

**AMENDMENT NO. 2
TO DECLARATION OF CONDOMINIUM OF
EASTLAKE VILLAGE CONDOMINIUMS IN SALT LAKE COUNTY, UTAH**

THIS AMENDMENT NO. 2 TO DECLARATION OF CONDOMINIUM OF EASTLAKE VILLAGE CONDOMINIUMS IN SALT LAKE COUNTY, UTAH (this "Amendment") dated November 23, 2010 is made and executed by **KENNECOTT LAND COMPANY**, a Delaware corporation (the "Declarant").

RECITALS

A. The Declaration of Condominium of Eastlake Village Condominiums in Salt Lake County, Utah (the "Declaration") was recorded in the office of the Salt Lake County Recorder by the Declarant, Kennecott Land Company, on July 31, 2007, as Entry No. 10179918, in Book No. 9498, beginning at page 1340.

B. Amendment No. 1 to the Declaration was recorded in the office of the Salt Lake County Recorder by the Declarant on October 6, 2010, as Entry No. 11048257, in Book No. 9866, beginning at page 6232.

C. Declarant is still in control of the Daybreak Eastlake Village Condominiums Owners' Association, Inc. (the "Association"), as none of the events outlined in Section 5.15 (Declarant Control of the Association) of the Declaration has occurred.

D. Section 15.2 (Amendments by Declarant After First Sale) of the Declaration provides the Declarant the right to unilaterally amend the Declaration in the exercise of its rights set forth in the Declaration. Accordingly, the Declarant desires to amend the Declaration as set forth herein.

E. From and after the recording of this Amendment, the Declaration, as Amended by this and other Amendments, shall remain in full force and effect with respect to the property described in Exhibit "A" attached hereto. Any reference to the Declaration in any document shall include this Amendment.

F. The purpose of this Amendment is to outline leasing restrictions of Units within the Association, pursuant to Section 7.1(b) of the Community Charter for Daybreak, as amended by Amendment No. 5, recorded on November 24, 2010, as Entry No. 11082445, in Book No. 9882, beginning at page 1049. (The "Charter Rental Restriction").

NOW, THEREFORE, the Declaration is amended as follows:

1. **Amendment Regarding Leasing Restrictions.** Paragraph 9.16 of the Declaration is amended by inserting the following paragraph, immediately following "...for the collection thereof."

No more than twenty percent (20%) of Units sold directly to an Owner by a Builder may be leased at any given time prior to the Owner occupying the Unit for a continuous period of twelve (12) months. No percentage limitations apply to Units, regardless of whether the Unit was sold directly to an Owner by a Builder or not, that are otherwise eligible for leasing pursuant to the provisions of the Charter Rental Restriction, and these Units shall not be considered part of this allowance.

IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the Effective Date.

DECLARANT:

KENNECOTT LAND COMPANY,
A Delaware corporation

By: *Ty McVetchon*

Name: TY McVETCHON

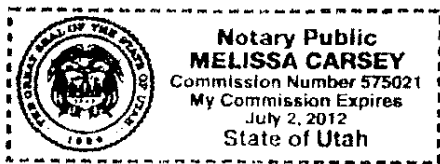
Title: VICE PRESIDENT DAYBREAK

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

On November 23, 2010, personally appeared before me, a Notary Public, Ty McVetchon, the VICE PRESIDENT of KENNECOTT LAND COMPANY, a Delaware corporation 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, a Delaware corporation.

WITNESS my hand and official Seal.

Melissa Carsey
NOTARY PUBLIC



Part of Tax Parcel No. 27-18-400-005-0000

EXHIBIT "A"

**LEGAL DESCRIPTION
PARCEL**

The following described real property, located in Salt Lake County, Utah, is the Parcel referred to in the Declaration:

Boundary Description - Eastlake Village Condominiums

PARCEL G

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2104.505 feet; thence South 89°52'45" West perpendicular to said section line for 3624.215 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 86.945 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 86.945 feet to the POINT OF BEGINNING.

