

WHEN RECORDED RETURN TO:
DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058
(801) 227-0550

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Aug 13 10:25 am FEE 55.00 BY JRD
RECORDED FOR CITY OF SARATOGA SPRINGS

**SECOND SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS**
an expandable Utah condominium project

This SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS, an expandable Utah condominium project, is made and executed by DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 and CENTRAL BANK, CUSTODIAN FBO KIM A. COOPER IRA ACCOUNT #20220, of 758 South 400 East, Orem, Utah 84097 (the "Declarants").

RECITALS

Whereas, the original Declaration of Condominium for DAYBREAK AT HARVEST HILLS was recorded in the office of the County Recorder of Utah County, Utah on the 2 day of May, 2002 as Entry No. 50342 in Book 2002 at Page(s) 1-59 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the First Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 24 day of May, 2002, as Entry No. 59660 in Book No. 2002 of the Official Records of the County Recorder of Utah County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase III Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute

right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase III Property a residential condominium development.

Whereas, Declarant now intends that the Phase III Property shall become subject to the Declaration.

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A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. **Second Supplement to the Declaration** shall mean and refer to this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DAYBREAK AT HARVEST HILLS.

B. **Second Supplemental Map or Phase III Map** shall mean and refer to the Supplemental Plat Map for Phase III of the Project, prepared and certified to by Roger D. Dudley, a duly registered Utah Land Surveyor holding Certificate No. 147089, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this Second Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-3 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. **Annexation.** Declarant hereby declares that the Phase III Property shall be annexed to and become subject to the Declaration, which upon recordation of this Second Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Phase III Map, one Building and twelve (12) additional Units are or will be constructed and/or created in the Project on the Phase III Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase III Map and this Second Supplement to the Declaration, the total number of Units in the Project will be thirty-six (36). The additional Building and Units are or will

be substantially similar in construction, design, and quality to the Building and Units in the prior Phase.

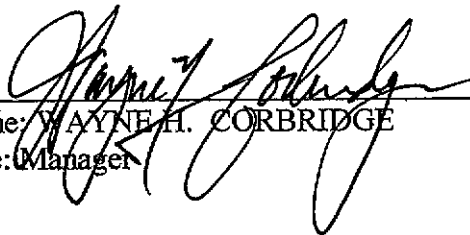
5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Second Revised Exhibit C," attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Effective Date.** The effective date of this Second Supplement to the Declaration and the Phase III Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

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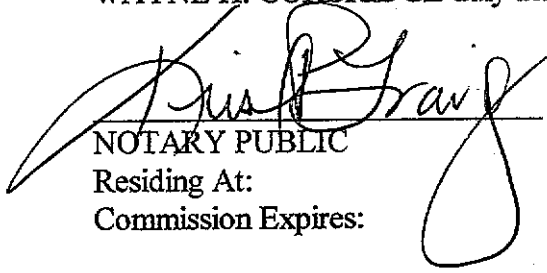
EXECUTED the 24 day of June 2002.

DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.,
A Utah limited liability company

By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 24 day of June, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At:
Commission Expires:

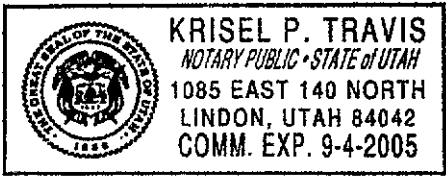


EXHIBIT "A-3"

**DAYBREAK AT HARVEST HILLS PHASE III
LEGAL DESCRIPTION**

The land described in the foregoing document is located in Utah County, Utah and is described more particularly as follows:

Commencing at a point located North $00^{\circ}34'14''$ East along the Section line 712.50 feet and East 444.98 feet from the West quarter corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South $87^{\circ}21'42''$ East 130.17 feet; thence along the arc of a 15.00 foot radius curve to the right 23.56 feet (chord bears South $42^{\circ}21'42''$ East 21.21 feet); thence South $02^{\circ}38'18''$ West 45.00 feet; thence South $87^{\circ}21'42''$ East 25.00 feet; thence South $02^{\circ}38'18''$ West 43.41 feet; thence along the arc of a 67.50 foot radius curve to the left 65.04 feet (chord bears South $24^{\circ}57'48''$ East 62.56 feet); thence South $37^{\circ}25'52''$ West 71.24 feet; thence South $09^{\circ}34'51''$ West 32.03 feet; thence North $80^{\circ}17'52''$ West 180.45 feet; thence North $09^{\circ}42'08''$ East 140.85 feet; thence along the arc of a 1042.00 foot radius curve to the left 87.47 feet (chord bears North $07^{\circ}17'51''$ East 87.44 feet) to the point of beginning.

SECOND REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	A	1	2.777%
1	A	2	2.777%
1	A	3	2.777%
1	A	4	2.777%
1	A	5	2.777%
1	A	6	2.777%
1	A	7	2.777%
1	A	8	2.777%
1	A	9	2.777%
1	A	10	2.777%
1	A	11	2.777%
1	A	12	2.777%
2	B	1	2.777%
2	B	2	2.777%
2	B	3	2.777%
2	B	4	2.777%
2	B	5	2.777%
2	B	6	2.777%
2	B	7	2.777%
2	B	8	2.777%
2	B	9	2.777%
2	B	10	2.777%
2	B	11	2.777%
2	B	12	2.777%
3	C	1	2.777%
3	C	2	2.777%
3	C	3	2.777%
3	C	4	2.777%
3	C	5	2.777%
3	C	6	2.777%
3	C	7	2.777%
3	C	8	2.777%
3	C	9	2.777%
3	C	10	2.777%
3	C	11	2.777%
3	C	12	2.777%
TOTAL:	3	36	100.0%