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 04/29/2014 03:47 PM \$51.00  
 Book - 10226 Pg - 9733-9747  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 FIRST AMERICAN TITLE  
 BY: SSP, DEPUTY - WI 15 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company  
 4700 Daybreak Parkway  
 South Jordan, UT 84095  
 Attention: Senior Advisor, Contracts & Risk

**SUPPLEMENT TO DECLARATION OF CONDOMINIUM  
 FOR GARDEN PARK CONDOMINIUMS, PHASE 1  
 (ADDING ADDITIONAL LAND - PHASE 5)**

**THIS SUPPLEMENT TO DECLARATION OF CONDOMINIUM FOR GARDEN PARK CONDOMINIUMS, PHASE 1 (ADDING ADDITIONAL LAND – PHASE 5)** (this “**Supplement**”) is made as of April 22, 2014, by **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 **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation) (“**DDC**”), and **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. DDC 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.

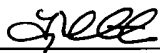
2. **Submission to Declaration.** Pursuant to Article 16 of the Declaration, Declarant hereby exercises its Option to Expand the Project and add the Additional Land to the Project, effective as of the recording of this Supplement; and Declarant submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. DDC and Ivory Homes hereby consent to the submission of the Additional Land to the Declaration. From and after the recordation of this 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 Supplement, the Project shall be deemed to include thirteen (13) additional Units for a total of forty-six (46) Units in the Project. The Units added to the Project by this Supplement are depicted on the plat attached hereto as **Exhibit B** and incorporated herein by this reference. Accordingly, upon recordation of this Supplement, each Owner will be deemed to have a maximum 1/46<sup>th</sup> 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 Supplement, each Unit shall have a 1/46<sup>th</sup> 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 Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Next Page]

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

**Declarant:**


**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By   
Name T. MCENTEE  
Title VICE PRESIDENT DAYBREAK

**DDC:**

**DAYBREAK DEVELOPMENT  
COMPANY,**  
a Delaware corporation

(formerly known as Kennecott Land  
Residential Development Company, a  
Delaware corporation)

By   
Name T. MCENTEE  
Title VICE PRESIDENT DAYBREAK

**Ivory Homes:**

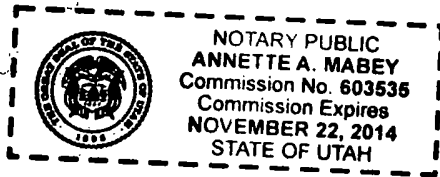
**IVORY HOMES, LTD.,**  
a Utah limited partnership

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

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

On April 22, 2014, personally appeared before me, a Notary Public, Ty McCutcheon, 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.



Annette A. Mabey  
Notary Public in and for said State

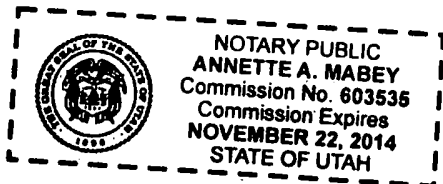
My commission expires: 11/22/2014

[SEAL]

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

On April 22, 2014, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice president of **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development 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 **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation).

WITNESS my hand and official Seal.



Annette A. Mabey  
Notary Public in and for said State

My commission expires: 11/22/2014

[SEAL]

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

On \_\_\_\_\_, 2014, personally appeared before me, a Notary Public, \_\_\_\_\_, the \_\_\_\_\_ 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 executed the above instrument on behalf of **IVORY HOMES, LTD**, a Utah limited partnership.

WITNESS my hand and official Seal.

\_\_\_\_\_  
Notary Public in and for said State  
My commission expires: \_\_\_\_\_

[SEAL]

**EXHIBIT A**

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

All of the real property described on that certain plat entitled "GARDEN PARK CONDOMINIUMS, PHASE 5 AMENDING PARCELS Q AND R OF KENNECOTT DAYBREAK VILLAGE 4A PLAT 4 SUBDIVISION", recorded on APRIL 29, 2014, as Entry No. 1187106, in Book 2014 P, at Page 86 of the Official Records of Salt Lake County, Utah,

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 NORTH 89°58'42" WEST, 2,677.86 FEET BETWEEN THE SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 24) AND RUNNING ALONG THE SOUTH LINE OF SECTION 24 NORTH 89°58'42" WEST, 1242.50 FEET; THENCE NORTH 00°01'18" EAST, 3875.22 FEET TO THE POINT OF BEGINNING, SAID POINT IS ALSO A COMMON LOT CORNER OF LOT 235 AND PARCEL R OF THE ABOVE MENTIONED PLAT; THENCE ALONG SAID COMMON LOT LINE N36°32'54"W 112.70 FEET; THENCE LEAVING SAID LOT LINE N53°27'06"E 20.12 FEET; THENCE N36°32'54"W 134.46 FEET; THENCE N53°27'06"E 124.92 FEET; THENCE S36°32'54"E 157.30 FEET; THENCE SOUTHEASTERLY 51.13 FEET ALONG THE ARC OF A 185.08 RADIUS CURVE TO THE LEFT (CHORD BEARS S44°27'48"E 50.97 FEET); THENCE SOUTHWESTERLY 113.85 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S36°39'45"W 113.47 FEET); THENCE S44°49'00"W 43.92 FEET TO THE POINT OF BEGINNING.

