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5/6/2005 9:36:00 AM \$245.00  
Book - 9127 Pg - 6747-6753  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN TITLE  
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED, RETURN TO:

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

FIRST AMERICAN TITLE CO.  
ACCOMMODATION RECORDING ONLY

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

**AND**

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(AMENDED KENNECOTT DAYBREAK PHASE II SUBDIVISION)**

**AND**

**NOTICE OF TRANSFER FEE**

**THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (AMENDED KENNECOTT DAYBREAK PHASE II SUBDIVISION) AND NOTICE OF TRANSFER FEE** (this “**Supplement**”) is made this April 29, 2005, 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**”) 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 Kennecott Land Residential Development Company, a Delaware corporation (“**KLRDC**”), Destination Homes at Daybreak, LLC, a Utah limited liability company (“**Destination Homes**”), Gold Medallion Custom Homes, LLC, a Utah limited company (“**Gold Medallion**”), and Richmond American Homes of Utah, Inc., a Colorado corporation (“**Richmond American**”).

**RECITALS**

- A. Pursuant to the Charter, Founder is the “**Founder**” of the community commonly known as “**Daybreak**” located in South Jordan, Utah.
- B. KLRDC has previously recorded that certain subdivision map entitled “**KENNECOTT DAYBREAK PHASE II SUBDIVISION**”, which 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**”

**COURTESY RECORDING**

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

DAYBREAK PHASE II SUBDIVISION” (as so amended, the “Plat”) which Plat relates to the real property more particularly described on Exhibit A (the “Property”).

- C. Destination and Richmond American each own certain lots located within the Plat and KLRDC is owner of the remaining lots located within the Plat and is the owner of all other areas as depicted on the Plat.
- D. Founder desires to submit and subject the Property to the Charter and Covenant, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

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 terms, conditions, covenants and restrictions of the Charter and the Covenant. KLRDC, Destination Homes, Gold Medallion and Richmond American hereby consent to the submission of the Property to the Charter and the Covenant.
- 3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units, which comprise portions of the Property as further described in the Charter and the Covenant, including a “Community Enhancement Fee” as more particularly set forth in the Covenant.
- 4. **Full Force and Effect.** The Charter and the Covenant, as supplemented hereby, shall remain in full force and effect.
- 5. **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 April 29, 2005, Founder has executed this Supplement, and KLRDC, Destination Homes, Gold Medallion and Richmond American have consented to the same.

**Founder:**

KENNECOTT LAND COMPANY,  
a Delaware corporation

By   
Name: Peter F. McMahon  
Title: President

**KLRDC:**

KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY,  
a Delaware corporation

By: M. Bruce Snyder  
Name: M. Bruce Snyder  
Title: Vice President Residential and  
Commercial Development

**Destination Homes:**

DESTINATION HOMES AT DAYBREAK,  
LLC, a Utah limited liability company

By: Tom Gill  
Name: Tom Gill  
Title: Authorized Agent

**Gold Medallion:**

GOLD MEDALLION CUSTOM HOMES,  
LLC, a Utah limited liability company

By: Quinn Mortensen  
Name: Quinn Mortensen  
Title: Managing Member

**Richmond American:**

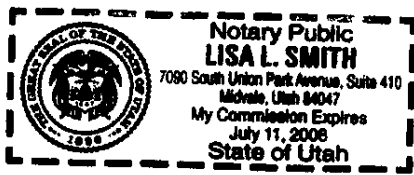
RICHMOND AMERICAN HOMES OF  
UTAH, INC.,  
a Colorado corporation

By: John Stubbs  
Name: John Stubbs  
Title: President

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

On May 5, 2005, personally appeared before me, a Notary Public, Peter F. McMahon, the 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.



*Lisa L. Smith*  
\_\_\_\_\_  
Notary Public in and for said State

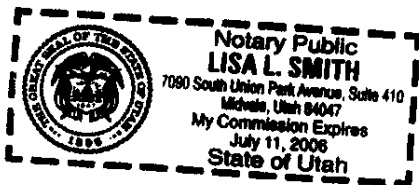
My commission expires: \_\_\_\_\_

[SEAL]

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

On May 5, 2005, personally appeared before me, a Notary Public, M. Bruce Snyder, Vice President Residential and Commercial Development of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 RESIDENTIAL DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.



*Lisa L. Smith*  
\_\_\_\_\_  
Notary Public in and for said State

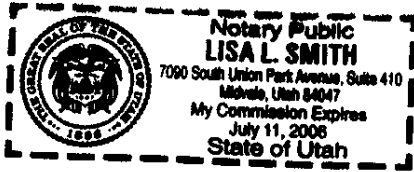
My commission expires: \_\_\_\_\_

[SEAL]

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

On May 5, 2005, personally appeared before me, a Notary Public, Tom Gill, the Authorized Agent of **DESTINATION HOMES AT DAYBREAK, LLC** 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 **DESTINATION HOMES AT DAYBREAK, LLC**.

WITNESS my hand and official Seal.



Lisa L. Smith  
Notary Public in and for said State

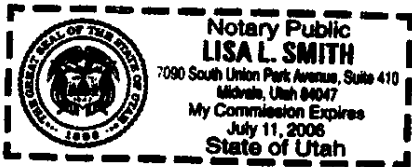
My commission expires: \_\_\_\_\_

[SEAL]

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

On May 5, 2005, personally appeared before me, a Notary Public, Quinn Mortensen, the Managing Member of **GOLD MEDALLION CUSTOM HOMES, LLC** 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 **GOLD MEDALLION CUSTOM HOMES, LLC**.

WITNESS my hand and official Seal.



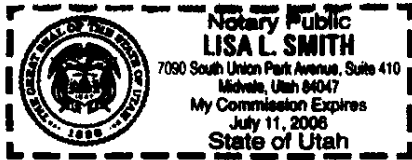
Lisa L. Smith  
Notary Public in and for said State

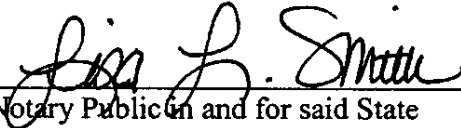
My commission expires: \_\_\_\_\_

[SEAL]  
STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

On May 5, 2005, personally appeared before me, a Notary Public, John Stubbs the President of **RICHMOND AMERICAN HOMES OF UTAH, INC.** 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 **RICHMOND AMERICAN HOMES OF UTAH, INC.**

WITNESS my hand and official Seal.



  
\_\_\_\_\_  
Notary Public in and for said State

My commission expires: \_\_\_\_\_

[SEAL]

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPERTY**

All of the real property described on and subdivided by the "KENNECOTT DAYBREAK PHASE II SUBDIVISION" 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.

Tax ID # Part of 27-19-300-005