

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

13988583 B: 11358 P: 3199 Total Pages: 4
07/21/2022 02:29 PM By: sarvizo Fees: \$106.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: MILLER HARRISON LLC
5292 SO COLLEGE DR MURRAY, UT 84123

FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR DB CONDOMINIUMS

This FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR DB CONDOMINIUMS (the "**First Amendment**") is executed and adopted by Holmes DB Condos, LLC (the "**Declarant**").

RECITALS

A. The Declaration of Condominium for DB Condominiums was recorded on March 23, 2021 as Entry No. 13607323 in the office of the Salt Lake County Recorder (hereinafter the "**Declaration**").

B. This First Amendment affects the real property located in Salt Lake County, State of Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated herein by reference.

C. The Declarant desires to amend the Declaration as set forth in this First Amendment to modify terms and restrictions related to special assessments.

D. Unless otherwise set forth herein, the capitalized terms shall have their same meanings and definitions as stated in the Declaration.

E. Pursuant to Article XV, Section 15.1 of the Declaration, the Declarant has the sole authority to amend the Declaration so long as it owns one or more Units or during the Period of Declarant Control.

F. As of the date of the recording of this First Amendment, the Declarant owns Units in the Project and the Period of Declarant Control remains in effect.

AMENDMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, the Declarant hereby executes this First Amendment, which shall be effective as of its recording date with the Salt Lake County Recorder's office.

(1) **Amendment No. 1.** Section 6.5 of the Declaration shall be deleted in its entirety and shall be replaced by the following:

6.5 **Special Assessments.** The Board may levy a Special Assessment up to five-thousand dollars (\$5,000) per Unit per calendar year; which dollar cap shall be increased each year at a five percent (5%) compounding annual rate. Special Assessments shall be payable over such a period as the Board may

determine, for the following purposes: (i) defraying, in whole or in part any expenses not reasonably capable of being fully paid with funds generated by Annual Assessments; (ii) the cost of any construction, reconstruction, or unexpected repair or replacement of the Common Areas; or (iii) for any other expense incurred or to be incurred by the Association as provided in this Declaration. Additional Special Assessments over the five-thousand dollar (\$5,000) cap in a calendar year (or inflationary increase thereof) may be levied if approved by a majority of Owners who are present in person or by proxy at a meeting duly called for such purpose. Notice in writing of the amount of any Special Assessments and the time for their payment shall be given as soon as is reasonably possible to the Owners. Payment shall be due on the dates and in the manner provided in the notice.

(2) **Conflicts.** All remaining provisions of the Declaration and any prior amendments not specifically amended in this First Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall in all respects govern and control.

(3) **Incorporation & Supplementation of Declaration.** This document is supplemental to the Declaration, which by reference is made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS WHEREOF, Declarant has executed this First Amendment this 18th day of July, 2022.

DECLARANT
HOLMES DB CONDOS, LLC
 a Utah limited liability company
 By its Manager Holmes Homes, Inc.

By: [Signature]

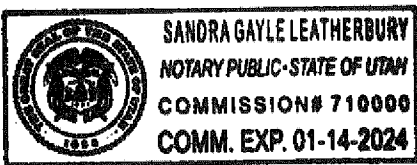
Name: Eric K. Davenport

Its: Secretary of Holmes Homes, Inc.

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

On the 18th day of July, 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 corporation and executed with all necessary authority.

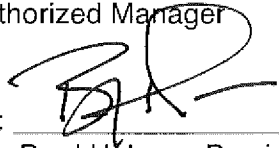
Notary Public [Signature]



IN WITNESS WHEREOF, Founder has consented to this First Amendment this 19
day of July, 2022.

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,
a Utah limited liability company
Its: Authorized Manager

By: 
Brad Holmes, President

ACKNOWLEDGMENT

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

On July 19, 2022, personally appeared before me, a Notary Public, Brad Holmes, the President of Miller Family Real Estate, L.L.C., a Utah limited liability company, the Authorized 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.



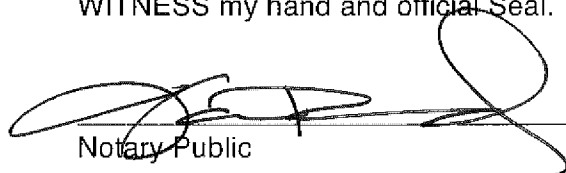

Notary Public

EXHIBIT A
Legal Description

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 as Entry Number 13923506.

Including 10 Units and Common Area

Parcel Numbers: 26241810130000 through 26241810230000

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 as Entry Number 13923527.

Including 10 Units and Common Area

Parcel Numbers: 26241830130000 through 26241830230000

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 as Entry Number 13953341.

Including 20 Units and Common Area

Parcel Numbers: 26241840220000 through 26241840420000