CONTAINS: 31,203 SQUARE FEET

Contains approximately 0.716 acres.

**EXHIBIT B**

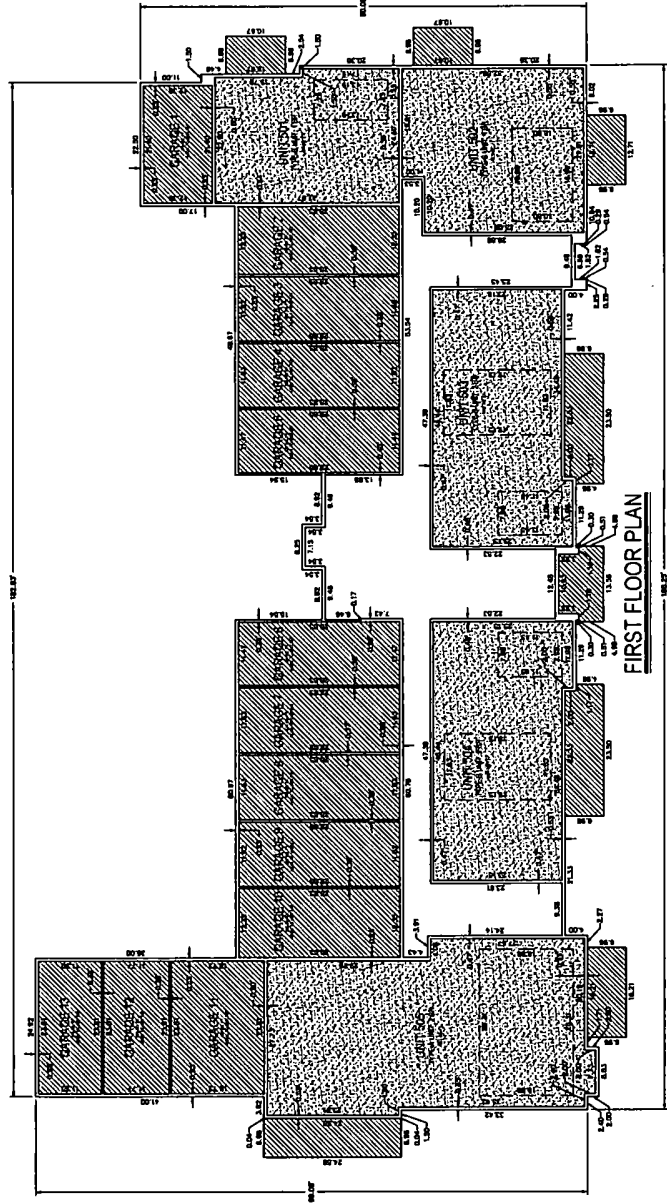
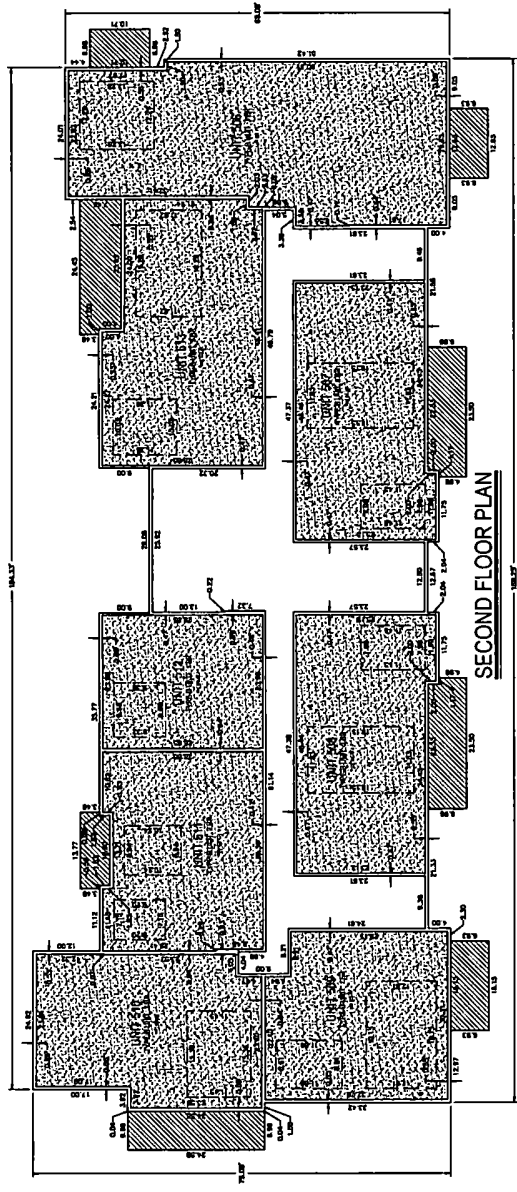
**PLAT**

