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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: SSA, DEPUTY - WI 6 P.

WHEN RECORDED RETURN TO:

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

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 7 AMENDED)**

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 VILLAGE 7 AMENDED) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “**Supplement**”) is made this SEPTEMBER 6, 2017, 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**”).

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 has recorded, or is concurrently recording, that certain subdivision map entitled "DAYBREAK VILLAGE 7 SUBDIVISION AMENDED AMENDING LOT 100 OF THE KENNECOTT DAYBREAK VILLAGE 7 SUBDIVISION AMENDING LOTS V7 AND T6 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" (the "Plat") which relates to the real property more particularly described on Exhibit A attached hereto (the "Property"). Founder is the 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 desires 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.
- 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 SEP 6, 2017, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

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

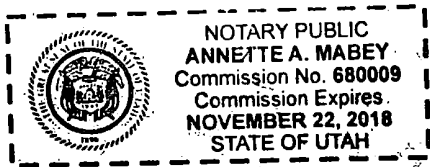
By: [Signature]
Ty McCutcheon, President & CEO

ACKNOWLEDGEMENT

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

On Sept. 06, 2017, 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.



[Signature]
Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 7 SUBDIVISION AMENDED AMENDING LOT 100 OF THE KENNECOTT DAYBREAK VILLAGE 7 SUBDIVISION AMENDING LOTS V7 AND T6 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on Nov. 08, 2017, as Entry No. 12654584, Book 2017 P, at Page 307 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Daybreak Village 7 Subdivision Amended:

All of Lot 100 of the Kennecott Daybreak Village 7 Subdivision Amending Lots V7 and T6 of the Kennecott Master Subdivision #1 Amended more particularly described as follows:

Beginning at a Southwesterly corner of Lot 100 of the Kennecott Daybreak Village 7 Subdivision Amending Lots V7 and T6 of the Kennecott Master Subdivision #1 Amended, also being on the North right-of-way line of 11800 South Street said point lies South 89°56'14" West 217.701 feet along the Section Line and North 53.000 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot 100 the following (33) courses: 1) North 84.627 feet; 2) North 87°53'31" West 920.237 feet to a point on a 984.500 foot radius tangent curve to the left, (radius bears South 02°06'29" West); 3) along the arc of said curve 36.222 feet through a central angle of 02°06'29"; 4) West 283.972 feet; 5) North 814.678 feet to a point on a 781.000 foot radius tangent curve to the left, (radius bears West); 6) along the arc of said curve 63.759 feet through a central angle of 04°40'39"; 7) North 04°40'39" West 121.076 feet to a point on a 781.000 foot radius tangent curve to the left, (radius bears South 85°19'21" West); 8) along the arc of said curve 179.160 feet through a central angle of 13°08'37"; 9) North 17°49'16" West 401.994 feet to a point on a 781.000 foot radius tangent curve to the left, (radius bears South 72°10'44" West); 10) along the arc of said curve 73.001 feet through a central angle of 05°21'20"; 11) North 77°49'38" East 469.062 feet to a point on a 329.000 foot radius tangent curve to the left, (radius bears North 12°10'22" West); 12) along the arc of said curve 216.516 feet through a central angle of 37°42'23"; 13) North 40°07'15" East 430.230 feet to a point on a 200.000 foot radius tangent curve to the right, (radius bears South 49°52'45" East); 14) along the arc of said curve 67.186 feet through a central angle of 19°14'51"; 15) North 59°22'05" East 394.539 feet to a point on a 200.000 foot radius tangent curve to the right, (radius bears South 30°37'55" East); 16) along the arc of said curve 67.671 feet through a central angle of 19°23'10"; 17) South 81°14'59" East 398.191 feet; 18) South 04°02'21" East 102.544 feet; 19) South 08°47'52" West 35.023 feet to a point on a 956.000 foot radius non tangent curve to the right, (radius bears North 82°18'55" West); 20) along the arc of said curve 17.780 feet through a central angle of 01°03'56"; 21) South 08°45'01" West 405.560 feet to a point on a 1029.000 foot radius tangent curve to the left,

(radius bears South 81°14'59" East); 22) along the arc of said curve 323.423 feet through a central angle of 18°00'31"; 23) South 09°15'30" East 354.410 feet to a point on a 471.000 foot radius tangent curve to the right, (radius bears South 80°44'30" West); 24) along the arc of said curve 74.191 feet through a central angle of 09°01'31"; 25) South 00°13'59" East 457.343 feet to a point on a 526.000 foot radius tangent curve to the left, (radius bears North 89°46'01" East); 26) along the arc of said curve 118.422 feet through a central angle of 12°53'58"; 27) South 13°07'57" East 31.170 feet; 28) South 15°43'26" East 232.238 feet; 29) South 13°07'57" East 227.240 feet to a point on a 466.500 foot radius tangent curve to the right, (radius bears South 76°52'03" West); 30) along the arc of said curve 106.924 feet through a central angle of 13°07'57"; 31) South 32.289 feet; 32) South 89°56'12" West 263.178 feet; 33) South 89°56'14" West 217.700 feet to the point of beginning.

Property contains 79.145 acres.