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WHEN RECORDED, RETURN TO:

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

13795802
10/12/2021 11:00 AM \$40.00
Book - 11252 Pg - 3496-3503
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
VP DAYBREAK OPERATIONS LLC
11248 S KESTREL RISE ROAD
SUITE 201
SOUTH JORDAN UT 84009
BY: DNA, DEPUTY - WI 8 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 11A PLAT 7)**

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 11A PLAT 7) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this 12 day of October, 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 11A PLAT 7 AMENDING 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**"). Devco 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 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 the 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]

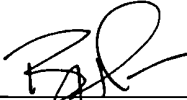
IN WITNESS WHEREOF, as of this October 22, 2021, Founder has executed this Supplement, and Devco has consented to the same.

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

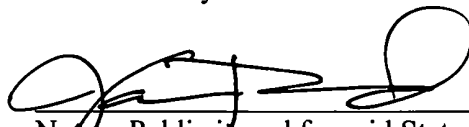
ACKNOWLEDGMENT

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

On August 2, 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

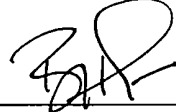
[SEAL]

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

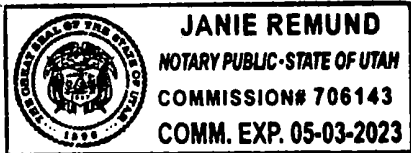
By: 
Brad Holmes, President

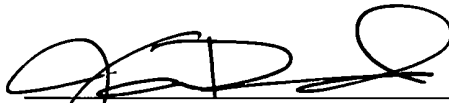
ACKNOWLEDGMENT

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

On August 2, 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: 05-03-2023

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 11A PLAT 7 AMENDING LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on October 17, 2021, as Entry No. 12793800, Book 11252, at Page 3490 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Being a portion of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision according to the official plat thereof, recorded as Entry No. 12571292 in Book 2017P at Page 176 in the Office of the Salt Lake County Recorder more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of Skip Rock Road and the Westerly right-of-way line of Silver Pond Drive, said point lies South 89°56'37" East 2545.826 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 486.486 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Skip Rock Road North 74°51'14" West 244.003 feet; thence North 15°08'46" East 399.206 feet to a Southwesterly Corner of Daybreak Village 11A Plat 5 subdivision; thence along said Daybreak Village 11A Plat 5 South 74°37'00" East 244.005 feet to said Westerly right-of-way line of Silver Pond Drive; thence along said Silver Pond Drive South 15°08'46" West 398.196 feet to the point of beginning.

Property contains 2.233 acres.

Also and together with the following described tract of land:

Beginning at a point on the Northerly right-of-way line of Skip Rock Road, said point being a point on a 473.000 foot radius non tangent curve to the right, (radius bears North 13°04'11" East, Chord: North 75°53'32" West 17.141 feet), said point lies South 89°56'37" East 2898.228 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 391.766 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Skip Rock Road the following (2) courses: 1) along the arc of said curve 17.142 feet through a central angle of 02°04'35"; 2) North 74°51'14" West 287.861 feet to the Easterly right-of-way of Silver Pond Drive; thence along said Silver Pond Drive North 15°08'46" East 366.392 feet to a Southwest Corner of Daybreak Village 11A Plat 5 subdivision; thence along said Daybreak Village 11A Plat 5, extending along Daybreak Village 11A Plat 6 subdivision South 71°45'46" East 337.488 feet; thence along said Daybreak Village 11A Plat 6 the following (4) courses: 1) South

15°08'46" West 70.102 feet; 2) North 71°45'46" West 29.127 feet; 3) South 18°14'14" West 54.000 feet; 4) South 15°08'46" West 225.431 feet to the point of beginning.

Property contains 2.561 acres.

Also and together with the following described tract of land:

Beginning at the intersection of the North right-of-way line of 11800 South Street and the Westerly right-of-way line of Silver Pond Drive, said point lies South 89°56'37" East 2459.877 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 48.075 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said 11800 South Street North 89°49'44" West 238.001 feet; thence North 174.712 feet; thence North 15°08'46" East 284.413 feet to the Southerly right-of-way of Skip Rock Road; thence along said Skip Rock Road South 74°51'14" East 244.003 feet to the Westerly right-of-way of Silver Pond Drive; thence along said Silver Pond Drive the following (2) courses: 1) South 15°08'46" West 274.948 feet; 2) South 120.805 feet to the point of beginning.

Property contains 2.374 acres.

Also and together with the following described tract of land:

Beginning at the intersection of the North right-of-way line of 11800 South Street and the Westerly right-of-way line of Watercourse Road, said point also being a Southwest Corner of Daybreak Village 11A Plat 6 subdivision, said point lies South 89°56'37" East 3087.886 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 46.741 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said 11800 South Street the following (2) courses: 1) North 89°49'08" West 443.830 feet; 2) North 89°49'44" West 116.182 feet to the Easterly right-of-way of Silver Pond Drive; thence along said Silver Pond Drive the following (2) courses: 1) North 142.586 feet; 2) North 15°08'46" East 236.353 feet to the Southerly right-of-way line of Skip Rock Road; thence along said Skip Rock Road the following (3) courses: 1) South 74°51'14" East 287.861 feet to a point on a 527.000 foot radius tangent curve to the left, (radius bears North 15°08'46" East, Chord: South 80°53'18" East 110.802 feet); 2) along the arc of said curve 111.007 feet through a central angle of 12°04'08"; 3) South 86°55'22" East 15.724 feet to a Northwest Corner of said Daybreak Village 11A Plat 6; thence along said Daybreak Village 11A Plat 6 the following (7) courses: 1) South 03°04'38" West 70.000 feet; 2) South 86°55'22" East 11.208 feet; 3) South 03°04'38" West 39.993 feet; 4) South 83.049 feet; 5) South 77°31'06" East 29.525 feet; 6) East 61.173 feet; 7) South 79.009 feet to the point of beginning.

Property contains 3.500 acres.

Also and together with the following described tract of land:

Beginning at the intersection of the North right-of-way line of 11800 South Street and the Easterly right-of-way line of Watercourse Road, said point also being a Southeast Corner of Daybreak Village 11A Plat 6 subdivision, said point lies South 89°56'37" East 3141.886 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 46.624 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 11A Plat 6 the following (3) courses: 1) North 102.205 feet; 2) East 90.000 feet; 3) North 166.072 feet to a point on a 527.000 foot radius non tangent curve to the left, (radius bears North 02°01'52" West, Chord: North 86°49'45" East 20.960 feet) to the Southerly right-of-way line of Skip Rock Road; thence along said Skip Rock Road the following (2) courses: 1) along the arc of said curve 20.962 feet through a central angle of 02°16'44"; 2) North 85°41'23" East 645.899 feet to the West right-of-way line of Flying Fish Drive; thence along said Flying Fish Drive the following (2) courses: 1) South 66.474 feet; 2) South 02°03'05" West 254.027 feet to said North right-of-way line of 11800 South Street; thence along said 11800 South Street North 89°49'08" West 745.910 feet to the point of beginning.

Property contains 4.677 acres.