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RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: DCP, DEPUTY - WI 7 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009
Attn: Gary Langston

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK SOUTH STATION MULTI FAMILY #4)**

and

NOTICE OF REINVESTMENT FEE COVENANT

and

EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1

THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (DAYBREAK SOUTH STATION MULTI FAMILY #4) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this MAY 3, 2019, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation) as successor 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 by that certain Amendment No. 1 to Community Charter for Daybreak, recorded on August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767, in the Official Records of Salt Lake County, and as amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded on October 19, 2005, as Entry No. 9528104, in Book 9205, beginning at Page 4743, in the Official Records of Salt Lake County, and as amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded on March 13, 2007, as Entry No. 10031889, in Book 9434, beginning at Page 6476, in the Official Records of Salt Lake County (as amended from time to time, the "**Charter**"), and under the Covenant for Community for Daybreak, recorded on February 27, 2004, as Entry No. 8989517, in Book 8950, beginning at page 7722 (as amended from time to time, the "**Covenant**"), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company ("**Devco**").

RECITALS:

- A. Pursuant to the Charter, Founder is the successor “Founder” of the community commonly known as “*Daybreak*” located in South Jordan, Utah.
- B. Founder and/or Devco has recorded, or is concurrently recording, that certain subdivision map entitled “DAYBREAK SOUTH STATION MULTI FAMILY #4 AMENDING LOTS M-101 & M-102 OF THE DAYBREAK SOUTH STATION PLAT 2” (the “**Plat**”) which relates to the real property more particularly described on Exhibit A attached hereto (the “**Property**”). Devco is the fee simple owner of the Property.
- C. Pursuant to that certain Supplement to Community Charter for Daybreak Creating Service Area (Telecommunications Service Area No. 1), recorded on March 23, 2006, as Entry No. 9671594, in Book 9270, beginning at Page 4287 (the “**Telecommunications Service Area Supplement**”), Founder’s predecessor created the Telecommunications Service Area No. 1 (the “**Telecommunications Service Area**”).
- D. Founder and Devco desire to (i) submit and subject the Property to the Charter and Covenant, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended, and (ii) expand the boundaries of the Telecommunications Service Area to include 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 Covenant and/or Charter.
- 2. **Submission to Charter and Covenant.** Pursuant to Section 16.1 of the Charter and Section 5.2 of the Covenant, Founder hereby submits and subjects the Property to the Charter and the Covenant, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. Devco, as the fee simple owner of the Property, hereby consents to the subjection of the Property to the Charter and Covenant, as herein provided.
- 3. **Notice of Reinvestment Fee.** Notice is hereby given that the Covenant and the Charter provide, among other things, that certain assessments and fees will be charged against the Property (and their respective owners), as further described in the Covenant and Charter including a “Community Enhancement Fee”, as more particularly defined and set forth in the Covenant. The Community Enhancement Fee is a “reinvestment fee covenant” under Utah law, and pursuant to Utah law, a separate Notice of Reinvestment Fee Covenant of even date herewith has been concurrently recorded against the Property.
- 4. **Expansion of Telecommunications Service Area.** Pursuant to the Telecommunications Service Area Supplement and Section 3.4 of the Charter, Founder hereby expands the boundaries of the Telecommunications Service Area to include the Property and hereby designates the Residential Units located within the Property, or that may in the future be located within the Property, to the Telecommunications Service Area, including all applicable terms, conditions, rules, assessments, liens, charges, and regulations associated

with such Telecommunications Service Area (in accordance with the terms of the Charter).

5. **Full Force and Effect.** The Charter and the Covenant, as supplemented hereby, shall remain in full force and effect.
6. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated herein by this reference.


[Signatures on the Following Page]

IN WITNESS WHEREOF, as of this May 3, 2019, Founder has executed this Supplement, and Devco has consented to the same.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

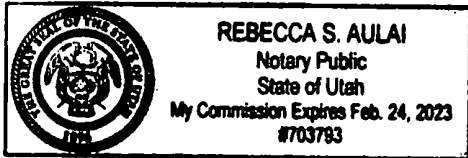
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon, President & CEO


ACKNOWLEDGEMENT

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

On May 3, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, President and CEO of Daybreak Communities LLC, a Delaware limited liability company, the Project Manager 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.


