9822739

WHEN RECORDED, RETURN TO:

Kennecott Land Company 5295 South 300 West, Suite 475 Murray, Utah 84107

Attention: Senior Contracts and Revenue Analyst

9822739 8/24/2006 10:48:00 AM \$190.00 Book - 9340 Pg - 5512-5533 Gary W. Ott Recorder, Salt Lake County, UT TALON GROUP BY: eCASH, DEPUTY - EF 22 P.

AMENDED AND RESTATED SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

AND

AMENDED AND RESTATED SUPPLEMENT TO COVENANT FOR COMMUNITY
FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(AMENDED KENNECOTT DAYBREAK PLAT 5 SUBDIVISION)

AND

NOTICE OF TRANSFER FEE

AND

EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1

THIS AMENDED AND RESTATED SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND AMENDED AND RESTATED SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (AMENDED KENNECOTT DAYBREAK PLAT 5 SUBDIVISION) AND NOTICE OF TRANSFER FEE AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this Chapter 8, 2006, by KENNECOTT LAND COMPANY, as founder ("Founder") where 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"), Bangerter Homes, Utah limited liability company ("Bangerter Homes"), Destination Homes at Daybreak, LLC, a Utah limited liability company ("Destination Homes"), Hamlet Homes II, L.L.C., a Utah limited liability company ("Hamlet Homes"), Holmes Homes, Inc., a Utah corporation ("Holmes Homes"), Rochelle DB-2, L.C., a Utah limited liability company ("Liberty Homes"), Rainey Homes, Inc., a Utah corporation ("Rainey Homes"), Richmond

American Homes of Utah, Inc., a Colorado corporation ("Richmond American") and Village Communities, LLC, a Utah limited liability company ("Village Communities").

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 or is concurrently herewith recording that certain subdivision map entitled "AMENDED KENNECOTT DAYBREAK PLAT 5 SUBDIVISION AMENDING LOTS C-101, 197, 421, 422, 428 THRU 437, 440 THRU 489, PARCEL A THRU PARCEL I, O-101 THRU O-107 AND ADDING LOTS 496 THRU 545 AND P-110 THRU P-117" (the "Plat") which relates to the real property more particularly described on Exhibit A (the "Property").
- C. Bangerter Homes, Destination Homes, Hamlet Homes, Holmes Homes, Liberty Homes, Rainey Homes, Richmond Homes, and Village Communities (collectively "Builders") own certain lots within the Property (the "Builder Lots"). KLRDC is the owner of the Property, except the Builder Lots.
- D. 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 created the Telecommunications Service Area No. 1 (the "Telecommunications Service Area").
- E. Founder previously recorded that certain Supplement to Community Charter for Daybreak and Supplement to Covenant for Community for Daybreak, Submitting Additional Property (Kennecott Daybreak Plat 5 Subdivision) and Notice of Transfer Fee and Expansion of Service Area, recorded on March 28, 2006, as Entry No. 9677062, in Book 9272, beginning at Page 7256 of the official records of Salt Lake County (the "Previous Supplement"). This Supplement amends, restates and replaces the Previous Supplement in its entirety.
- F. Founder desires to, and Builders desire to consent 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. <u>Definitions</u>. Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Covenant and/or Charter.
- 2. <u>Submission to Charter and Covenant</u>. 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. KLRDC and the Builders consent to the submission and subjection of the Property to the Charter and the Covenant.
- 3. <u>Notice of Transfer Fee.</u> 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. Expansion of 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 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. <u>Incorporation by Reference</u>. The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

(To be continued on next page)

IN WITNESS WHEREOF, as of this <u>luws 8</u> , 2006, Founder has executed this Supplement, and KLRDC and the Builder have consented to the same.		
Founder:	KENNECOTT LAND COMPANY, a Delaware corporation	
KLRDC:	By: M. Bruce Snyder Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development KENNECOTT LAND RESIDENTIAL	
	DEVELOPMENT COMPANY, a Delaware corporation	
	By: Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development	
Bangerter Homes:	BANGERTER HOMES, Utah limited liability company	
	By: Jordan Bangerter Its Managing Member	
Destination Homes:	DESTINATION HOMES AT DAYBREAK, LLC, a Utah limited liability company	
	By: David S. Bailey Its President	

