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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: CBA, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
4700 West Daybreak Parkway
South Jordan, UT 84009
Attn: Gary Langston

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 4A PLAT 9)**
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 4A PLAT 9) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this MARCH 24, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (successor-in-interest to Kennecott Land Company, a Delaware corporation), 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 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 and 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 (as amended and 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 recording herewith, that certain subdivision map entitled "DAYBREAK VILLAGE 4A PLAT 9 SUBDIVISION AMENDING LOT T4 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-in-interest 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 ascribed 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 March 24, 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

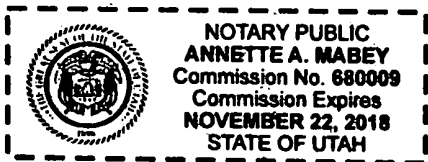
By: [Signature]
Ty McCutcheon, its President & CEO

ACKNOWLEDGMENT

STATE OF UTAH)
)
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)
COUNTY OF SALT LAKE)

On March 24, 2017, personally appeared before me, a Notary Public, Ty McCutcheon, the 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: 11/22/2018

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 4A PLAT 9 SUBDIVISION AMENDING LOT T4 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on July 7, 2017, as Entry No. 12571304, in Book 2017P, at Page 177 of the Official Records of Salt Lake County, Utah.

Boundary Description:

Beginning at a point on the East line of Lake Run Road said point lies South 89°58'42" East 1068.128 feet along the Section Line and North 3007.454 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 1739.054 feet along said East line; thence North 53°27'06" East 247.000 feet to the Northwest Corner of Kennecott Daybreak Village 4A Plat 8 Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended, also being on the West Line of Jonagold Drive; thence along the West Boundary of said Kennecott Daybreak Village 4A Plat 8 Subdivision the following (6) courses: 1) South 36°32'54" East 887.400 feet; 2) South 53°27'06" West 156.000 feet; 3) South 36°32'54" East 24.000 feet to a point on a 22.000 foot radius non tangent curve to the right, (radius bears South 36°32'54" East); 4) along the arc of said curve 34.558 feet through a central angle of 90°00'00"; 5) South 36°32'54" East 252.521 feet; 6) North 53°27'06" East 134.000 feet to a point on the West Line of Jonagold Drive; thence South 36°32'54" East 281.500 feet along the West Line of said Kennecott Daybreak Village 4A Plat 8 and Kennecott Daybreak Village 4A Plat 5 Subdivision Amending Lots V2 and T4 of the Kennecott Master Subdivision #1 Amended to a Northerly Corner of said Kennecott Daybreak Village 4A Plat 8; thence along said Kennecott Daybreak Village 4A Plat 8 the following (3) courses: 1) South 53°27'06" West 134.000 feet; 2) South 36°32'54" East 225.323 feet to a point on a 46.000 foot radius tangent curve to the left, (radius bears North 53°27'06" East); 3) along the arc of said curve 42.914 feet through a central angle of 53°27'06" to a Northerly corner of Garden Park Condominiums, Phase 6 Amending Lot T4 of Amended Lots B2, B3, OS2, T4, V4, V7 & WTC2 Kennecott Master Subdivision #1; thence along said Garden Park Condominiums, Phase 6 the following (2) courses: 1) South 10.415 feet; 2) South 53°00'00" West 125.408 feet to the point of beginning.

Property contains 8.100 acres.