[Attach Garden Park Condominiums, Phase 5 Plat]









**GARAGE ASSIGNMENT TABLE**

UNIT NUMBER	GARAGE NUMBER
001	1
002	2
003	3
004	4
005	5
006	6
007	7
008	8
009	9
010	10
011	11
012	12
013	13
014	14
015	15
016	16
017	17
018	18
019	19
020	20
021	21
022	22
023	23
024	24
025	25
026	26
027	27
028	28
029	29
030	30
031	31
032	32
033	33
034	34
035	35
036	36
037	37
038	38
039	39
040	40
041	41
042	42
043	43
044	44
045	45
046	46
047	47
048	48
049	49
050	50
051	51
052	52
053	53
054	54
055	55
056	56
057	57
058	58
059	59
060	60
061	61
062	62
063	63
064	64
065	65
066	66
067	67
068	68
069	69
070	70
071	71
072	72
073	73
074	74
075	75
076	76
077	77
078	78
079	79
080	80
081	81
082	82
083	83
084	84
085	85
086	86
087	87
088	88
089	89
090	90
091	91
092	92
093	93
094	94
095	95
096	96
097	97
098	98
099	99
100	100

**FINISHED FLOOR ELEVATION = 4813.00**

**LEGEND**

- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONDOMINIUM OWNERSHIP
- OPENED CIRCLES
- NO. 7 MATERIAL

**GRAPHIC SCALE**

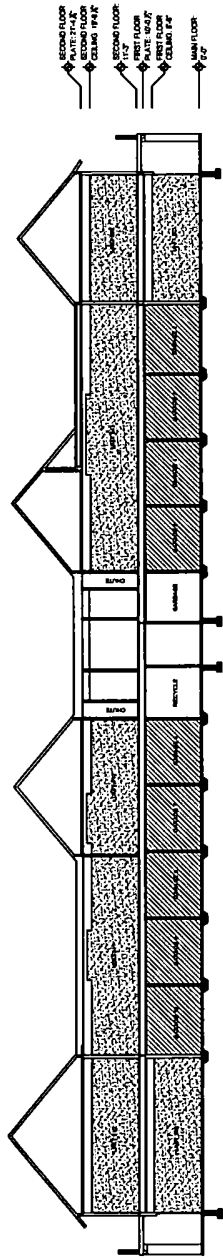
(ON SHEET)  
1 inch = 10 ft.

A04-5  
Sheet C3 of 5

**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
502 WEST 1340 SOUTH  
SANDY, UTAH 84070 PH: (801) 350-0073  
www.focusinc.com

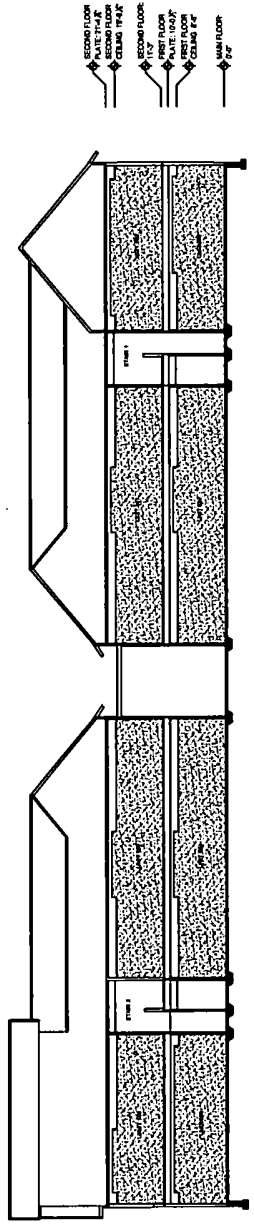
**GARDEN PARK CONDOMINIUMS, PHASE 5**  
EDWARDSVILLE TOWNSHIP, ILLINOIS  
Located in the Northern Quarter of Section 24, T.14, R.7W.

