

WHEN RECORDED, RETURN TO:

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

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 August 8, 2006, 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"), 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. **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. KLRDC and the Builders consent to the submission and subjection of the Property to the Charter and the Covenant.

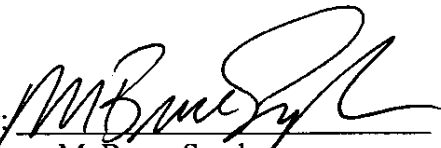
3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units, which comprise portions of the Property, as further described in the Charter and the Covenant, including a "Community Enhancement Fee" as more particularly set forth in the Covenant.
4. **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. **Incorporation by Reference.** 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 August 8, 2006, Founder has executed this Supplement, and KLRDC and the Builder have consented to the same.

Founder:

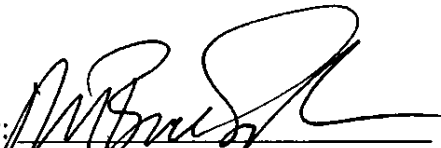
KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: M. Bruce Snyder

Its: Vice President Residential and Commercial
Development

KLRDC:

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)

On 8 August 2008, 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.

Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]



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

On 8 August 2008, 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.

Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]



IN WITNESS WHEREOF, as of this August 8 2006, Founder has executed this Supplement, and KLRDC and the Builder have consented to the same.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

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

KLRDC:

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

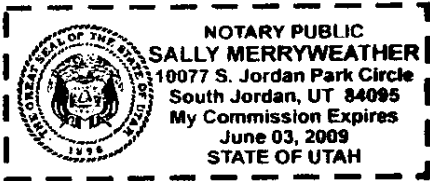
Destination Homes:

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

By: _____
David S. Bailey
Its President

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

On 22 Aug 2006, personally appeared before me, a Notary Public, Jordan H. Bangerter, the managing member of Bangerter Homes 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 Bangerter Homes LLC.



WITNESS my hand and official Seal.

Sally Merryweather
Notary Public in and for said State

My commission expires: June 3, 2009

[SEAL]

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.

Notary Public in and for said State

My commission expires: _____

[SEAL]

IN WITNESS WHEREOF, as of this August 8, 2006, Founder has executed this Supplement, and KLRDC and the Builder have consented to the same.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

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

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,
a Delaware corporation

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

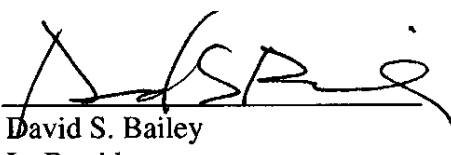
Bangerter Homes:

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)

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

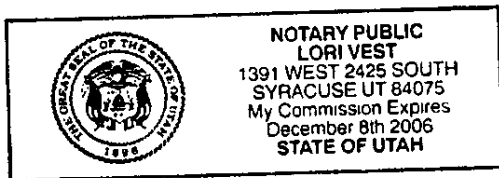
My commission expires: _____

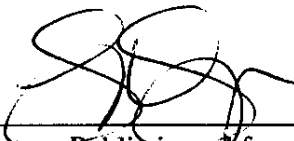
[SEAL]

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

On 8/8/06, personally appeared before me, a Notary Public, David S. Bailey, the President 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.





Notary Public in and for said State

My commission expires: 12/8/06

[SEAL]

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

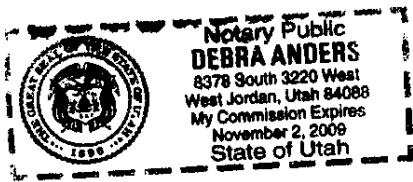
By: _____

John Stubbs
Its President

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

On 08/08/06, personally appeared before me, a Notary Public, Michael Brodsky, the Chairman of Hamlet Homes, Mng Member, Hamlet Homes II 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 Hamlet Homes II.

WITNESS my hand and official Seal.



Debra Anders
Notary Public in and for said State

My commission expires: NOV 2 2009

[SEAL]

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.