STATE OF UTAH)	SS.	
COUNTY OF SALT LAKE		
KENNECOTT LAND COMPANY whose name is subscribed to the above	, personally appeared before me, a Notary Public, M. dential and Commercial Development of personally known or proved to me to be the person e instrument who acknowledged to me that he alf of KENNECOTT LAND COMPANY.	
	WITNESS my hand and official Seal.	
[SEAL]	Notary Public in and for said State My commission expires:	
	NATALIE K. ALBERICO NOTARY PUBLIC - STATE OF UTAH 5499 WEST 2455 SOUTH WEST VALLEY CITY UT 84120 My Comm. Exp. 03/24/2008	
STATE OF UTAH	SS.	
COUNTY OF SALT LAKE		
On Zangle 7002, personally appeared before me, a Notary Public, M. Bruce Snyder, the Vice President Residential and Commercial Development 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.		
	Notary Public in and for said State My commission expires:	
[SEAL]	NATALIE K. ALBERICO NOTARY PUBLIC - STATE OF UTAH 5499 WEST 2455 SOUTH WEST VALLEY CITY UT 84120 My Comm. Exp. 03/24/2008	

Supplement, and KLRDC and the Build	er have consented to the same.
Founder:	KENNECOTT LAND COMPANY, a Delaware corporation
KLRDC:	By: Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development KENNECOTT LAND RESIDENTIAL
	DEVELOPMENT COMPANY, a Delaware corporation
	By: Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development
Bangerter Homes:	BANGERTER HOMES, Utah limited liability company By: Jordan Bangerter
Destination Homes:	Its Managing Member DESTINATION HOMES AT DAYBREAK, LLC, a Utah limited liability company
	By: David S. Bailey Its President

STATE OF UTAH) COUNTY OF SALT LAKE)	SS.
COUNTY OF SALT LAKE	
	onally appeared before me, a Notary
personally known or proved to me to b	hat he executed the above instrument on behalf of
NOTARY PUBLIC SALLY MERRYWEATHER 19077 S. Jordan Park Circle South Jordan, UT 84095	WITNESS my hand and official Seal.
My Commission Expires June 03, 2009 STATE OF UTAH	Notary Public in and for said State
[SEAL]	My commission expires: June 3, 2009
STATE OF UTAH)	SS.
COUNTY OF SALT LAKE)	
On, person, the,	onally appeared before me, a Notary of
personally known or proved to me to b	hat he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
	Notary Public in and for said State
[SEAL]	My commission expires:

IN WITNESS WHEREOF, as of this My 2006, Founder has executed this Supplement, and KLRDC and the Builder have consented to the same. KENNECOTT LAND COMPANY, Founder: a Delaware corporation Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development KENNECOTT LAND RESIDENTIAL KLRDC: DEVELOPMENT COMPANY, a Delaware corporation By: _____ Name: M. Bruce Snyder Its: Vice President Residential and Commercial Development BANGERTER HOMES, Utah limited liability **Bangerter Homes:** company Jordan Bangerter Its Managing Member DESTINATION HOMES AT DAYBREAK, **Destination Homes:** LLC, a Utah limited liability company Its President

STATE OF UTAH)) SS.
COUNTY OF SALT LAKE)
On	, personally appeared before me, a Notary
personally known or proved to no instrument who acknowledged to	the of ne to be the person whose name is subscribed to the above o me that he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
	Notary Public in and for said State
[SEAL]	My commission expires:
STATE OF UTAH COUNTY OF SALT LAKE-)) SS.)
personally known or proved to n	ne to be the person whose name is subscribed to the above one that he executed the above instrument on behalf of meak. U.C.
	WITNESS my hand and official Seal.
NOTARY PUBLIC LORI VEST 1391 WEST 2425 SOUTH SYRACUSE UT 84075 My Commission Expires December 8th 2006 STATE OF UTAH	Notary Public in and for said State
[SEAL]	My commission expires: 12 8/06

3

Hamlet Homes:	HAMLET HOMES II, L.L.C., a Utah limited liability company
	By: Michael Brodsky Its Managing Member
Holmes Homes:	HOLMES HOMES, INC., a Utah corporation
	By: Patrick H. Holmes Its President
Liberty Homes:	ROCHELLE DB-2, L.C., a Utah limited liability company
Rainey Homes:	By: David C. Clark Its President RAINEY HOMES, INC., a Utah corporation
	By: Fred Bolingbroke Its Authorized Representative
Richmond American:	RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation
	By: John Stubbs Its President