RECORDING INFORMATION  
BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
SALT LAKE COUNTY RECORDER



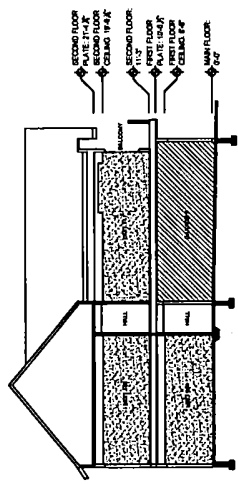
2 BUILDING SECTION  
A107

- SECOND FLOOR PLATE 11'x11'
- SECOND FLOOR CEILING 10'x10'
- SECOND FLOOR 11'x11'
- FIRST FLOOR PLATE 10'x10'
- FIRST FLOOR CEILING 9'x9'
- MAIN FLOOR 9'x9'



1 BUILDING SECTION  
A107

- SECOND FLOOR PLATE 11'x11'
- SECOND FLOOR CEILING 10'x10'
- SECOND FLOOR 11'x11'
- FIRST FLOOR PLATE 10'x10'
- FIRST FLOOR CEILING 9'x9'
- MAIN FLOOR 9'x9'



2 BUILDING SECTION  
A107

- SECOND FLOOR PLATE 11'x11'
- SECOND FLOOR CEILING 10'x10'
- SECOND FLOOR 11'x11'
- FIRST FLOOR PLATE 10'x10'
- FIRST FLOOR CEILING 9'x9'
- MAIN FLOOR 9'x9'

FINISHED FLOOR ELEVATION = 4813.00

LEGEND

	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP
	COMMON OWNERSHIP

NO HATCHING



A04-5

Sheet C4 of 5

**GARDEN PARK CONDOMINIUMS, PHASE 5**

REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR  
 LICENSED IN THE NORTHERN DIVISION OF SECTION 24, CLASS B, P.E.  
 Salt Lake Base and Variation

RECORDED

STATE OF UTAH, COUNTY OF SALT LAKE, RECORD AND FILED AT THE  
 COUNTY CLERK'S OFFICE

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

BY: \_\_\_\_\_ SALT LAKE COUNTY RECORDS





**EXHIBIT C**

**INTENTIONALLY OMITTED**

**EXHIBIT D-1**

**GARDEN PARK CONDOMINIUMS, PHASE 1, 3, 4 & 5**  
Updated Schedule of Units, Square Footage,  
Votes and Undivided Interests in Common Areas

<b>Unit Identifying Number</b>	<b>Unit Type</b>	<b>Approx. Sq. Footage of Unit</b>	<b>Undivided Interest Per Unit</b>	<b>No. of Votes Per Unit</b>
<b>Phase 1</b>				
101	condo	930	1/46th	1
102	condo	1097	1/46th	1
103	condo	1097	1/46th	1
104	condo	1193	1/46th	1
105	condo	947	1/46th	1
106	condo	1384	1/46th	1
107	condo	1097	1/46th	1
108	condo	1095	1/46th	1
109	condo	1193	1/46th	1
110	condo	1412	1/46th	1
<b>Phase 3</b>				
301	condo	930	1/46th	1
302	condo	1097	1/46th	1
303	condo	1097	1/46th	1
304	condo	1193	1/46th	1
305	condo	947	1/46th	1
306	condo	1384	1/46th	1
307	condo	1097	1/46th	1
308	condo	1095	1/46th	1
309	condo	1193	1/46th	1
310	condo	1412	1/46th	1
<b>Phase 4</b>				
401	condo	785	1/46th	1
402	condo	937	1/46th	1
403	condo	1099	1/46th	1
404	condo	1122	1/46th	1

405	condo	1613	1/46th	1
406	condo	1791	1/46th	1
407	condo	1099	1/46th	1
408	condo	1122	1/46th	1
409	condo	932	1/46th	1
410	condo	1036	1/46th	1
411	condo	1002	1/46th	1
412	condo	696	1/46th	1
413	condo	1291	1/46th	1
Phase 5				
501	condo	785	1/46th	1
502	condo	937	1/46th	1
503	condo	1099	1/46th	1
504	condo	1099	1/46th	1
505	condo	1657	1/46th	1
506	condo	1791	1/46th	1
507	condo	1099	1/46th	1
508	condo	1122	1/46th	1
509	condo	932	1/46th	1
510	condo	1037	1/46th	1
511	condo	1001	1/46th	1
512	condo	696	1/46th	1
513	condo	1292	1/46th	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.