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RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
VP DAYBREAK DEVCO LLC
BY: GGA, DEPUTY - WI 9 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
Attention: Greg Flint
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 12A PLAT 1)**

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 12A PLAT 1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this _____, 2021, 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**"), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company ("**Devco**").

RECITALS:

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. Founder and/or Devco have recorded or are concurrently recording herewith that certain subdivision map entitled "DAYBREAK VILLAGE 12A PLAT 1 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED AND LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Founder and Devco are the fee simple owners 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 and Devco desire 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. Devco, as a fee simple owner of the Property, hereby consents to the subjection of the Property to the Covenant and Declaration, as herein provided.

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 26, 2021, Founder has executed this Supplement, and Devco has consented to the same.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,
a Utah limited liability company

Its: Authorized Manager

By: 
Brad Holmes, President

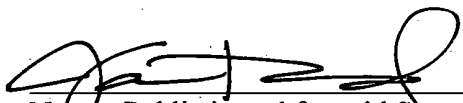
ACKNOWLEDGMENT

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

On August 26, 2021, personally appeared before me, a Notary Public, Brad Holmes, the President of Miller Family Real Estate, L.L.C., a Utah limited liability company, the Authorized 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.




Notary Public in and for said State


My commission expires: 05-03-2023

[SEAL]

Devco:

VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,
a Utah limited liability company
Its: Authorized Manager

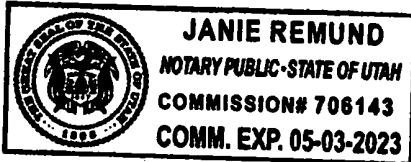
By: 
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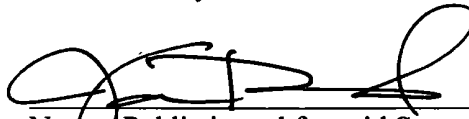
ACKNOWLEDGMENT

STATE OF UTAH)
)
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COUNTY OF SALT LAKE)

On August 26, 2021, personally appeared before me, a Notary Public, Brad Holmes, President of Miller Family Real Estate L.L.C., the Authorized Manager of VP DAYBREAK DEVCO 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 DAYBREAK DEVCO LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.




Notary Public in and for said State

My commission expires: 05-03-2021

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 12A PLAT 1 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED AND LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on 9/7/2021, as Entry No. 13765628, Book 11234, at Page 6433 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a point a Southerly Corner of the Less & Except Parcel QQ as shown on the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation subdivision, said point lies South 89°56'37" East 1774.715 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 2462.237 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel QQ North 52°43'34" West 136.720 feet to a point on a 1154.000 foot radius non tangent curve to the right, (radius bears South 76°10'02" East, Chord: North 17°18'36" East 139.979 feet); thence along the arc of said curve 140.065 feet through a central angle of 06°57'15"; thence North 55°47'32" West 220.485 feet; thence South 46°27'36" West 1.120 feet; thence North 55°47'32" West 180.749 feet; thence South 37°16'26" West 24.000 feet; thence North 52°43'34" West 137.137 feet to a point on a 46.000 foot radius tangent curve to the right, (radius bears North 37°16'26" East, Chord: North 26°21'47" West 40.853 feet); thence along the arc of said curve 42.331 feet through a central angle of 52°43'34"; thence North 282.878 feet; thence East 161.500 feet; thence South 88.321 feet to a point on a 25.500 foot radius tangent curve to the left, (radius bears East, Chord: South 75°00'00" East 49.262 feet); thence along the arc of said curve 66.759 feet through a central angle of 150°00'00"; thence North 30°00'00" East 435.078 feet to a point on the Northeasterly Line of Less & Except Parcel GGG as shown on said Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation; thence along said Less & Except Parcel GGG the following (4) courses: 1) South 60°00'00" East 10.500 feet; 2) South 30°00'00" West 11.500 feet; 3) South 60°00'00" East 582.000 feet; 4) South 30°00'00" West 545.362 feet along said Less & Except Parcel GGG and said Less & Except Parcel QQ to a point on a 1030.000 foot radius tangent curve to the left, (radius bears South 60°00'00" East, Chord: South 20°24'11" West 343.437 feet); thence along said Less & Except Parcel QQ and the arc of said curve 345.048 feet through a central angle of 19°11'38" to the point of beginning.

