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Book - 11043 Pg - 7187-7194  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
OLD REPUBLIC TITLE DRAPER/OREM  
898 NORTH 1200 WEST  
OREM UT 84057  
BY: JLA, DEPUTY - WI 8 P.

WHEN RECORDED, RETURN TO:

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

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Space above for County Recorder's Use

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 8 PLAT 8)**

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 8 PLAT 8) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement")** is made this August 7, 2020, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to 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 in the Salt Lake County Recorder's Office, as amended by that certain Amendment No. 1 to Community Charter for Daybreak, recorded August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded October 19, 2005, as Entry No. 9528104, in Book 9205, beginning at Page 4743 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded March 13, 2007, as Entry No. 10031889, in Book 9434, beginning at Page 6467 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 4 to Community Charter for Daybreak, recorded March 2, 2010, as Entry No. 10907211, in Book 9807, beginning at Page 7337 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment

No. 5 to Community Charter for Daybreak, recorded November 24, 2010, as Entry No. 11082445, in Book 9882, beginning at Page 1049 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 6 to Community Charter for Daybreak, recorded July 1, 2016, as Entry No. 12312667, in Book 10448, beginning at Page 4380 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 7 to Community Charter for Daybreak, recorded July 3, 2018, as Entry No. 12804618, in Book 10690, beginning at Page 7505 in the Salt Lake County Recorder's Office (as amended and/or supplemented 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 in the Salt Lake County Recorder's Office (as amended and/or supplemented from time to time, the "**Covenant**").

#### RECITALS:

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. Founder has recorded or is concurrently herewith recording that certain subdivision map entitled "DAYBREAK VILLAGE 8 PLAT 8 AMENDING LOTS Z105 & Z106 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 ALSO AMENDING LOTS M-101 & M-102 OF THE DAYBREAK VILLAGE 8 PLAT 5A SUBDIVISION" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Founder 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 in the Salt Lake County Recorder's Office (the "**Telecommunications Service Area Supplement**"), Founder 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 August 7, 2020, 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

ACKNOWLEDGMENT

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

On August 7<sup>th</sup>, 2020, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, 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.

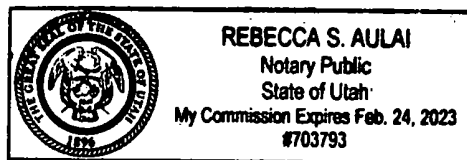
WITNESS my hand and official Seal.

[Signature]

Notary Public in and for said State

My commission expires: 2/24/23

[SEAL]



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 8 AMENDING LOTS Z105 & Z106 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 ALSO AMENDING LOTS M-101 & M-102 OF THE DAYBREAK VILLAGE 8 PLAT 5A SUBDIVISION", recorded on Oct 21, 2020, as Entry No. 1343443, Book 2020P, at Page 254 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

All of Lot M-102 of the Daybreak Village 8 Plat 5A Subdivision, more particularly described as follows:

Beginning at the Southwest Corner of Lot M-102 of the Daybreak Village 8 Plat 5A Subdivision, said point lies South 89°56'37" East 6061.058 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3377.831 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot M-102 the following (5) courses: 1) North 02°30'00" West 228.012 feet; 2) North 85°06'32" East 154.651 feet; 3) South 04°53'28" East 198.789 feet; 4) South 68°54'07" West 15.293 feet to a point on a 639.500 foot radius tangent curve to the right, (radius bears North 21°05'53" West, Chord: South 75°42'19" West 151.515 feet); 5) along the arc of said curve 151.871 feet through a central angle of 13°36'25" to the point of beginning.

Property contains 0.793 acres, 34525 square feet.