Notary Public in and for said State

My commission expires: _____

[SEAL]

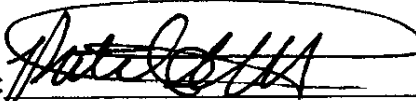
Hamlet Homes:

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)
) 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.

Notary Public in and for said State

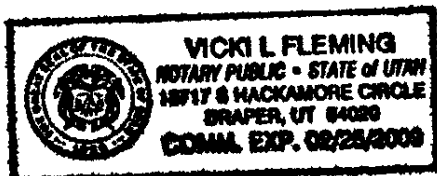
My commission expires: _____

[SEAL]

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

On 8/8/06, personally appeared before me, a Notary Public, Patrick H. Holmes, the President of Holmes Homes, 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 Holmes Homes, Inc.

WITNESS my hand and official Seal.



V Fleming
Notary Public in and for said State

My commission expires: _____

[SEAL]

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:

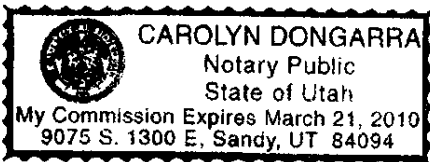
RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation

By: _____
John Stubbs
Its President

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

On 8-9-06, personally appeared before me, a Notary Public, David C. Clark, the Manager of Rockelle DB-2, 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 _____.

WITNESS my hand and official Seal.



[SEAL]

Carolyn Dongarra
Notary Public in and for said State

My commission expires: 3-21-10

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.

Notary Public in and for said State

My commission expires: _____

[SEAL]

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

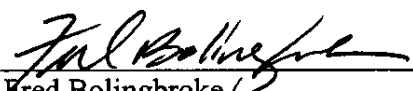
Liberty Homes:

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)
) 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.

Notary Public in and for said State

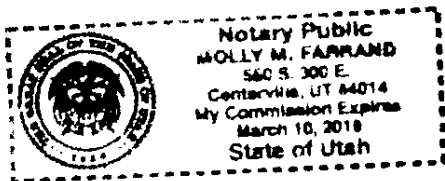
My commission expires: _____

[SEAL]

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

On 8/14/06, personally appeared before me, a Notary Public, FRED BOLINGER, the Authorized Representative RAINEY HOMES, 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 RAINEY HOMES, INC.

WITNESS my hand and official Seal.



[SEAL]

Molly M. Farrand
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

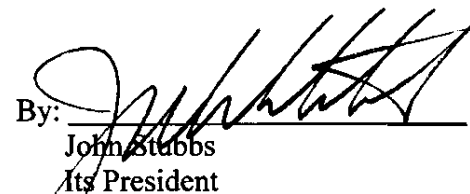
Rainey Homes:

RAINEY HOMES, INC., a Utah corporation

By: _____
Fred Bolingbroke
Its Authorized Representative

Richmond American:

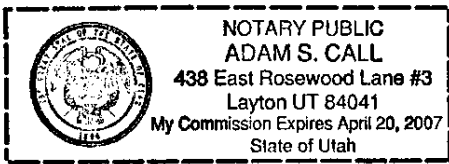
RICHMOND AMERICAN HOMES OF UTAH, INC., a Colorado corporation

By: 
John Stabbs
Its President

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

On 8/16/2006, personally appeared before me, a Notary Public, John Stubbs, the Division 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.



Adam S. Call
Notary Public in and for said State

My commission expires: _____

[SEAL]

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.

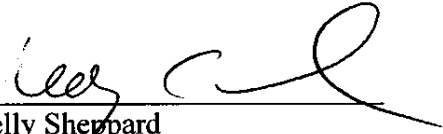
Notary Public in and for said State

My commission expires: _____

[SEAL]

Village Communities:

VILLAGE COMMUNITIES, LLC., a Utah
Limited Liability Company

By: 
Kelly Sheppard
Its Managing Member

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

On 8 August 2016 personally appeared before me, a Notary Public, Kelly Shepard, the Its Managing of Village Communities, 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 Village Communities, LLC.

WITNESS my hand and official Seal.

Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]



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.

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.

*tax Parcel No. 27-18-400-005-0000
26-13-100-005-4001*