Property contains 11.352 acres.

Also and together with the following described tract of land:

Beginning at a point a Southerly Corner of the Less & Except Parcel FFF as shown on the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation subdivision, said point lies South 89°56'37" East 2197.125 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 3308.803 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel FFF the following (3) courses: 1) North 60°00'00" West 651.135 feet to a point on a 230.000 foot radius tangent curve to the left, (radius bears South 30°00'00" West, Chord: North 76°02'00" West 127.049 feet); 2) along the arc of said curve 128.723 feet through a central angle of 32°03'59"; 3) South 87°56'01" West 17.857 feet; thence North 02°03'59" West 78.406 feet; thence North 30°00'00" East 243.563 feet; thence South 65°22'40" East 66.626 feet to a point on a 527.000 foot radius tangent curve to the right, (radius bears South 24°37'20" West, Chord: South 62°41'20" East 49.445 feet); thence along the arc of said curve 49.463 feet through a central angle of 05°22'40"; thence South 60°00'00" East 714.277 feet to a point of the Southeasterly Line of said Less & Except Parcel FFF; thence along said Southeasterly Line South 30°00'00" West 274.000 feet to the point of beginning.

Property contains 5.268 acres.

Also and together with the following described tract of land:

Beginning at a point on the Southwesterly Line of the Less & Except Parcel RR as shown on the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation subdivision, said point also being a point on a 484.500 foot radius non tangent curve to the right, (radius bears North 37°26'52" East, Chord: North 51°17'15" West 21.388 feet), said point lies South 89°56'37" East 1847.416 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 2392.529 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel RR the following (5) courses: 1) along the arc of said curve 21.390 feet through a central angle of 02°31'46" to a point of compound curvature with a 25.000 foot radius tangent curve to the right, (radius bears North 39°58'39" East, Chord: North 20°18'08" West 24.788 feet); 2) along the arc of said curve 25.936 feet through a central angle of 59°26'26" to a point of compound curvature with a 977.500 foot radius tangent curve to the right, (radius bears South 80°34'55" East, Chord: North 11°28'08" East 69.969 feet); 3) along the arc of said curve 69.984 feet through a central angle of 04°06'07"; 4) North 08°42'58" East 38.709 feet to a point on a 981.500 foot radius non tangent curve to the right, (radius bears South 74°13'39" East, Chord: North 20°38'37" East 166.694 feet); 5) along the arc of said curve 166.895 feet through a central angle of 09°44'33" to a point of compound curvature with a 5.500 foot radius non tangent curve to the right, (radius bears South 85°12'07" West, Chord: South 09°08'52" West 2.651 feet); thence along the arc of said curve 2.677 feet through a central angle of 27°53'29" to a point of reverse curvature with a 481.500 foot radius tangent curve to the left, (radius bears South 66°54'24" East, Chord: South 15°23'01" West 129.188 feet); thence along the arc of said curve 129.578 feet through a central angle of 15°25'09" to a point of reverse curvature with a 518.500 foot radius tangent curve to the right, (radius bears North 82°19'33" West, Chord: South 09°59'51" West 42.039 feet); thence along the arc of said curve 42.051 feet through a central

