

WHEN RECORDED, RETURN TO:

Kennecott Land Company
5295 South 300 West, Suite 475
Murray, Utah 84107
Attention: Senior Revenue Analyst

**SUPPLEMENT
TO COMMUNITY CHARTER FOR DAYBREAK
CREATING SERVICE AREA
(TELECOMMUNICATIONS SERVICE AREA NO. 1)**

**THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
CREATING SERVICE AREA (TELECOMMUNICATIONS SERVICE AREA NO. 1)**
(this "Supplement") is made this March 21, 2006 by **KENNECOTT LAND
COMPANY**, as founder ("Founder") under the Community Charter for Daybreak, recorded on
February 27, 2004, as Entry No. 8989518, in Book 8950, beginning at Page 7784 (as amended
from time to time, the "Charter").

RECITALS

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "Daybreak" located in South Jordan, Utah.
- B. The Association recently entered into a bulk services agreement with Qwest Corporation wherein Qwest agreed, for a specified period of time (which may be extended), to provide high speed internet and data services and inside wiring maintenance (the "Bulk Billed Services") to portions of Daybreak and to establish a "bulk billing" procedure whereby the Association will be billed for the Bulk Billed Services. The current areas of Daybreak to receive the Bulk Billed Services are more particularly described on Exhibit A attached hereto and incorporated herein (the "Property").
- C. Founder desires, pursuant to the terms of the Charter, to create and designate the Telecommunications Service Area No. 1 (the "Service Area") in order to facilitate the provision of the Bulk Billed Services to the Property.

NOW, THEREFORE, Founder hereby declares the following:

- 1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Charter.
- 2. **Creation of Service Area.** Pursuant to Section 3.4 of the Charter, Founder hereby creates and designates the Service Area and includes the Property, including, without

QV FIRST AMENDED RECORDATION OF COMMUNITY CHARTER ACCOMMODATING TELECOMMUNICATIONS SERVICE AREA NO. 1

limitation, all Units located within the Property, in the Service Area in order to facilitate the provision of the Bulk Billed Services, and to allow the Association to pay for the provision of the Bulk Billed Services to the Property, including, without limitation, all Units located within the Property.

3. **Assessment of Service Area.** Pursuant to Chapter 12 of the Charter, the designation of the Property to the Service Area includes subjecting such Property, including, without limitation, all Units located within the Property, to all of the Charter's terms, conditions, restrictions, easements, liens, assessments and charges relating to the creation, operation, and maintenance of service areas, including, without limitation, the right of the Association to levy assessments and charges related to the provision of the Bulk Billed Services against portions of the Property, including, without limitation, Units located within the Property.

4. **Service Area Expansion.** Pursuant to the terms of the Charter, during the Founder Control Period the Founder reserves the right change, expand, reduce or otherwise modify the boundaries of the Service Area pursuant to a recorded supplement to the Charter.

5. **Full Force and Effect.** The Charter, as supplemented hereby, shall remain in full force and effect.

6. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this March 21, 2006, Founder has executed this Supplement.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 

Name: M. Bruce Snyder

Title: Vice President Residential and Commercial
Development

STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

On March 21, 2006 personally appeared before me, a Notary Public,
M. Bruce Snyder, the Vice President of **KENNECOTT LAND COMPANY**
personally known or proved to me to be the person whose name is subscribed to the above
instrument who acknowledged to me that he executed the above instrument on behalf of
KENNECOTT LAND COMPANY.

WITNESS my hand and official Seal.



Tina M. Marler
Notary Public in and for said State

My commission expires: 03/04/2008

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on and subdivided by the "KENNECOTT DAYBREAK PHASE II SUBDIVISION" Amending Lots VI, V2, V4, T2 and T4 of the Kennecott Master Subdivision #1 according to the official plat recorded September 14, 2004, as Entry No. 9172069 in Book 2004P beginning at Page 264 in the Official Records of Salt Lake County, Utah, which plat was amended solely with respect to Lots 213-217, 227-256, 300-309, P-101, P-102, P-104, P-105, P-106, P-113, and adding Lots 310-316 pursuant to that certain amendment entitled "AMENDED KENNECOTT DAYBREAK PHASE II SUBDIVISION" according to the official plat recorded December 22, 2004, as Entry No. 9256554 in Book 2004P beginning at Page 382 in the Official Records of Salt Lake County, Utah.

All of the real property described on and subdivided by the "KENNECOTT DAYBREAK PHASE II PLAT 3 SUBDIVISION" Amending Lots T2, T4, V4 and V4A of the Kennecott Master Subdivision #1, according to the official plat recorded March 25, 2005, as Entry No. 9331480 in Book 2005P, beginning at Page 83 in the Official Records of Salt Lake County, Utah, LESS AND EXCEPTING Lot C-201 thereof.

All of the real property described on and subdivided by the map entitled "KENNECOTT DAYBREAK PLAT 4 SUBDIVISION AMENDING LOTS T4 AND V4A OF THE KENNECOTT MASTER SUBDIVISION #1", according to the official plat recorded on May 20, 2005, as Entry No. 9383110 in Book 2005P beginning at Page 160 in the Official Records of Salt Lake County, Utah.

All of the real property described on and subdivided by the map entitled "CARRIAGE HOME CONDOMINIUMS AMENDING PARCELS C, D, E, F & G OF KENNECOTT DAYBREAK PHASE II SUBDIVISION" according to the official plat recorded on November 21, 2005 as Entry No. 9559762 in Book 2005 beginning at Page 379 in the Official Records of Salt Lake County, Utah.

Tax Parcel Nos. 26-24-400-004-0000, 27-19-300-005-0000, 26-24-400-006-0000, 26-24-476-001-0000, 27-19-301-001-0000, 27-19-301-002-0000, 27-19-302-001-0000, 27-19-302-002-0000