STATE OF UTAH)) SS.	
COUNTY OF SALT LAKE) 33.	
On 08/08/06 Public, Michael Brodsky	, personally appeared before me, a Notary , the Chairman of Hamlet Homes, Mng Member, me to be the person whose name is subscribed to the above	Hamlet -Homes II
instrument who acknowledged t Hamlet Homes II	to me that he executed the above instrument on behalf of	
	WITNESS my hand and official Seal.	
Notary Public DEBRA ANDERS a378 South 3220 West West Jordan, Utah 84088 My Commission Expires November 2, 2009 State of Utah	Notary Public in and for said State	
[SEAL]	My commission expires: NOU 2 2009	
STATE OF UTAH)) SS.	
COUNTY OF SALT LAKE	,	
On	, personally appeared before me, a Notary	
personally known or proved to r instrument who acknowledged t	ne to be the person whose name is subscribed to the above to me that he executed the above instrument on behalf of	-
	WITNESS my hand and official Seal.	
	Notary Public in and for said State	
[SEAL]	My commission expires:	

Hamlet Homes:	HAMLET HOMES II, L.L.C., a Utah limited liability company
•	By: Michael Brodsky Its Managing Member
Holmes Homes:	HOLMES HOMES, INC., a Utah corporation
	By: Patrick H. Holmes Its President
Liberty Homes:	ROCHELLE DB-2, L.C., a Utah limited liability company
Rainey Homes:	By: David C. Clark Its President RAINEY HOMES, INC., a Utah corporation
	By: Fred Bolingbroke Its Authorized Representative
Richmond American:	RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation
	By: John Stubbs Its President

STATE OF UTAH	SS.	
COUNTY OF SALT LAKE)	
On, person	onally appeared before me, a Notary of oe the person whose name is subscribed to the above	
personally known or proved to me to be instrument who acknowledged to me to	be the person whose name is subscribed to the above that he executed the above instrument on behalf of	
	WITNESS my hand and official Seal.	
	Notary Public in and for said State	
[SEAL]	My commission expires:	
STATE OF UTAH COUNTY OF SALT LAKE	SS.	
On 8 8 66, personally appeared before me, a Notary Public, Patrick H. Holmes, the President of Holmes Homes, And 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 holmes Homes And.		
VICKI L. FLEMING MOTARY PUBLIC - STATE OF UT 18717 & MACKAMORE CIRC BRAPER, UT 84020	WITNESS my hand and official Seal. Notary Public in and for said State	
[SEAL]	My commission expires:	

Hamlet Homes:	HAMLET HOMES II, L.L.C., a Utah limited liability company
	By: Michael Brodsky Its Managing Member
Holmes Homes:	HOLMES HOMES, INC., a Utah corporation
	By: Patrick H. Holmes Its President
Liberty Homes:	ROCHELLE DB-2, L.C., a Utah limited liability company
	By: David C. Clark Its President
Rainey Homes:	RAINEY HOMES, INC., a Utah corporation
	By: Fred Bolingbroke Its Authorized Representative
Richmond American:	RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation
	By: John Stubbs Its President

STATE OF UTAH COUNTY OF SALT LAKE)) SS.)
Public, Navy C. Clark personally known or proved to	me to be the person whose name is subscribed to the above to me that he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
CAROLYN DONGARRA Notary Public State of Utah commission Expires March 21, 2010 75 S. 1300 E, Sandy, UT 84094	Notary Public in and for said State My commission expires: 3.21.10
[SEAL]	My commission expires.
STATE OF UTAH COUNTY OF SALT LAKE)) SS.
On	_, personally appeared before me, a Notary _, the of
	me to be the person whose name is subscribed to the above to me that he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
	Notary Public in and for said State
[SEAL]	My commission expires:

Hamlet Homes:	HAMLET HOMES II, L.L.C., a Utah limited liability company
Holmes Homes:	By: Michael Brodsky Its Managing Member HOLMES HOMES, INC., a Utah corporation
Homes radices.	
	By: Patrick H. Holmes Its President
Liberty Homes:	ROCHELLE DB-2, L.C., a Utah limited liability company
Defense Hamen	By: David C. Clark Its President
Rainey Homes:	RAINEY HOMES, INC., a Utah corporation
	By: Jacksoline Fred Bolingbroke Its Authorized Representative
Richmond American:	RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation
	By: John Stubbs Its President