angle of 04°38'48" to a point of compound curvature with a 5.500 foot radius tangent curve to the right, (radius bears North 77°40'45" West, Chord: South 35°30'24" West 4.331 feet); thence along the arc of said curve 4.451 feet through a central angle of 46°22'17"; thence South 58°41'32" West 4.142 feet to a point on a 4.500 foot radius tangent curve to the left, (radius bears South 31°18'28" East, Chord: South 36°03'58" West 3.462 feet); thence along the arc of said curve 3.554 feet through a central angle of 45°15'08" to a point of reverse curvature with a 512.500 foot radius tangent curve to the right, (radius bears North 76°33'36" West, Chord: South 13°51'20" West 7.437 feet); thence along the arc of said curve 7.437 feet through a central angle of 00°49'53" to a point of reverse curvature with a 967.500 foot radius tangent curve to the left, (radius bears South 75°43'43" East, Chord: South 11°56'00" West 78.937 feet); thence along the arc of said curve 78.959 feet through a central angle of 04°40'33" to a point of compound curvature with a 39.500 foot radius tangent curve to the left, (radius bears South 80°24'16" East, Chord: South 21°28'42" East 40.775 feet); thence along the arc of said curve 42.845 feet through a central angle of 62°08'51" to the point of beginning.

Property contains 0.065 acres, 2850 square feet.

Also and together with the following described tract of land:

Beginning at a point on the Westerly Line of the Less & Except Parcel OO as shown on the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation subdivision, said point also being a point on a 981.500 foot radius non tangent curve to the right, (radius bears North 85°49'42" East, Chord: North 00°39'36" West 120.228 feet), said point lies South 89°56'37" East 1807.551 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 2197.763 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel OO the following (4) courses: 1) along the arc of said curve 120.304 feet through a central angle of 07°01'22"; 2) North 16°01'15" East 14.561 feet to a point on a 34.500 foot radius tangent curve to the right, (radius bears South 73°58'45" East, Chord: North 69°39'37" East 55.566 feet); 3) along the arc of said curve 64.597 feet through a central angle of 107°16'45" to a point of reverse curvature with a 509.500 foot radius tangent curve to the left, (radius bears North 33°17'59" East, Chord: South 57°02'32" East 6.084 feet); 4) along the arc of said curve 6.084 feet through a central angle of 00°41'03" to a point of compound curvature with a 30.500 foot radius tangent curve to the left, (radius bears South 32°36'56" West, Chord: South 63°07'19" West 52.556 feet); thence along the arc of said curve 63.340 feet through a central angle of 118°59'16" to a point of reverse curvature with a 512.500 foot radius tangent curve to the right, (radius bears North 86°22'19" West, Chord: South 05°18'25" West 30.033 feet); thence along the arc of said curve 30.037 feet through a central angle of 03°21'29" to a point of reverse curvature with a 4.500 foot radius tangent curve to the left, (radius bears South 83°00'50" East, Chord: South 15°32'11" East 3.447 feet); thence along the arc of said curve 3.538 feet through a central angle of 45°02'41"; thence South 38°03'31" East 4.193 feet to a point on a 5.500 foot radius tangent curve to the right, (radius bears South 51°56'29" West, Chord: South 14°58'32" East 4.313 feet); thence along the arc of said curve 4.432 feet through a central angle of 46°09'58" to a point of compound curvature with a 518.500 foot radius tangent curve to the right, (radius bears North 81°53'33" West, Chord: South 09°02'49" West 17.002 feet); thence along the

arc of said curve 17.003 feet through a central angle of $01^{\circ}52'44''$ to a point of reverse curvature with a 481.500 foot radius tangent curve to the left, (radius bears South $80^{\circ}00'49''$ East, Chord: South $06^{\circ}17'18''$ West 62.109 feet); thence along the arc of said curve 62.152 feet through a central angle of $07^{\circ}23'45''$ to a point of reverse curvature with a 5.500 foot radius tangent curve to the right, (radius bears North $87^{\circ}24'34''$ West, Chord: South $24^{\circ}28'33''$ West 4.100 feet); thence along the arc of said curve 4.202 feet through a central angle of $43^{\circ}46'14''$; thence South $46^{\circ}21'40''$ West 4.502 feet to a point on a 4.500 foot radius tangent curve to the left, (radius bears South $43^{\circ}38'20''$ East, Chord: South $42^{\circ}52'13''$ West 0.548 feet); thence along the arc of said curve 0.548 feet through a central angle of $06^{\circ}58'55''$ to the point of beginning.

Property contains 0.045 acres, 1945 square feet.