Also and together with the following described tract of land:

Beginning at a Southeasterly Corner of the Daybreak Village 8 Plat 5A Subdivision, said point lies South 89°56'37" East 6328.281 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3461.959 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 8 Plat 5A Subdivision the following (2) courses: 1) North 14°52'02" West 177.046 feet; 2) North 68°54'07" East 55.406 feet along said Daybreak Village 8 Plat 5A Subdivision and extending along Daybreak Village 8 Plat 6 Subdivision; thence along said Daybreak Village 8 Plat 6 Subdivision the following (9) courses: 1) South 14°29'42" East 106.708 feet; 2) North 68°54'07" East 188.623 feet to a point on a 300.000 foot radius tangent curve to the left, (radius bears North 21°05'53" West, Chord: North 61°46'14" East 74.486 feet); 3) along the arc of said curve 74.679 feet through a central angle of 14°15'45"; 4) North 54°38'21" East 157.867 feet; 5) South 35°21'39" East 20.000 feet; 6) North 54°38'21" East

453.000 feet; 7) North 35°21'39" West 106.000 feet; 8) North 54°38'21" East 58.000 feet; 9) South 35°21'39" East 161.000 feet to the Northerly right-of-way line of South Jordan Parkway; thence along said Northerly right-of-way line the following (3) courses: 1) South 54°38'21" West 610.163 feet to a point on a 682.000 foot radius tangent curve to the right, (radius bears North 35°21'39" West, Chord: South 61°46'14" West 169.332 feet); 2) along the arc of said curve 169.770 feet through a central angle of 14°15'45"; 3) South 68°54'07" West 232.235 feet to the point of beginning.

Property contains 1.723 acres.

Also and together with the following described tract of land:

Beginning at the Northernmost Corner of Daybreak Village 8 Plat 3 subdivision, said point lies South 89°56'37" East 6776.224 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3511.912 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 8 Plat 3 the following (13) courses: 1) South 48°51'39" West 68.600 feet; 2) South 33°33'29" East 50.102 feet to a point on a 200.000 foot radius non tangent curve to the left, (radius bears South 34°45'35" East, Chord: South 52°03'02" West 22.257 feet); 3) along the arc of said curve 22.268 feet through a central angle of 06°22'46"; 4) South 48°51'39" West 89.803 feet; 5) South 41°07'30" East 23.749 feet; 6) South 48°52'30" West 65.764 feet; 7) South 41°08'21" East 15.842 feet; 8) South 48°51'39" West 43.000 feet; 9) North 41°08'21" West 22.000 feet; 10) South 48°51'39" West 83.804 feet to a point on a 635.000 foot radius tangent curve to the right, (radius bears North 41°08'21" West, Chord: South 51°41'05" West 62.570 feet); 11) along the arc of said curve 62.596 feet through a central angle of 05°38'53"; 12) South 26°02'37" East 23.705 feet; 13) South 58°51'55" West 63.250 feet to the Easterly right-of-way line of Holly Springs Drive; thence along said Easterly right-of-way line North 26°02'37" West 92.211 feet to the Southerly right-of-way line of South Jordan Parkway and a point on a 565.000 foot radius non tangent curve to the left, (radius bears North 30°13'43" West, Chord: North 54°18'58" East 107.428 feet); thence along said Southerly right-of-way line the following (2) courses: 1) along the arc of said curve 107.590 feet through a central angle of 10°54'38"; 2) North 48°51'39" East 380.341 feet to the Westerly right-of-way line of Old Bridge Road; thence along said Westerly right-of-way line South 33°33'29" East 4.035 feet to the point of beginning.

Property contains 0.706 acres, 30765 square feet.

Also and together with the following described tract of land:

Beginning at the Northeasterly Corner of Lot P-120 of the Daybreak Village 8 Plat 3 subdivision, said point being on a 657.000 foot radius non tangent curve to the right, (radius bears North 24°13'56" West, Chord: South 72°44'56" West 159.704 feet), said point lies South 89°56'37" East 6385.502 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3091.065 feet from the Southwest Corner of Section

