF PLAT 8A-6

Commencing at the North Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East – 2639.700 feet between the North Quarter Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 875.439 feet; thence South 00°02'48" East perpendicular to said section line for 1215.588 feet to the POINT OF BEGINNING; thence North 66°07'01" East for 109.566 feet; thence with a non-tangent curve to the left having a radius of 429.000 feet, whose center bears North 57°10'32" East, with a central angle of 15°49'07" chord bearing and distance of South 40°44'02" East – 118.065 feet for an arc distance of 118.441 feet; thence South 32°03'06" West for 105.911 feet; thence North 57°56'54" West for 10.710 feet; thence with a curve to the right having a radius of 140.000 feet, a central angle of 19°49'08" (chord bearing and distance of North 48°02'20" West - 48.186 feet) for an arc distance of 48.427 feet; thence North 38°07'46" West for 123.274 feet to the POINT OF BEGINNING.

Containing 15,937 sq. ft. or 0.3659 acres.

LEGAL DESCRIPTION OF PLAT 8A-7

Commencing at the North Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East – 2639.700 feet between the North Quarter Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 937.336 feet; thence South 00°02'48" East

perpendicular to said section line for 1061.379 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 82.602 feet; thence with a curve to the left having a radius of 90.000 feet, with a central angle of 14°41'58" (chord bearing and distance of North 82°39'01" East - 23.027 feet) for an arc distance of 23.090 feet; thence North 75°18'02" East for 5.131 feet; thence with a non-tangent curve to the left having a radius of 429.000 feet, whose center bears North 73°57'54" East, with a central angle of 16°47'22" (chord bearing and distance of South 24°25'47" East - 125.261 feet) for an arc distance of 125.710 feet; thence South 66°07'01" West for 109.566 feet; thence North 38°07'46" West for 78.240 feet; thence with a curve to the right having a radius of 101.760 feet, with a central angle of 38°07'46" (chord bearing and distance of North 19°03'53" West - 66.477 feet) for an arc distance of 67.720 feet; thence North 00°00'00" East for 21.782 feet; thence with a curve to the right having a radius of 8.000 feet, with a central angle of 90°00'00" (chord bearing and distance of North 45°00'00" East - 11.314 feet) for an arc distance of 12.566 feet to the POINT OF BEGINNING.
Containing 17,668 sq. ft. or 0.4056 acres.

LEGAL DESCRIPTION OF PLAT 8A-8

Commencing at the North Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East - 2639.700 feet between the North Quarter Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 952.656 feet; thence South 00°02'48" East perpendicular to said section line for 945.033 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 109.174 feet; thence with a non-tangent curve to the left having a radius of 429.000 feet, whose center bears North 89°08'36" East, with a central angle of 12°30'25" (chord bearing and distance of South 07°06'37" East - 93.459 feet) for an arc distance of 93.645 feet; thence South 75°18'02" West for 5.131 feet; thence with a curve to the right having a radius of 70.000 feet, with a central angle of 14°41'58" (chord bearing and distance of South 82°39'01" West - 17.910 feet) for an arc distance of 17.959 feet; thence South 90°00'00" West for 98.017 feet; thence North 00°00'00" East for 96.333 feet to the POINT OF BEGINNING.
Containing 10,908 sq. ft. or 0.2504 acres.

LEGAL DESCRIPTION OF PLAT 8A-9

Commencing at the North Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East - 2639.700 feet between the North Quarter Corner and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 1063.564 feet; thence South 00°02'48" East perpendicular to said section line for 944.943 feet to the POINT OF BEGINNING; thence North 90°00'00" East for 110.908 feet; thence South 00°00'00" West for 96.333 feet; thence South 90°00'00" West for 110.908 feet; thence North 00°00'00" East for 96.333 feet to the POINT OF BEGINNING.

Containing 10,684 sq. ft. or 0.2453 acres.

EXHIBIT B (THIRD SUPPLEMENT)

**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST
EASTLAKE VILLAGE CONDOMINIUMS
(Existing)**

Plat #	Building	Unit No.	Undivided Interest Per Unit	No. of Votes Per Unit
Existing	1	A	0.877%	1
Existing	1	B	0.877%	1
Existing	1	C	0.877%	1
Existing	2	A	0.877%	1
Existing	2	B	0.877%	1
Existing	2	C	0.877%	1
Existing	3	A	0.877%	1
Existing	3	B	0.877%	1
Existing	3	C	0.877%	1
Existing	4	A	0.877%	1
Existing	4	A	0.877%	1
Existing	4	B	0.877%	1
Existing	5	C	0.877%	1
Existing	5	A	0.877%	1
Existing	5	B	0.877%	1
Existing	6	C	0.877%	1
Existing	6	A	0.877%	1
Existing	6	B	0.877%	1
Existing	7	C	0.877%	1
Existing	7	A	0.877%	1
Existing	7	A	0.877%	1
Existing	8	B	0.877%	1
Existing	8	C	0.877%	1
Existing	8	A	0.877%	1
Existing	9	B	0.877%	1
Existing	9	C	0.877%	1
Existing	9	A	0.877%	1
Existing	10	B	0.877%	1
Existing	10	C	0.877%	1
Existing	10	A	0.877%	1

