

When Recorded Return To:
Holmes DB Condos, LLC
126 West Sego Lily Dr., Ste. 250
Sandy, Utah 84070

13953342 B: 11339 P: 6980 Total Pages: 7
05/17/2022 10:38 AM By: bmeans Fees: \$148.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: HOLMES DB CONDOS, LLC
126 SEGO LILY DRIVE SUITE 250 SANDY, UT 84070



AMENDED SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DB CONDOMINIUMS

(Phase 1D Amended)

This AMENDED SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DB CONDOMINIUMS ("Supplemental Declaration") is executed and adopted by Holmes DB Condos, LLC, a Utah limited liability company ("Declarant").

RECITALS

A. This Supplemental Declaration shall modify and supplement the "Declaration of Condominium for DB Condominiums" ("Declaration") recorded with the Salt Lake County Recorder's Office on March 23, 2021 as Entry No. 13607323.

B. The "Amended Supplement to The Declaration of Condominium for DB Condominiums (Phase 1A Amended and Phase 1B)" was recorded with the Salt Lake County Recorder's Office ("Amended 1A & 1B Supplement").

C. The "Supplement to The Declaration of Condominium for DB Condominiums (Phase 1D)" was recorded on May 13, 2021 as Entry No. 13662334 ("Original Phase 1D Supplement").

D. This Supplemental Declaration shall completely replace and supersede in all respects the Original Phase 1D Supplement and shall amend and supplement the Declaration and the Amended 1A & 1B Supplement.

E. Holmes DB Condos, LLC is the Declarant as identified and set forth in the Declaration and is the owner of the real property subject to this Supplemental Declaration.

F. Under the terms of the Declaration, Declarant reserved the right to unilaterally expand the Project by the addition of all or a portion of the Additional Land. Declarant desires to add a portion of the Additional Land as hereinafter provided for.

G. Unless otherwise defined herein, all capitalized terms shall have the meaning defined in the Declaration.

ANNEXATION

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. Annexation of Additional Land: Declarant hereby confirms that all of the real property identified on Exhibit A attached hereto, together with (i) all buildings, if any,

improvements, and structures situated on or comprising a part of the above-described real property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the "**Subject Property**") is submitted to and properly annexed into the Declaration.

2. Plat. The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on the **SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D AMENDED AMENDING ALL OF SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D** plat, which plat map is recorded with the County.

3. Submission. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.

4. Membership. The Owner of each Unit within the Subject Property shall be a member of the DB Condominium Owners Association ("Association") and shall be entitled to all benefits and voting rights of such membership as set forth in the Declaration. Each Unit Owner is allotted voting rights in proportion to its Undivided Interest.

5. Apportionment of Common Expenses. In accordance with the Declaration, Common Expenses shall be apportioned among Unit Owners according to their Undivided Interest, including the Owners of Units annexed into to the Association through this Supplemental Declaration.

6. Undivided Interests. The Undivided Interests as set forth on Exhibit B of the Declaration and all Supplements to the Declaration recorded prior to the recording of this Supplemental Declaration shall be amended and restated as set forth in the Exhibit B attached hereto.

7. Reservation of Declarant's Rights. All rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the terms, provisions and limitations set forth in the Declaration.

8. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Salt Lake County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 17th day of February, 2022.

DECLARANT

HOLMES DB CONDOS, LLC

a Utah limited liability company

By: Eric K. Davenport, LLC

By: *[Signature]*

Name: *Eric K. Davenport*

Title: *General Counsel and Secretary*

STATE OF UTAH)
COUNTY OF *Salt Lake*) ss.

On the 17th day of February, 2022, personally appeared before me *Eric K. Davenport* who by me being duly sworn, did say that she/he is an authorized representative of Holmes DB Condos, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: *[Signature]*



EXHIBIT A
SUBJECT PROPERTY/ADDITIONAL LAND
(Legal Description)

**All of SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D AMENDED
AMENDING ALL OF SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D** according
to the official plat on file in the office of the Salt Lake County Recorder.

Including 20 Units and Common Area

More particularly described as:

Being all of SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1D; (Plat Entry No. 1366077); more particularly described as follows:

Beginning at a Southeasterly Corner of the South Station Plat 3 Condominiums Phase 1A subdivision, said point lies South 89°55'30" East 2614.624 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3684.153 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said South Station Plat 3 Condominiums Phase 1A the following (7) courses: 1) North 36°32'54" West 14.858 feet; 2) North 53°27'06" East 9.789 feet; 3) North 36°32'54" West 47.916 feet; 4) North 53°27'06" East 10.323 feet; 5) North 54°54'09" East 44.014 feet; 6) North 53°27'06" East 11.677 feet; 7) North 36°32'54" West 80.443 feet to the Southernmost Corner of South Station Plat 3 Condominiums Phase 1B subdivision; thence along said South Station Plat 3 Condominiums Phase 1B North 53°27'06" East 68.562 feet to the Southwesterly Right-of-Way Line of Freestone Road; thence along said Freestone Road South 36°32'54" East 178.302 feet to the Northerly Right-of-Way Line of Black Twig Drive; thence along said Black Twig Drive South 67°31'47" West 148.821 feet to the point of beginning.

