

**SECOND AMENDMENT TO THE  
BYLAWS  
OF  
DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS  
OWNERS' ASSOCIATION, INC.**

This SECOND AMENDMENT TO THE BYLAWS OF DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS OWNERS' ASSOCIATION, INC. ("Amendment") has been approved and adopted by the Members of the Daybreak Eastlake Village Condominium Owners' Association, Inc., a Utah nonprofit corporation ("Association") and becomes effective when recorded with the Salt Lake County Recorder's Office.

**RECITALS**

- A. The Association governs the affairs of the Eastlake Village Condominiums, a Utah condominium project located in Salt Lake County ("Property").
- B. The Property was made subject to certain covenants, conditions, and restrictions as provided in the "Declaration of Condominium of Eastlake Village Condominiums" as recorded on July 31, 2007, as Entry Number 10179918 with the Salt Lake County Recorder ("Declaration").
- C. The Association is also governed by the "Bylaws of Daybreak Eastlake Village Condominiums Owners' Association, Inc.", as recorded with the Declaration as "Exhibit 'C'" ("Bylaws"); and the "Articles of Incorporation of Daybreak Eastlake Village Condominium Owners' Association, Inc." as filed on August 10, 2007 with the Utah State Department of Commerce, Division of Corporations and Commercial Code ("Articles of Inc.").
- D. The Bylaws were first amended by and through the "Amendment to Bylaws of Daybreak Eastlake Village Condominiums Owners' Association, Inc." as recorded with the Salt Lake County Recorder on November 18, 2010 as Entry Number 11077318.
- E. The Association desires to further amend the Bylaws as provided below.
- F. Article X of the Articles of Inc. authorizes the Management Committee to alter, amend, or repeal the Bylaws.
- G. Pursuant to Article X of the Articles of Inc., this Amendment has been approved by the Management Committee
- H. This Amendment shall be binding upon the Property. See Exhibit A.

I. Unless specifically modified herein, all remaining provisions of the Bylaws whether listed above or not, shall remain in full force and effect.

J. In case of any conflict between the terms of this Amendment and the terms of the Bylaws, the provisions of this Amendment shall control.

K. Unless otherwise provided in this Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration and/or Bylaws.

## AMENDMENTS

### Amendment One

*Article I, Section 1.2 of the Bylaws currently reads as follows:*

1.2 Offices. The principal office of the Association shall be located at 5295 South 300 West, Suite 475, Murray, Utah 84107.

*Article I, Section 1.2 is hereby amended in its entirety to read as follows:*

1.2 Offices. The principal office of the Association shall be the address listed as such with the Utah State Department of Commerce, Division of Corporations and Commercial Code through the nonprofit corporation registration, as renewed annually.

### Amendment Two

*Article III, Section 3.4 of the Bylaws currently reads as follows:*

3.4 Notice of Meetings. The Management Committee shall cause written or printed notice of the time and place, and in the case of a special meeting, the purpose or purposes for all meetings of the Members (whether annual or special) to be delivered, not more than sixty (60) nor less than ten (10) days prior to the meeting, to each Member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the U.S. mail addressed to the Member at the Member's registered address, with first-class postage thereon prepaid. Each Member shall register with the Association such Member's current mailing address for purposes of notice hereunder. Such registered address may be changed from time to time by notice in writing to the Association. If no address is registered with the Association, a Member's Unit address shall be deemed to be the Member's registered address for purposes of notice in this Section 3.4.

*Article III, Section 3.4 is hereby amended in its entirety to read as follows:*

3.4 Notice of Meetings. The Management Committee shall cause written or printed notice of the time and place (and in the case of a special meeting, the purpose or purposes) for all meetings of the Members (whether annual or special). Such written or printed notice shall be

delivered to each Member of record entitled to vote at such meeting not more than sixty (60) nor less than ten (10) days prior to the meeting. Such notice may be sent via email, text message, hand-delivery, regular mail, or as otherwise allowed by the Act. If sent by email or text message, such notice shall be deemed delivered and effective on the date it is transmitted to the Member's email address or telephone number registered with the Association. If mailed, such notice shall be deemed delivered and effective on the date it is deposited in the U.S. mail if addressed to the Member's address registered with the Association. Each Member shall register with the Association such Member's current email address, phone number, and mailing address for notice purposes, and update such information with the Association, as necessary, so that it remains accurate. If no address is registered with the Association, the Unit of the Member shall be deemed to be the Member's registered address and notice to the Unit address may be made by first-class mail or by posting the meeting notice on the front door of the Unit.