STATE OF UTAH)) SS.
COUNTY OF SALT LAKE) 55.
Public,, the personally known or proved to me to	or be the person whose name is subscribed to the above that he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
	Notary Public in and for said State
[SEAL]	My commission expires:
STATE OF UTAH)) SS.
COUNTY OF SALT LAKE) 33.
Public, Fren Police personally known or proved to me t	ersonally appeared before me, a Notary ERANNEY Homes, INC. To be the person whose name is subscribed to the above e that he executed the above instrument on behalf of
	WITNESS my hand and official Seal.
Notary Public	

[SEAL]

March 10, 2018 State of Utah

Notary Public in and for said State

My commission expires: March 10, 2010

Hamlet Homes:	HAMLET HOMES II, L.L.C., a Utah limited liability company
	By: Michael Brodsky Its Managing Member
Holmes Homes:	HOLMES HOMES, INC., a Utah corporation
	By: Patrick H. Holmes Its President
Liberty Homes:	ROCHELLE DB-2, L.C., a Utah limited liability company
	By: David C. Clark Its President
Rainey Homes:	RAINEY HOMES, INC., a Utah corporation
	By: Fred Bolingbroke Its Authorized Representative
Richmond American:	RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation
	By: John Stabbs Its President

On Glic Code, personally appeared before me, a Notary Public, John Hubbs the Division Register of Richmond American Horris 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 Richmord Hubbs of Habs. Inc. WITNESS my hand and official Seal. WITNESS my hand and official Seal. Notary Public in and for said State My commission expires: [SEAL] STATE OF UTAH SSS. COUNTY OF SALT LAKE On, personally appeared before me, a Notary Public,, the of 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 WITNESS my hand and official Seal.	STATE OF UTAH)) SS.
Public, John Shubs	COUNTY OF SALT LAKE)
ADAM S. CALL 438 East Rosewood Lane #3 Layton UT 84041 My Commission Expires April 20, 2007 State of Utah Notary Public in and for said State My commission expires: [SEAL] STATE OF UTAH SSS. COUNTY OF SALT LAKE On, personally appeared before me, a Notary Public,, the of 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 WITNESS my hand and official Seal. Notary Public in and for said State	Public, John Stubs, personally known or proved to m instrument who acknowledged to	the <u>Division President</u> of <u>Kichmond Harrican Hornes</u> he to be the person whose name is subscribed to the above whose me that he executed the above instrument on behalf of <u>division</u> Inc
STATE OF UTAH) SS. COUNTY OF SALT LAKE On, personally appeared before me, a Notary Public,, the of 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 WITNESS my hand and official Seal.	ADAM S. CALL 438 East Rosewood Lane #3 Layton UT 84041 My Commission Expires April 20, 2007	Notary Public in and for said State
On, personally appeared before me, a Notary Public,, the	[SEAL]	My commission expires:
Public,)) SS.)
Notary Public in and for said State	Public, , personally known or proved to m	the of
[SEAL]	[SEAL]	

Village Communities:

VILLAGE COMMUNITIES, LLC., a Utah Limited Liability Company

Kelly Sheppard Its Managing Member

STATE OF UTAH)
COUNTY OF SALT LAKE) SS.)
Public, Kelly Sherbard, personally known or proved to n instrument who acknowledged to Village Communities	Hersonally appeared before me, a Notary, the Its Marking of Village Communities. UC me to be the person whose name is subscribed to the above of me that he executed the above instrument on behalf of LUC. WITNESS my hand and official Seal.
	Notary Public in and for said State
[SEAL]	My commission expires: NATALIE K ALBERICO NOTAM PUBLIC STATE OF UTAM Soo WEST 255 SOUTH
STATE OF UTAH	My Comms., Bag. 49/24/2008
COUNTY OF SALT LAKE) SS.)
On	, personally appeared before me, a Notary , the of ne to be the person whose name is subscribed to the above
	ne to be the person whose name is subscribed to the above or me that he executed the above instrument on behalf of
	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 the "Amended Kennecott Daybreak Plat 5 Subdivision Amending Lots C-101, 197, 421, 422, 428 thru 437, 440 thru 489, Parcel A thru Parcel I, O-101 thru O-107 and adding lots 496 thru 545 and P-110 thru P-117" recorded on August 4, 2006 as Entry No. 9802256, Book 2006P, at Page 217 of the Official Records of Salt Lake County.