Property contains 0.381 acres, 16607 square feet.

ALSO TO BE RECORDED AGAINST THE FOLLOWING PROPERTIES:

**All of SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1A AMENDED
AMENDING ALL OF SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1A**, according
to the official plat on file in the office of the Salt Lake County Recorder.

Including 10 Units and Common Area

More particularly described as:

A portion of Lot C-101 of DAYBREAK SOUTH STATION PLAT 3 AMENDING T4 OF THE KENECOTT DAYBREAK MASTER SUBDIVISION #1; (Vesting Deed Entry # 13298366); more particularly described as follows:

Beginning at a point on the Northerly Right-of-Way Line of Black Twig Drive, said point lies South 89°55'30" East 2533.153 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3649.329 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 134.626 feet; thence North 53°27'06" East 66.929 feet; thence North 36°32'54" West 157.979 feet to a point on the Southerly Right-of-Way Line of Reventon Drive; thence along said Reventon Drive North 53°27'06" East 24.000 feet; thence South 36°32'54" East 56.813 feet to a point on a 10.000 foot radius tangent curve to the left, (radius bears North 53°27'06" East, Chord South 81°32'54" East 14.142 feet); thence along the arc of said curve 15.708 feet through a central angle of 90°00'00"; thence North 53°27'06" East 5.323 feet; thence North 52°00'00" East 44.014 feet; thence North 53°27'06" East 11.677 feet; thence South 36°32'54" East 85.886 feet; thence South 53°27'06" West 11.677 feet; thence South 54°54'09" West 44.014 feet; thence South 53°27'06"

West 10.323 feet; thence South 36°32'54" East 47.916 feet; thence South 53°27'06" West 9.789 feet; thence South 36°32'54" East 14.858 feet to said Northerly Right-of-Way Line of Black Twig Drive; thence along said Black Twig Drive the following (2) courses: 1) South 67°31'47" West 57.014 feet to a point on a 532.500 foot radius tangent curve to the left, (radius bears South 22°28'13" East, Chord South 65°49'52" West 31.573 feet); 2) along the arc of said curve 31.578 feet through a central angle of 03°23'52" to the point of beginning.

Property contains 0.652 acres, 28394 square feet.

Parcel Numbers not yet assigned

All of **SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1B AMENDING A PORTION OF LOT C-101 OF THE SOUTH STATION PLAT 3 SUBDIVISION** according to the official plat on file in the office of the Salt Lake County Recorder as Entry Number 13639391.

Including 20 Units and Common Area

Parcel Numbers: 26241820010000 through 26241820210000

All of **SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1C AMENDED AMENDING ALL OF SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1C** according to the official plat on file in the office of the Salt Lake County Recorder.

Including 10 Units and Common Area

More particularly described as:

A portion of Lot C-101 of **DAYBREAK SOUTH STATION PLAT 3 AMENDING T4 OF THE KENNECOTT DAYBREAK MASTER SUBDIVISION #1**, recorded as Entry No. 13288782 in Book 2020P at Page 132 in the Office of the Salt Lake County Recorder; (Vesting Deed Entry # 13298666); more particularly described as follows:

Beginning at a point on the Southerly Right-of-Way Line of Reventon Drive, said point lies South 89°55'30" East 2369.604 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T35, R2W and the Southeast Corner of Section 19, T35, R1W) and North 3867.230 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Reventon Drive North 53°27'06" East 68.413 feet; thence South 36°32'54" East 137.979 feet; thence South 53°27'06" West 70.929 feet; thence North 36°32'54" West 10.000 feet; thence North 53°27'06" East 2.517 feet; thence North 36°32'54" West 127.979 feet to the point of beginning.

Property contains 0.217 acres, 9465 square feet.

Parcel Numbers not yet assigned

EXHIBIT B
UNDIVIDED INTEREST IN COMMON AREAS

Upon the recording of this Supplemental Declaration, the Project will consist of 60 Units.

Each Unit in the Project shall have an equal Undivided Interest
equivalent to a 1/60th fractional amount.