**KENNECOTT DAYBREAK CONDOMINIUMS
PLAT 8A-1 AND 8A-2
(Existing)**

Plat #	Building	Unit No.	Undivided Interest Per Unit	No. of Votes Per Unit
8A-1	A	1	0.877%	1
8A-1	A	2	0.877%	1
8A-1	A	3	0.877%	1
8A-1	A	4	0.877%	1
8A-1	A	5	0.877%	1
8A-1	A	6	0.877%	1
8A-1	A	7	0.877%	1
8A-1	A	8	0.877%	1
8A-1	A	9	0.877%	1
8A-1	A	10	0.877%	1
8A-2	B	1	0.877%	1
8A-2	B	2	0.877%	1
8A-2	B	3	0.877%	1
8A-2	B	4	0.877%	1
8A-2	B	5	0.877%	1
8A-2	B	6	0.877%	1
8A-2	B	7	0.877%	1
8A-2	B	8	0.877%	1
8A-2	B	9	0.877%	1
8A-2	B	10	0.877%	1

**KENNECOTT DAYBREAK CONDOMINIUMS
PLAT 8A-3 AND 8A-4
(Existing)**

Plat #	Building	Unit No.	Undivided Interest Per Unit	No. of Votes Per Unit
8A-3	C	1	0.877%	1
8A-3	C	2	0.877%	1
8A-3	C	3	0.877%	1
8A-3	C	4	0.877%	1
8A-3	C	5	0.877%	1
8A-3	C	6	0.877%	1
8A-3	C	7	0.877%	1
8A-3	C	8	0.877%	1
8A-3	C	9	0.877%	1
8A-3	C	10	0.877%	1
8A-4	D	1	0.877%	1
8A-4	D	2	0.877%	1
8A-4	D	3	0.877%	1
8A-4	D	4	0.877%	1
8A-4	D	5	0.877%	1
8A-4	D	6	0.877%	1
8A-4	D	7	0.877%	1
8A-4	D	8	0.877%	1
8A-4	D	9	0.877%	1
8A-4	D	10	0.877%	1

**KENNECOTT DAYBREAK CONDOMINIUMS
PLAT 8A-5 thru 8A-9
(Added by this Third Supplement)**

Plat #	Building	Unit No.	Undivided Interest Per Unit	No. of Votes Per Unit
8A-5	E	1	0.877%	1
8A-5	E	2	0.877%	1
8A-5	E	3	0.877%	1
8A-5	E	4	0.877%	1
8A-5	E	5	0.877%	1
8A-5	E	6	0.877%	1
8A-5	E	7	0.877%	1
8A-5	E	8	0.877%	1
8A-5	E	9	0.877%	1
8A-5	E	10	0.877%	1
8A-6	F	1	0.877%	1
8A-6	F	2	0.877%	1
8A-6	F	3	0.877%	1
8A-6	F	4	0.877%	1
8A-6	F	5	0.877%	1
8A-6	F	6	0.877%	1
8A-6	F	7	0.877%	1
8A-6	F	8	0.877%	1
8A-6	F	9	0.877%	1
8A-6	F	10	0.877%	1
8A-7	G	1	0.877%	1
8A-7	G	2	0.877%	1
8A-7	G	3	0.877%	1
8A-7	G	4	0.877%	1
8A-7	G	5	0.877%	1
8A-7	G	6	0.877%	1
8A-7	G	7	0.877%	1
8A-7	G	8	0.877%	1
8A-7	G	9	0.877%	1
8A-7	G	10	0.877%	1
8A-8	H	1	0.877%	1
8A-8	H	2	0.877%	1

8A-8	H	3	0.877%	1
8A-8	H	4	0.877%	1
8A-8	H	5	0.877%	1
8A-8	H	6	0.877%	1
8A-8	H	7	0.877%	1
8A-9	I	1	0.877%	1
8A-9	I	2	0.877%	1
8A-9	I	3	0.877%	1
8A-9	I	4	0.877%	1
8A-9	I	5	0.877%	1
8A-9	I	6	0.877%	1
8A-9	I	7	0.877%	1