

WHEN RECORDED, RETURN TO:
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, UT 84111-2218
Attn: Kerry L. Owens

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
HARBOR BAY SUBDIVISION**

THIS SECOND AMENDMENT TO DECLARATION COVENANTS, CONDITIONS AND RESTRICTIONS FOR HARBOR BAY SUBDIVISION ("Second Amendment"), dated as of the 8 day of November, 2006, by SUMMIT DEVELOPMENT & MANAGEMENT, LLC, a Utah limited liability company ("Declarant"), amends that certain Declaration of Covenants, Conditions and Restrictions for Harbor Bay Subdivision dated January 12, 2006, and recorded January 17, 2006 in the office of the Recorder of Utah County, Utah, as Entry No. 5326:2006, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions dated January 12, 2006, and recorded June 28, 2006 in the office of the Recorder of Utah County, Utah, as Entry No. 81581:2006 (collectively the "Original Declaration"). The Original Declaration, as amended and supplemented pursuant to this Second Amendment, is collectively referred to herein as the "Declaration," which term, shall for all purposes thereof or of any related document, mean and refer to the Declaration as so amended, supplemented, or otherwise modified. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

A. Declarant subjected certain real property located in Utah County, Utah to the Declaration.

B. The Declaration provides that Declarant shall have the right and option, from time to time, to amend the provisions of the Declaration and to subject all or portions of the Additional Land to the Declaration by the recordation of a supplemental declaration, which shall be effective upon filing for recordation, unless otherwise provided therein.

C. Pursuant to the provisions of Article 17 and Section 19.6(b) of the Declaration, Declarant desires to subject a portion of the Additional Land located in Utah County, Utah ("Subject Property") more particularly described on Exhibit A attached hereto and made a part hereof to the provisions of the Declaration, and desires to amend certain the provisions of the Original Declaration.

D. Declarant is executing and delivering this Second Amendment for the purpose of subjecting the Subject Property to the provisions of the Declaration and for the purpose of ~~amending certain provisions of the Original Declaration.~~

NOW, THEREFORE, in consideration of the foregoing premises, Declarant hereby declares and states as follows:

1. Subject Property. Pursuant to Article 17, the Subject Property is hereby subjected to the Declaration and made a part of the Harbor Bay Subdivision. The Subject Property shall be

held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens of the Declaration, which provisions are hereby ratified, approved and confirmed, with the same force and effect as if fully set forth herein and made again as of the date hereof.

2. Amendments to Declaration. Pursuant to Section 19.6(b), Declarant hereby amends the Declaration as follows:

(a) Section 11.4 of the Declaration is hereby deleted and replaced in its entirety with the following:

“Size of Dwellings. The size, height and location of the Dwelling and other Improvements constructed on each Lot within the Harbor Bay Subdivision shall be consistent with any restrictions pertaining thereto that appear on Plat and shall be subject to all necessary approvals of the Design Review Committee as set forth in the Design Guidelines. The finished Floor Area (defined herein) of each Dwelling shall be not less than 2,000 square feet. For purposes of this Section the term “Floor Area” shall mean all enclosed areas of a Dwelling that are designed for human occupation, provided, however, that garages and unenclosed porches, balconies, patios, decks, vent shafts and courts are not calculated in the Floor Area.”

3. Binding Effect. The provisions of the Declaration shall run with the Subject Property and shall be binding upon all parties having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof.

4. Effective Upon Recording. This Second Amendment shall be effective as of the date of its recordation in the office of the Recorder of Utah County, Utah.

[SIGNATURE PAGE FOLLOWS]

**EXHIBIT A
TO
SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
HARBOR BAY SUBDIVISION**

(Description of Subject Property)

The real property referred to in this Second Amendment as the Subject Property is located in Utah County, Utah and is more particularly described as:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN THE CITY OF SARATOGA SPRINGS, COUNTY OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°45'55"E 119.87 FEET ALONG THE SECTION LINE AND NORTH 1002.67 FEET FROM THE SOUTH ¼ CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE NORTHEAST CORNER OF LOT 223, OF HARBOR BAY SUBDIVISION PHASE 2; THENCE ALONG THE NORTHERLY LINE OF SAID HARBOR BAY PHASE 2 THE FOLLOWING THREE COURSES: S62°02'24"W 278.31 FEET; N33°32'19"W 87.83 FEET; S56°27'41"W 190.02 FEET; THENCE N33°32'19"W 149.97 FEET; THENCE N04°57'35"E 88.52 FEET; THENCE N65°34'29"E 430.01 FEET; THENCE S30°48'41"E 266.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.68 ACRES, MORE OR LESS AND 8 LOTS.

Tax Serial Nos. 41:647:0301, 41:647:0302, 41:647:0303, 41:647:0304, 41:647:0305, 41:647:0306, 41:647:0307, 41:647:0308