Notary Public in and for said State

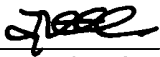
My commission expires: 2/24/23

[SEAL]

Devco:

VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

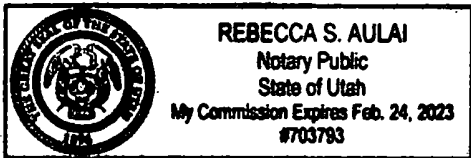
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon, President & CEO

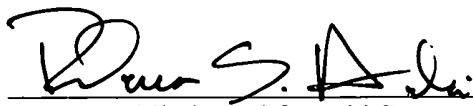
ACKNOWLEDGEMENT

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

On May 3, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, President and CEO of Daybreak Communities LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK DEVCO 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 DEVCO LLC, a Delaware limited liability company.



WITNESS my hand and official Seal.


Notary Public in and for said State

My commission expires: 2/24/23

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK SOUTH STATION MULTI FAMILY #4 AMENDING LOTS M-101 & M-102 OF THE DAYBREAK SOUTH STATION PLAT 2", recorded on August 28, 2019, as Entry No. 13061728 Book 2019 P, at Page 241 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Boundary Description:

All of Lot M-101 of the Daybreak South Station Plat 2 more particularly described as follows:

Beginning at the Westernmost corner of Lot M-101 of the Daybreak South Station Plat 2 subdivision, said point also being on the Southerly right-of-way line of Daybreak Parkway, said point lies North 89°56'03" West 7281.029 feet along the Daybreak Baseline South (Basis of bearings is North 89°56'03" West 21225.293 feet between the Southeast Corner of Section 19, T3S, R1W and the Southwest Corner of Section 22, T3S, R2W) and North 1643.529 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 89°58'42" East 683.469 feet along the Section Line and North 1639.185 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot M-101 the following (10) courses: 1) North 54°53'01" East 13.384 feet to a point on a 1073.500 foot radius tangent curve to the left, (radius bears North 35°06'59" West, Chord: North 54°10'03" East 26.831 feet); 2) along the arc of said curve 26.832 feet through a central angle of 01°25'56"; 3) North 53°27'06" East 45.145 feet to a point on a 130.500 foot radius non tangent curve to the left, (radius bears North 43°44'46" East, Chord: South 76°53'53" East 133.033 feet); 4) along the arc of said curve 139.594 feet through a central angle of 61°17'18"; 5) South 36°32'54" East 67.114 feet; 6) South 53°27'06" West 58.009 feet; 7) North 36°32'54" West 15.190 feet to a point on a 283.432 foot radius non tangent curve to the right, (radius bears North 04°29'11" West, Chord: North 83°48'18" West 105.066 feet); 8) along the arc of said curve 105.678 feet through a central angle of 21°21'46"; 9) South 53°27'06" West 36.264 feet; 10) North 36°35'02" West 82.670 feet to the point of beginning.

Property contains 0.371 acres, 16176 square feet.

Also and together with the following described tract of land:

All of Lot M-102 of the Daybreak South Station Plat 2 more particularly described as follows:

Beginning at the Southernmost Corner of Lot M-102 of the Daybreak South Station Plat 2 subdivision, said point also being on the Easterly right-of-way line of Veruca Way, said point lies North 89°56'03" West 7326.768 feet along the Daybreak Baseline South (Basis of bearings

is North 89°56'03" West 21225.293 feet between the Southeast Corner of Section 19, T3S, R1W and the Southwest Corner of Section 22, T3S, R2W) and North 1205.578 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 89°58'42" East 637.730 feet along the Section Line and North 1201.269 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot M-102 the following (6) courses: 1) North 36°32'54" West 70.000 feet; 2) North 53°27'06" East 361.000 feet; 3) South 36°32'54" East 125.965 feet; 4) South 53°27'06" West 78.000 feet; 5) North 36°32'54" West 55.965 feet; 6) South 53°27'06" West 283.000 feet to the point of beginning.

Property contains 0.680 acres, 29635 square feet.