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 6/18/2010 1:19:00 PM \$30.00  
 Book - 9833 Pg - 9547-9552  
 Gary W. Ott  
 Recorder, Salt Lake County, UT  
 FIRST AMERICAN TITLE  
 BY: eCASH, DEPUTY - EF 6 P.

**When Recorded, Return to:**

Kennecott Land Company  
 Attn: Senior Associate, Contracts and Risk  
 4700 West Daybreak Parkway  
 South Jordan, UT 84095

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK****AND**

**SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
 RESTRICTIONS FOR GARDEN PARK VILLAGE,  
 SUBMITTING ADDITIONAL PROPERTY  
 (GARDEN PARK CONDOMINIUMS, PHASE 1)**

**AND****NOTICE OF REINVESTMENT FEE COVENANT**

**THIS SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GARDEN PARK VILLAGE, SUBMITTING ADDITIONAL PROPERTY (GARDEN PARK CONDOMINIUMS, PHASE 1) AND NOTICE OF TRANSFER FEE** (this "**Supplement**") is made this 16 day of June, 2010, by **KENNECOTT LAND COMPANY**, as founder 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**"), and as declarant ("**Declarant**") under that certain Declaration of Covenants, Conditions and Restrictions for Garden Park Village, recorded on October 16, 2009, as Entry No. 10818988, in Book 9771, beginning at Page 6207 (as amended and supplemented from time to time, the "**GP Master Declaration**"), and is consented to by Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**"), and **IVORY HOMES, LTD**, a Utah limited partnership ("**Ivory Homes**").

**RECITALS**

- A. Declarant executed and recorded the Covenant and the GP Master Declaration which documents collectively govern certain residential uses of a portion of the development commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. KLRDC has recorded that certain subdivision map entitled "GARDEN PARK CONDOMINIUMS, PHASE 1 Amending Parcels A and B of Kennecott Daybreak Village 4A Plat 3 Subdivision" (the "**Plat**"). It is anticipated that condominiums will be constructed on certain of the lots located within the Plat, which lots comprise a portion of the real property described on Exhibit A (the "**Property**").

- C. Declarant previously subjected the property to that certain Corrected Declaration of Condominium of Garden Park Condominiums, Phase 1, which was recorded on February 12, 2010, as Entry No. 10896618, in Book 9803, beginning at Page 6231.
- D. KLRDC is the owner of certain portions of the Property and Ivory Homes is the owner of certain other portions of the Property.
- E. Declarant desires to submit and subject the Property to the Covenant and the GP Master Declaration, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

- 1. **Definitions.** Unless otherwise defined herein, all capitalized terms used herein and not defined herein shall have the meanings ascribed to such terms in the GP Master Declaration.
- 2. **Submission of Property to GP Master Declaration and Covenant.** Pursuant to **Section 5.2** of the Covenant and **Section 14** of the GP Master Declaration, Declarant hereby submits and subjects the Property to the Covenant and the GP Master Declaration, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. KLRDC and Ivory Homes hereby consent to the submission and subjection of the Property to the Covenant and the GP Master Declaration. In addition, the Property shall be subject to the governance of the Garden Park Village Association, Inc., a Utah nonprofit corporation, as more particularly described in the GP Master Declaration.
- 3. **Notice of Reinvestment Fee Covenant and Assessments.** Notice is hereby given that the Covenant, Charter, and the Declaration provide, among other things, that certain assessments and fees will be charged against portions of the Property (and their respective owners), as further described in the Covenant, Charter, and Declaration, including an "Assessment Reserve", as more particularly defined and set forth in the Declaration, and a "Community Enhancement Fee", as more particularly defined and set forth in the Covenant and the Declaration. The Community Enhancement Fee is a "reinvestment fee covenant" under Utah law, and pursuant to Utah law, a separate Notice of Reinvestment Fee Covenant dated June 16, 2010 has been recorded against the Property.
- 4. **Full Force and Effect.** The Covenant and the GP Master Declaration, as supplemented hereby, remain in full force and effect.
- 5. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Next Page]

IN WITNESS WHEREOF, Declarant has executed this Supplement, and KLRDC and Ivory homes have consented to the same, as of the date first written above.


**Declarant:**

**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By   
Name Ty McCutcheon  
Title Vice President Daybreak


**KLRDC:**

**KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY,**  
a Delaware corporation

By   
Name Ty McCutcheon  
Title Vice President Daybreak

**Ivory Homes:**

**IVORY HOMES, LTD,**  
a Utah limited partnership

By   
Name CLARK D. IVORY  
Title CEO

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

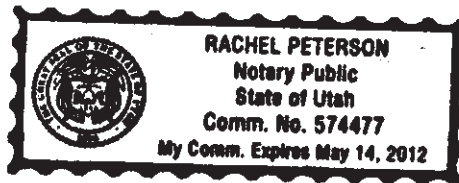
On June 16, 2010, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President of **KENNECOTT LAND COMPANY**, a Delaware corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]



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

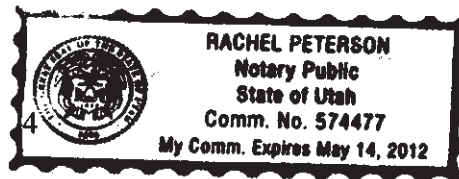
On June 16, 2010, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.

Rachel Peterson  
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]



STATE OF UTAH

)  
) SS.

COUNTY OF SALT LAKE

)

On 16 June, 2010, personally appeared before me, a Notary Public,  
Clark Ivory, the CEO of **IVORY HOMES, LTD**, a  
Utah limited partnership, 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 **IVORY HOMES, LTD**, a Utah limited partnership.

WITNESS my hand and official Seal.



A handwritten signature in black ink, appearing to be 'B.P.' with a long horizontal stroke extending to the right.

Notary Public in and for said State

My commission expires: 01-30-2012

[SEAL]

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on and subdivided by the plat entitled "GARDEN PARK CONDOMINIUMS, PHASE 1 Amending Parcels A and B of Kennecott Daybreak Village 4A Plat 3 Subdivision" recorded on January 8, 2010, as Entry No. 10875801, Book 2010P, at Page 6 of the Official Records of Salt Lake County, Utah.

#### TAX PARCEL NOS.:

27-19-102-001-0000  
27-19-102-002-0000  
27-19-102-003-0000  
27-19-102-004-0000  
27-19-102-005-0000  
27-19-102-006-0000  
27-19-102-007-0000  
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