

143
5

WHEN RECORDED MAIL TO:
BARTLETT TITLE INSURANCE AGENCY, INC.
1993 North State Street
Provo, UT 84604



ENT 49192:2012 PG 1 of 5
JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Jun 13 2:13 pm FEE 143.00 BY EO
RECORDED FOR SUMMIT DEVELOPMENT & MANAGE

AFFIDAVIT TO CORRECT PREVIOUSLY RECORDED DOCUMENT(S)

Heath Johnston, Manager of Summit DM, LLC, a Utah limited liability company, hereby states that that certain Amendment No. 1 To The Declaration Of Covenants, Conditions, And Restrictions For The Harbor Bay Subdivision dated June 11, 2009, and recorded June 17, 2009 as Entry No. 67154:2009, was erroneous due to certain typing errors in the legal description of said Amendment.

Whereas Summit DM LLC does attest herein that the following information contained on the aforementioned instrument(s) is erroneous, and the said document is hereby amended to correct and/or accurately recite the following legal description:

Exhibit "A" attached hereto contains the CORRECT legal description for the aforementioned Amendment.

Exhibit "B" attached hereto contains the legal description that should have been LESS AND EXCEPTED from the aforementioned Amendment.

Dated this 13 Day of June, 2012.

Summit DM, LLC

Heath Johnston, Manager

State of Utah)
 :SS
County of Utah)

On the 13 day of June, 2012, personally appeared before me Heath Johnston who being by me duly sworn did say for himself that the said Heath Johnston is a Manager of Summit DM, LLC, and that the within and foregoing instrument was signed in behalf of said Limited Liability Company and said Heath Johnston, duly acknowledged to me that said Limited Liability Company executed the same.

Notary Public
My commission expires:
Residing at:



EXHIBIT "A"

Harbor Bay Legal Description:

Harbor Bay - Phase 1, as recorded in the office of the Utah County Recorder, described as follows:

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, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°45'55"E 74.85 FEET AND NORTH 56.00 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE NORTH LINE OF CASCADE DRIVE AS RECORDED ON LAKE MOUNTAIN ESTATES, PLAT B IN THE UTAH COUNTY RECORDER'S OFFICE; THENCE N33°32'19"W 427.60 FEET; THENCE N62°02'24"E 566.27 FEET TO THE WEST LINE OF SAID LAKE VIEW DRIVE AS RECORDED ON LAKE MOUNTAIN ESTATES, PLAT B; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING EIGHT (8) COURSES: THENCE S36°29'00"E 162.77 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 328.08 FEET; THENCE ALONG THE ARC OF SAID CURVE 66.58 FEET THROUGH A CENTRAL ANGLE OF 11°37'42" (CHORD BEARS S42°17'51"E 66.47 FEET); THENCE S48°06'42"E 289.07 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 272.09 FEET; THENCE ALONG THE ARC OF SAID CURVE 111.60 FEET THROUGH A CENTRAL ANGLE OF 23°30'00" (CHORD BEARS S36°21'42"E 110.82 FEET); THENCE S24°36'42"E 101.49 FEET TO THE BEGINNING OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 72.03 FEET; THENCE ALONG THE ARC OF SAID CURVE 30.94 FEET THROUGH A CENTRAL ANGLE OF 24°36'47" (CHORD BEARS S12°18'19"E 30.71 FEET); THENCE SOUTH 15.24 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.02 FEET; THENCE ALONG THE ARC OF SAID CURVE 39.40 FEET THROUGH A CENTRAL ANGLE OF 90°14'05" (CHORD BEARS S45°07'02"W 35.46 FEET); THENCE N89°45'55"W 710.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.53 ACRES, MORE OR LESS.

Less lot 121 Harbor Bay Phase 1, as shown on the official plat of said Harbor Bay – Phase 1, Subdivision as recorded in the office of the Utah County Recorder.

