

WHEN RECORDED RETURN TO:
DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84097
(801) 227-0550

ENT 92630:2002 PG 1 of 8
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Aug 13 10:36 am FEE 72.00 BY JRD
RECORDED FOR CITY OF SARATOGA SPRINGS

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

This THIRD 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 POINT ASSET MANAGEMENT INC., a California Corporation, of 3746 Amaryllis Drive, San Diego, California 92106 and STANFORD J. RICKS, an individual, 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, the Second Supplemental Declaration was recorded in the office of the County Recorder of Utah County, Utah on the 13 day of August, 2002, as Entry No. 92630:2002 in Book No. 2002 at Page _____ of the Official Records of the County Recorder of Utah County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase III 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-4" attached hereto and incorporated herein by this reference (the "Phase IV 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 IV Property a residential condominium development.

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

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

B. **Third Supplemental Map or Phase IV Map** shall mean and refer to the Supplemental Plat Map for Phase IV of the Project, prepared and certified to by Rodger 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 Third 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-4 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 IV Property shall be annexed to and become subject to the Declaration, which upon recordation of this Third Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property

described in Exhibit A-4 subject to the functions, powers, rights, duties and jurisdiction of the Association.


4. **Total Number of Units Revised.** As shown on the Phase IV Map, one Building and twelve (12) additional Units are or will be constructed and/or created in the Project on the Phase IV Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase IV Map and this Third Supplement to the Declaration, the total number of Units in the Project will be forty-eight (48). 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. Second Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Third Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

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

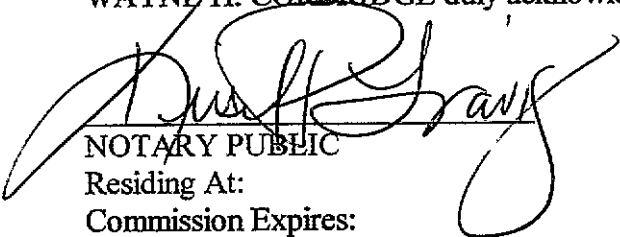
EXECUTED the 24 day of June, 2002.

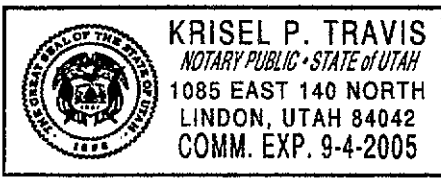
DAYBREAK AT HARVEST HILLS DEVELOPMENT, L.C.,
a Utah limited liability company

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:



By: Steven R Keeling
Name: Steven R. Keeling
Title: President

By: Barbara A Keeling
Name: Barbara A. Keeling
Title: Secretary

STATE OF CALIFORNIA)
(ss
COUNTY OF SAN DIEGO)

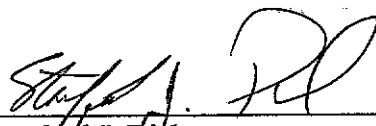
On the 5th day of JULY, 2002, personally appeared before me Steven R. Keeling and Barbara A. Keeling, who, being by me duly sworn, did say that they are the President and Secretary of POINT ASSET MANAGEMENT, INC., a California corporation, and that the said instrument was signed in behalf of said corporation by authority of Steven R. Keeling and Barbara A. Keeling pursuant to a Resolution of the Board of Directors or its Articles of Incorporation, and the aforesaid officers acknowledged to me that said corporation executed the same.

Esteban Castrejon
Notary Public

My Commission Expires: 5-23-03
Residing at: San Diego, CA

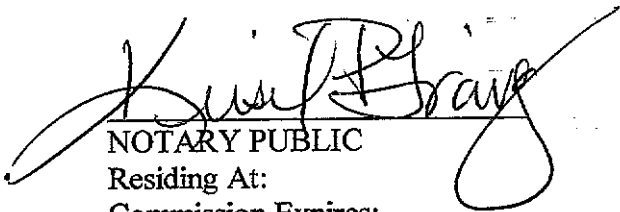


STANFORD J. RICKS


Stanford J. Ricks

STATE OF UTAH)
 SS.
COUNTY OF Utah)

On this day personally appeared before me Stanford J. Ricks to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this 27 day of June, 2002.


NOTARY PUBLIC
Residing At:
Commission Expires:

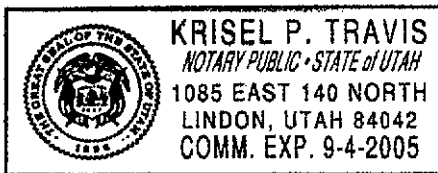


EXHIBIT "A-4"

DAYBREAK AT HARVEST HILLS PHASE IV
LEGAL DESCRIPTION

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

COMMENCING North 00°34'14" East along the Section Line 488.08 feet and East 595.55 feet from the West quarter corner of Section 11,

TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS

BEARING	DISTANCE	REMARKS
N 37°25'52" E	71.24'	Along Daybreak Condominiums, Phase 3
Arc Length	65.05'	chord bears N 24°57'41" E 62.56', R = 67.50'
N 02°38'18" E	43.41'	Along Daybreak Condominiums, Phase 3
S 87°21'42" E	66.50'	
N 75°05'09" E	119.84'	
S 44°28'52" E	113.11'	
S 45°31'08" W	16.66'	
S 44°28'52" E	55.00'	
S 45°31'08" W	42.85'	
S 09°42'08" W	69.06'	
N 80°17'52" W	268.66'	to the point of beginning.
		Area = 47,468 sq. ft. 1.09 acres
		Total number of units = 12

THIRD 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	2.083%
1	A	2	2.083%
1	A	3	2.083%
1	A	4	2.083%
1	A	5	2.083%
1	A	6	2.083%
1	A	7	2.083%
1	A	8	2.083%
1	A	9	2.083%
1	A	10	2.083%
1	A	11	2.083%
1	A	12	2.083%
2	B	1	2.083%
2	B	2	2.083%
2	B	3	2.083%
2	B	4	2.083%
2	B	5	2.083%
2	B	6	2.083%
2	B	7	2.083%
2	B	8	2.083%
2	B	9	2.083%
2	B	10	2.083%
2	B	11	2.083%
2	B	12	2.083%
3	C	1	2.083%
3	C	2	2.083%
3	C	3	2.083%
3	C	4	2.083%
3	C	5	2.083%
3	C	6	2.083%
3	C	7	2.083%
3	C	8	2.083%
3	C	9	2.083%
3	C	10	2.083%
3	C	11	2.083%
3	C	12	2.083%

THIRD 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>
4	D	1	2.083%
4	D	2	2.083%
4	D	3	2.083%
4	D	4	2.083%
4	D	5	2.083%
4	D	6	2.083%
4	D	7	2.083%
4	D	8	2.083%
4	D	9	2.083%
4	D	10	2.083%
4	D	11	2.083%
4	D	12	2.083%
TOTAL:	4	48	100.0%