### **Amendment Three**

*Article IV, Section 4.2 of the Bylaws currently reads as follows:*

4.2 Number, Tenure and Qualifications The property, business and affairs of the Association shall be governed and managed by a Management Committee composed of not less than three (3) nor more than five (5) persons, each of whom, except for those appointed and serving as Committee Members during the Declarant Control Period must either be an Owner of a Unit, a spouse of an Owner or an agent of Declarant, for so long as Declarant owns a Unit in the Project. At each annual meeting, beginning with the first annual meeting following termination of the Declarant Control Period, the Members shall elect for terms of one (1) year each the appropriate number of Committee Members to fill vacancies by expiring terms of Committee Members. All Committee Members, except such members appointed by Declarant, shall be Members of the Association.

*Article IV, Section 4.2 is hereby amended in its entirety to read as follows:*

4.2 Number, Tenure, and Qualifications. The property, business, and affairs of the Association shall be governed and managed by a Management Committee composed of not less than three (3) nor more than five (5) persons, each of whom, must be an Owner of a Unit; a spouse of an Owner of a Unit; or an officer, partner, member, manager, trustee, or beneficiary of an Owner that is a corporation, partnership, limited liability company, or trust. No two (2) Committee Members may reside in the same Unit or be business partners if the business is related to their ownership of a Unit. At each annual meeting, beginning with the first annual meeting following the adoption of this amendment, the Members shall elect two (2) members for a one (1) year term and three (3) members for a two (2) year term. At each subsequent annual meeting, the Association shall elect for terms of two (2) years each for the appropriate number of Committee Members to fill vacancies by expiring terms of Committee Members.

**Amendment Four**

Article IV, Section 4.10 of the Bylaws currently reads as follows:

4.10 Informal Action by Committee Members. Any action that is required or permitted to be taken at a meeting of the Management Committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Committee Members

Article IV, Section 4.10 is hereby amended in its entirety to read as follows:

4.10 Informal Action by Committee Members. Any action that is required or permitted to be taken at a meeting of the Management Committee, may be taken without a meeting, as authorized and permitted by the Act or the Utah Revised Nonprofit Corporation Act.

**CERTIFICATION**

IN WITNESS WHEREOF, the foregoing amendments were duly approved as required by Article X of the Articles of Inc.

**DAYBREAK EASTLAKE VILLAGE CONDOMINIUMS OWNERS' ASSOCIATION, INC.**

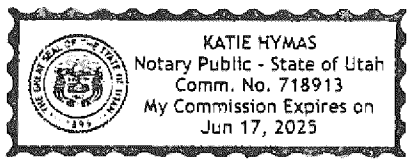
By: [Signature]

Name: Wade Spencer

Its: PRESIDENT

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

On the 27 day of October, 2022, personally appeared before me Wade Spencer, who by me being duly sworn, did say that she/he is the President of the Daybreak Eastlake Village Condominiums Owners' Association, Inc., and has been authorized by the Management Committee of the said association to execute this instrument.



Notary Public: [Signature]

**EXHIBIT A**  
**Legal Description/ Parcel Numbers**

Units 1-C in Building 1, 3, 4, 6 - 10 and one common area parcel of the KENNECOTT DAYBREAK PLAT 7 SUBDIVISION (East Lake Village Condominiums) according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10179917.

Parcel Numbers:

**27-18-329-009-0000 through 27-18-329-011-0000**

**27-18-329-015-0000 through 27-18-329-020-0000**

**27-18-329-024-0000 through 27-18-329-038-0000**

**27-18-329-040-0000**

All Units (101-110) and common area of the KENNECOTT DAYBREAT PLAT 8A 1 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-004-0000 through 27-18-134-013-0000**

All Units (101-110) and common area of the KENNECOTT DAYBREAT PLAT 8A 2 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-014-0000 through 27-18-134-023-0000**

All Units (1-10) and common area of the KENNECOTT DAYBREAT PLAT 8A 3 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-025-0000 through 27-18-134-034-0000**

All Units (1-10) and common area of the KENNECOTT DAYBREAT PLAT 8A 4 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-035-0000 through 27-18-134-044-0000**

All Units (1-10) and common area of the KENNECOTT DAYBREAT PLAT 8A 5 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-046-0000 through 27-18-134-055-0000**

All Units (101-110) and common area of the KENNECOTT DAYBREAT PLAT 8A 6 CONDO SUBDIVISION according to the plat on file with the Salt Lake County Recorder's Office as Entry No. 10599247

Parcel Numbers: **27-18-134-056-0000** through **27-18-134-065-0000**