Also, Harbor Bay - Phase 2, as recorded in the office of the Utah County Recorder, described as follows:

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, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°45'55"E 338.78 FEET AND NORTH 678.99 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE WEST LINE OF LAKEVIEW DRIVE AS RECORDED ON LAKE MOUNTAIN ESTATES, PLAT B IN THE UTAH COUNTY RECORDER'S OFFICE; THENCE S62°02'24"W, 810.99 FEET TO THE WESTERLY LINE OF SAID LAKE MOUNTAIN ESTATES, PLAT B, LOT 43; THENCE N33°32'19"W, 303.27 FEET ALONG SAID WESTERLY LINE OF LOT 43; THENCE

N32°54'18"W, 113.58 FEET ALONG THE WESTERLY LINE OF LOT 44 OF SAID LAKE MOUNTAIN ESTATES PLAT B; THENCE N56°27'41"E, 143.74 FEET; THENCE N45°42'19"E, 57.00 FEET; THENCE N56°27'41"E, 326.00 FEET; THENCE S33°32'19"E, 87.83 FEET; THENCE N62°02'24"E, 278.31 FEET TO THE WESTERLY LINE OF LAKEVIEW DRIVE AS RECORDED ON LAKE MOUNTAIN ESTATES, PLAT B; THENCE S30°48'41"E, 145.35 FEET ALONG SAID WESTERLY LINE OF LAKEVIEW DRIVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 528.14 FEET, PASSING THROUGH A CENTRAL ANGLE OF 5°40'19", A LENGTH OF 52.28 FEET (CHORD BEARS S33°38'50"E, 52.26 FEET) ALONG SAID LAKEVIEW DRIVE; THENCE S36°29'00"E, 194.25 FEET ALONG SAID LAKEVIEW DRIVE TO THE POINT OF BEGINNING.

CONTAINING 7.898 ACRES, MORE OR LESS.

Also, Harbor Bay - Phase 3, as recorded in the office of the Utah County Recorder, described as follows:

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, STATE 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 1/4 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 (3) 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.

Also, Harbor Bay – Phase 4, as recorded in the office of the Utah County Recorder, described as follows:

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, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°45'55"E 835.87 FEET ALONG THE SECTION LINE AND NORTH 190.21 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N24°36'42"W 57.03 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 328.09 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 134.56 FEET, THROUGH A CENTRAL ANGLE OF 23°30'00" (CHORD BEARS N36°21'42"W 133.59 FEET); THENCE N48°06'42"W 289.07 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 272.08 FEET; THENCE ALONG THE ARC OF SAID CURVE 55.22 FEET, THROUGH A CENTRAL ANGLE OF 11°37'42" (CHORD BEARS N42°17'51"W 55.12 FEET); THENCE N36°29'00"W 132.08 FEET; THENCE N61°01'43"E 90.87 FEET; THENCE N33°31'05"W 29.78 FEET; THENCE N64°30'21"E 348.41 FEET; THENCE N33°31'04"W 117.94 FEET; THENCE N15°12'19"W 57.78 FEET; THENCE N33°31'05"W 111.45

FEET; THENCE N29°30'14"W 383.48 FEET; THENCE N48°35'14"W 149.33 FEET; THENCE N52°07'15"W 57.74 FEET; THENCE N44°30'45"W 216.05 FEET; THENCE N29°52'17"W 110.40 FEET; THENCE N21°43'30"W 418.66 FEET; THENCE N17°43'52"W 56.27 FEET; THENCE N28°03'45"W 111.01 FEET; THENCE N62°02'24"E 383.78 FEET; THENCE S15°17'31"E 56.72 FEET; THENCE S19°25'06"E 219.06 FEET; THENCE S21°43'30"E 249.98 FEET; THENCE S26°17'24"E 116.97 FEET; THENCE S39°13'04"E 62.10 FEET; THENCE S48°35'14"E 253.07 FEET; THENCE S44°28'49"E 102.10 FEET; THENCE S34°04'35"E 85.51 FEET; THENCE S25°18'14"E 212.18 FEET; THENCE S37°05'12"E 219.22 FEET; THENCE S26°56'54"E 91.87 FEET; THENCE S20°27'06"E 118.54 FEET; THENCE S28°10'31"E 93.06 FEET; THENCE S36°20'32"E 177.78 FEET; THENCE S39°06'59"E 338.82 FEET; THENCE S46°53'48"E 42.25 FEET; THENCE S60°10'55"W 742.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.92 ACRES, MORE OR LESS.