22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 8 Plat 3 subdivision the following (19) courses: 1) along the arc of said curve 160.100 feet through a central angle of 13°57'43"; 2) North 29°32'01" West 21.227 feet to a point on a 637.000 foot radius non tangent curve to the right, (radius bears North 09°38'25" West, Chord: South 85°58'00" West 124.471 feet); 3) along the arc of said curve 124.670 feet through a central angle of 11°12'49" to a point of compound curvature with a 73.000 foot radius non tangent curve to the right, (radius bears North 88°38'58" East, Chord: North 01°20'26" East 6.855 feet); 4) along the arc of said curve 6.857 feet through a central angle of 05°22'56"; 5) North 85°58'06" West 54.000 feet to a point on a 127.000 foot radius non tangent curve to the left, (radius bears South 85°58'06" East, Chord: South 02°24'54" East 28.518 feet); 6) along the arc of said curve 28.579 feet through a central angle of 12°53'36"; 7) South 81°08'18" West 116.689 feet; 8) North 29°32'01" West 48.105 feet to a point on a 42.000 foot radius tangent curve to the left, (radius bears South 60°27'59" West, Chord: North 54°43'02" West 35.744 feet); 9) along the arc of said curve 36.921 feet through a central angle of 50°22'03"; 10) North 79°54'04" West 103.404 feet to a point on a 73.000 foot radius non tangent curve to the right, (radius bears South 87°26'38" East, Chord: North 06°19'39" East 9.603 feet); 11) along the arc of said curve 9.610 feet through a central angle of 07°32'34"; 12) North 79°54'04" West 54.000 feet to a point on a 127.000 foot radius non tangent curve to the left, (radius bears South 79°54'04" East, Chord: South 04°36'30" West 24.303 feet); 13) along the arc of said curve 24.340 feet through a central angle of 10°58'51"; 14) North 79°54'04" West 86.947 feet to a point on a 213.000 foot radius non tangent curve to the right, (radius bears South 86°25'21" East, Chord: North 06°50'17" East 24.230 feet); 15) along the arc of said curve 24.244 feet through a central angle of 06°31'17"; 16) North 10°05'56" East 11.861 feet; 17) North 79°54'04" West 105.238 feet; 18) South 60°29'14" West 79.757 feet to a point on a 720.000 foot radius non tangent curve to the right, (radius bears North 64°25'27" East, Chord: North 20°41'47" West 122.480 feet); 19) along the arc of said curve 122.629 feet through a central angle of 09°45'30" to a point of compound curvature with a 455.000 foot radius non tangent curve to the right, (radius bears South 05°18'38" West, Chord: South 82°17'43" East 38.015 feet) and extended along the Easterly right-of-way line of Willow Walk Drive to the Southerly right-of-way line of South Jordan Parkway; thence along said Southerly right-of-way line the following (3) courses: 1) along the arc of said curve 38.026 feet through a central angle of 04°47'18"; 2) South 79°54'04" East 562.958 feet to a point on a 565.000 foot radius tangent curve to the left, (radius bears North 10°05'56" East, Chord: North 83°04'51" East 330.719 feet); 3) along the arc of said curve 335.633 feet through a central angle of 34°02'10" to the Westerly right-of-way line of Holly Springs Drive; thence along said Westerly right-of-way line South 26°02'37" East 92.053 feet to the point of beginning.

Property contains 1.783 acres.

Also and together with the following described tract of land:

Beginning at the Northwest Corner of the Daybreak Village 8 Plat 4D Subdivision, said point also being on the Easterly right-of-way line of Prosperity Road, said point lies South 89°56'37" East 4730.190 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3079.061 feet from the Southwest Corner of Section

22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Easterly right-of-way line North 158.000 feet to the Southerly right-of-way line of South Jordan Parkway; thence along said Southerly right-of-way line East 632.259 feet to the Westerly right-of-way line of Willow Walk Drive and a point on a 780.000 foot radius non tangent curve to the left, (radius bears North 75°30'00" East, Chord: South 17°29'34" East 81.448 feet); thence along said Westerly right-of-way line and the arc of said curve 81.485 feet through a central angle of 05°59'08" to a Northerly Corner of the Daybreak Village 8 Plat 3 subdivision; thence along said Daybreak Village 8 Plat 3 South 60°27'59" West 150.121 feet to an Easterly Corner of the Daybreak Village 8 Plat 5B Subdivision; thence along said Daybreak Village 8 Plat 5B Subdivision the following (6) courses: 1) North 29°32'01" West 93.879 feet; 2) West 48.893 feet; 3) South 20.000 feet; 4) South 34°09'11" West 96.863 feet to a point on a 70.500 foot radius non tangent curve to the left, (radius bears South 34°09'11" West, Chord: North 72°55'25" West 41.404 feet); 5) along the arc of said curve 42.024 feet through a central angle of 34°09'11"; 6) West 336.999 feet along said Daybreak Village 8 Plat 5B Subdivision and extending along said Daybreak Village 8 Plat 4D Subdivision to the point of beginning.

Property contains 2.049 acres.