Containing 7,390 sq. ft. or 0.1697 acres

PARCEL H

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2013.033 feet; thence South 89°52'45" West perpendicular to said section line for 3624.408 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 91.472 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL I

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1921.561 feet; thence South 89°52'45" West perpendicular to said section line for 3624.600 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 91.472 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL J

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1831.450 feet; thence South 89°52'45" West perpendicular to said section line for 3624.790 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 90.111 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 90.111 feet to the POINT OF BEGINNING.

Containing 7,659 sq. ft. or 0.1758 acres

PARCEL K

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1831.416 feet; thence South 89°52'45" West perpendicular to said section line for 3608.790 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 100.000 feet; thence North 90°00'00" West for 101.000 feet; thence North 00°00'00" East for 100.000 feet; thence North 90°00'00" East for 101.000 feet to the POINT OF BEGINNING.

Containing 10,100 sq. ft. or 0.2319 acres

PARCEL L

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1830.370 feet; thence South 89°52'45" West perpendicular to said section line for 3112.045 feet to the POINT OF BEGINNING; thence with a non-tangent curve to the left having a radius of 1482.000 feet, whose center bears North 87°13'05" East, with a central angle of 03°23'37" (chord bearing and distance of South 04°28'43" East – 87.766 feet) for an arc distance of 87.778 feet; thence South 82°42'12" West for 81.155 feet; thence with a curve to the right having a radius of 271.000 feet, with a central angle of 05°57'39" (chord bearing and distance of South 85°41'02" West – 28.181 feet) for an arc distance of 28.194 feet; thence North 00°00'00" East for 99.926 feet; thence North 90°00'00" East for 101.746 feet to the POINT OF BEGINNING.

Containing 9,906 sq. ft. or 0.2274 acres

PARCEL M

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North

00°07'15" West along the east line of Section 18 for 1920.484 feet; thence South 89°52'45" West perpendicular to said section line for 3113.602 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 18.184 feet; thence with a curve to the left having a radius of 1482.000 feet, with a central angle of 02°46'55" (chord bearing and distance of South 01°23'27" East - 71.950 feet) for an arc distance of 71.957 feet; thence South 90°00'00" West for 86.746 feet; thence North 00°00'00" East for 90.111 feet; thence North 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,701 sq. ft. or 0.1768 acres

PARCEL N

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2011.956 feet; thence South 89°52'45" West perpendicular to said section line for 3113.409 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 91.472 feet; thence South 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence South 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL O

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2103.429 feet; thence South 89°52'45" West perpendicular to said section line for 3113.216 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 91.472 feet; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL P

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West - 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2190.373 feet; thence South 89°52'45" West perpendicular to said section line for 3113.033 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 86.945 feet; thence South 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 86.945 feet; thence South 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,390 sq. ft. or 0.1697 acres

EXHIBIT "B"

**LEGAL DESCRIPTION
ADDITIONAL LAND**

The following described real property, located in Salt Lake County, Utah, is the Additional Land:

Boundary Description - Additional Land Area

PARCEL A

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 and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 843.482 feet; thence South 00°02'48" West perpendicular to said section line for 945.122 feet to the POINT OF BEGINNING; 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 57°05'30" (chord bearing and distance of South 29°24'09" East - 410.005 feet) for an arc distance of 427.472 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, a central angle of 90°00'00" (chord bearing and distance of South 12°56'54" East - 9.192 feet) for an arc length of 10.210 feet; thence South 32°03'06" West for 213.500 feet; thence North 57°56'54" West for 276.417 feet; thence with a non-tangent curve to the left having a radius of 160.000 feet, whose center bears South 86°30'47" West, with a central angle of 74°58'34" (chord bearing and distance of North 40°58'30" West - 194.751 feet) for an arc length of 209.373 feet; thence North 00°00'00" East for 285.851 feet; thence North 90°00'00" East for 220.082 feet to the POINT OF BEGINNING.

Containing 3.3281 acres

October 31, 2006