Also, Harbor Bay – Phase 5, as recorded in the office of the Utah County Recorder, described as follows:

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, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N89°45'55"W 16.57 FEET ALONG THE SECTION LINE AND NORTH 1230.83 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE NORTHEAST CORNER OF LOT 308, OF HARBOR BAY PHASE 3; THENCE ALONG THE NORTHERLY LINE OF SAID HARBOR BAY PHASE 3 THE FOLLOWING THREE (3) COURSES: (1) S65°34'29"W 430.01 FEET; (2) THENCE S04°57'35"W 88.52 FEET; (3) THENCE S33°32'19"E 149.97 FEET TO THE NORTHEAST CORNER OF LOT 212, OF HARBOR BAY PHASE 2; THENCE ALONG THE NORTHERLY LINE OF SAID HARBOR BAY PHASE 2 THE FOLLOWING 3 COURSES; (1) THENCE S56°27'41"W 135.98 FEET; (2) THENCE S45°42'19"W 57.00 FEET; (3) THENCE S56°27'41"W 143.74 FEET TO THE EASTERLY LINE OF STATE ROAD 68 (REDWOOD ROAD); THENCE ALONG SAID STATE ROAD THE FOLLOWING TWO (2) COURSE; (1) N32°54'18"W 270.64 FEET; (2) THENCE N25°56'08"W 287.97 FEET; THENCE N66°08'03"E 154.04 FEET; THENCE S88°44'41"E 11.78 FEET; THENCE N66°08'03"E 421.94 FEET; THENCE N68°23'12"E 101.29 FEET; THENCE N64°34'23"E 110.96 FEET; THENCE S30°48'41"E 254.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.84 ACRES, MORE OR LESS.

EXHIBIT "B"

LESS AND EXCEPTING:

**HARBOR BAY SUBDIVISION
LEGAL DESCRIPTION**INCLUDING 10 ACRE CHURCH PARCEL, BUT NOT INCLUDING
2 ACRE COMMERCIAL OR 1 ACRE WITH EXISTING HOUSE

A parcel of land located in Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian, located in the City of Saratoga Springs, County of Utah, State of Utah, being more particularly described as follows:

Commencing at the South $\frac{1}{4}$ Corner of Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian; thence along the south line of said Section 18, S89°45'55"E, 74.83 feet; thence North 56.03 feet to the true point of beginning; thence N33°32'19"W 427.38 feet; thence S62°02'24"W 244.68 feet; thence N33°32'19"W 303.28 feet; thence N32°54'18"W 384.22 feet; thence N25°56'08"W 320.90 feet; thence N23°19'52"W 510.14 feet; thence N23°51'55"W 227.47 feet; thence N25°42'32"W 465.22 feet; thence N26°21'33"W 153.11 feet; thence N26°18'35"W 133.08 feet; thence N26°32'07"W 168.59 feet; thence N26°30'11"W 264.34 feet; thence N25°18'29"W 230.98 feet; thence N22°30'16"W 89.86 feet; thence N20°57'25"W 211.01 feet to the beginning of a curve to the right having a radius of 25.01 feet; thence northeasterly along the arc of said curve 48.55 feet through a central angle of 111°14'02"; thence S89°43'23"E 272.12 feet; thence S26°04'37"E 684.48 feet; thence N62°02'24"E 439.87 feet; thence S31°27'08"E 284.34 feet to the beginning of a curve to the right having a radius of 472.38 feet; thence southeasterly along the arc of said curve 35.66 feet through a central angle of 04°19'30"; thence N62°02'24"E 767.42 feet; thence S45°19'58"E 103.62 feet; thence S46°35'15"E 103.28 feet; thence S29°00'40"E 71.80 feet; thence S23°05'10"E 166.00 feet; thence S15°17'31"E 212.54 feet; thence S19°25'06"E 219.06 feet; thence S21°43'30"E 249.98 feet; thence S26°17'24"E 116.97 feet; thence S39°13'04"E 62.10 feet; thence S48°35'14"E 253.07 feet; thence S44°28'49"E 102.10 feet; thence S34°04'35"E 85.51 feet; thence S25°18'14"E 212.18 feet; thence S37°05'12"E 219.22 feet; thence S26°56'54"E 91.87 feet; thence S20°27'06"E 118.54 feet; thence S28°10'31"E 93.06 feet; thence S36°20'32"E 177.78 feet; thence S39°06'59"E 338.82 feet; thence S46°55'23"E 42.18 feet; thence S60°10'55"W 798.70 feet; thence N24°36'42"W 62.13 feet to the beginning of a curve to the left having a radius of 272.09 feet; thence northwesterly along the arc of said curve 30.70 feet through a central angle of 06°27'54"; thence N89°45'59"W 188.96 feet; thence S00°14'05"W 189.47 feet; thence N89°45'55"W 482.30 feet to the true point of beginning, which parcel includes Harbor Bay Phase 1 (20 Lots), Harbor Bay Phase 2 (23 Lots), Harbor Bay Phase 3 (8 Lots), Harbor Bay Phase 4 (50 Lots), and Harbor Bay Phase 5 (18 Lots).