

4-47
WHEN RECORDED, RETURN TO:

VP Daybreak Operations, LLC
4700 Daybreak Parkway, Suite 3 South
South Jordan, UT 84009
Attention: Gary Langston

12335747
08/04/2016 01:32 PM \$63.00
Book - 10460 Pg - 4146-4149
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: MSP, DEPUTY - WI 4 P.

**SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DAYBREAK CREEKSIDE TOWNHOME PROJECT**

(ADDING ADDITIONAL LAND - KENNECOTT DAYBREAK VILLAGE 5 PLAT 6)

THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK CREEKSIDE TOWNHOME PROJECT (ADDING ADDITIONAL LAND - KENNECOTT DAYBREAK VILLAGE 5 PLAT 6) (this "Supplement") is made this July 27, 2016, by **VP DAYBREAK OPERATIONS, LLC**, a Delaware limited liability company, as declarant ("**Declarant**") under the Declaration of Covenants, Conditions and Restrictions for Daybreak Creekside Townhome Project, recorded on June 15, 2015, as Entry No. 12070608, in Book 10333, beginning at Page 8632 (the "**Declaration**"). Declarant's predecessor-in-interest under the Declaration is **KENNECOTT LAND COMPANY**, a Delaware corporation, the successor-in-interest to **DAYBREAK DEVELOPMENT LLC**, a Delaware limited liability company (formerly known as Daybreak Development Company, a Delaware corporation).

RECITALS:

- A.** Pursuant to the Declaration, Declarant has established the Daybreak Creekside Townhome Project (the "**Project**") initially consisting of various "Lots" as more particularly defined and described therein, which Lots are to be improved with certain attached residential units called "Townhomes". The Project is located within the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B.** Declarant has recorded or is concurrently recording that certain subdivision map entitled "KENNECOTT DAYBREAK VILLAGE 5 PLAT 6 SUBDIVISION AMENDING LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (collectively, the "**Additional Land**"). Declarant is the owner of the Additional Land.
- C.** Declarant desires to add the Additional Land to the Project and submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist and may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meanings assigned to them in the Declaration.
2. **Submission to Daybreak Creekside Townhomes Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Additional Land to the Project and submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. From and after the recordation of this Supplement, the Additional Land shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration. In addition, the Additional Land shall be subject to the governance of the Daybreak Creekside Townhome Association, Inc., a Utah non-profit corporation (the "**Association**"), as more particularly described in the Declaration.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, remains in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Following Page]

IN WITNESS WHEREOF, as of this July 27, 2016, Declarant has executed this Supplement.

Declarant:

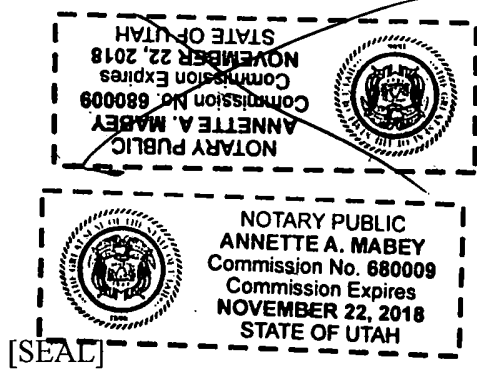
VP DAYBREAK OPERATIONS, LLC,
a Delaware limited liability company

By [Signature]
Name TY MCCLUTCHER
Title VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF UTAH)
) :ss.
COUNTY OF SALT LAKE)

On July 27, 2016 personally appeared before me, a Notary Public, Ty McClutcher, the vice president of VP DAYBREAK OPERATIONS, LLC, a Delaware limited liability 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 VP DAYBREAK OPERATIONS, LLC, a Delaware limited liability company.



WITNESS my hand and official Seal.

Annette A. Mabe
Notary Public in and for said State

My commission expires: 11/22/2018

EXHIBIT A

LEGAL DESCRIPTION OF THE ADDITIONAL LAND

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VILLAGE 5 PLAT 6 SUBDIVISION AMENDING LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on August 4, 2016, as Entry No. 12335746, Book 2016P, at Page 182 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

BOUNDARY DESCRIPTION

Commencing at the Northeast Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing South 89°57'36" West – 2699.551 feet between the Northeast corner and the North Quarter corner of said Section 13) and running South 89°57'36" West along the north line of said Section 13 for 2672.763 feet; thence South 00°02'24" East perpendicular to said north line for 2401.126 feet to the northwest corner of Kennecott Daybreak Plat 10E Subdivision recorded in Book 2013P at Page 204 in the office of the Salt Lake County Recorder, said corner being the POINT OF BEGINNING; thence South 36°32'54" East along the west boundary of said Kennecott Daybreak Plat 10E Subdivision for 247.000 feet to the northeast corner of Kennecott Daybreak Village 5 Plat 5 Subdivision recorded in Book 2016P at Page 8 in the office of the Salt Lake County Recorder; thence along the boundary of said Kennecott Daybreak Village 5 Plat 5 Subdivision for the following three (3) courses: South 53°27'06" West for 78.843 feet; thence with a curve to the left having a radius of 328.000 feet with a central angle of 09°57'57" (chord bearing and distance of South 48°28'07" West – 56.979 feet) for an arc distance of 57.051 feet; thence South 43°29'09" West for 456.277 feet; thence North 36°32'54" West for 30.930 feet; thence with a curve to the left having a radius of 469.000 feet with a central angle of 05°21'56" (chord bearing and distance of North 39°13'52" West – 43.904 feet) for an arc distance of 43.920 feet; thence North 41°54'50" West for 188.413 feet; thence with a curve to the right having a radius of 531.000 feet with a central angle of 05°21'56" (chord bearing and distance of North 39°13'52" West – 49.708 feet) for an arc distance of 49.726 feet; thence North 36°32'54" West for 18.886 feet; thence North 53°27'06" East for 607.000 feet to the POINT OF BEGINNING.

Containing 168,093 square feet or 3.8588 acres.