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Book - 9459 Pg - 4883-4892
Gary W. Ott
Recorder, Salt Lake County, UT
TALON GROUP
BY: eCASH, DEPUTY - EF 10 P.

WHEN RECORDED, RETURN TO:

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

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and**

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(ALPHA PARCELS LESS AND EXCEPTED FROM KENNECOTT DAYBREAK PLAT
7 SUBDIVISION)
and**

**NOTICE OF TRANSFER FEE
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 (ALPHA PARCELS LESS AND EXCEPTED
FROM KENNECOTT DAYBREAK PLAT 7 SUBDIVISION) AND NOTICE OF
TRANSFER FEE AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA
NO. 1** (this "Supplement") is made this May 1, 2007, 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**").

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 "KENNECOTT DAYBREAK PLAT 7 SUBDIVISION AMENDING LOTS OS2 & V1 OF THE KENNECOTT MASTER SUBDIVISION #1 AND ADDING A PORTION OF QUITCLAIM DEED BOOK 9277 PAGE 2603 THRU

TALON GROUP
4659807

2605" (the "**Plat**") which less and excepts the real property more particularly described on Exhibit A attached hereto (the "**Property**"). KLRDC 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 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 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 consents 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 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 Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

[Signatures on Next Page]

IN WITNESS WHEREOF, as of this May 1, 2007, Founder has executed this Supplement, and KLRDC has 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

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

On May 1, 2007, personally appeared before me, a Notary Public, M. Bruce Snyder, the VP Residential & Commercial 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

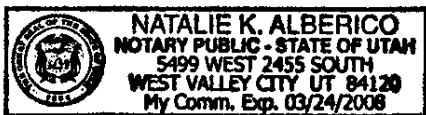
My commission expires: _____

[SEAL]

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

On May 1, 2007, personally appeared before me, a Notary Public, M. Bruce Snyder, the VP Residential & Commercial of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 RESIDENTIAL DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.



Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described below less and excepted from the "Kennecott Daybreak Plat 7 Subdivision Amending lots OS2 & V1 of the Kennecott Master Subdivision #1 and adding a portion of Quitclaim Deed Book 9277 Page 2603 thru 2605," recorded on October 9, 2006, as Entry No. 9869942, Book 2006P, at Page 294 of the Official Records of Salt Lake County.

PARCEL A

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2989.715 feet; thence South 89°52'45" West perpendicular to said section line for 3276.350 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 74.746 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 74.746 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 5,157 sq. ft. or 0.1184 acres

PARCEL B

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2914.969 feet; thence South 89°52'45" West perpendicular to said section line for 3276.507 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 65.500 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 65.500 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 4,520 sq. ft. or 0.1038 acres

PARCEL C

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2849.469 feet; thence South 89°52'45" West perpendicular to said section line for 3276.645 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 74.750 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 74.750 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 5,158 sq. ft. or 0.1184 acres

PARCEL D

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2849.694 feet; thence South 89°52'45" West perpendicular to said section line for 3383.645 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 74.750 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 74.750 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 5,158 sq. ft. or 0.1184 acres

PARCEL E

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2915.194 feet; thence South 89°52'45" West perpendicular to said section line for 3383.507 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 65.500 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 65.500 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 4,520 sq. ft. or 0.1038 acres

PARCEL F

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2989.940 feet; thence South 89°52'45" West perpendicular to said section line for 3383.350 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 74.746 feet; thence North 90°00'00" West for 69.000 feet; thence North 00°00'00" East for 74.746 feet; thence North 90°00'00" East for 69.000 feet to the POINT OF BEGINNING.

Containing 5,157 sq. ft. or 0.1184 acres

PARCEL G

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2104.505 feet; thence South 89°52'45" West perpendicular to said section line for 3624.215 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 86.945 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 86.945 feet to the POINT OF BEGINNING.

Containing 7,390 sq. ft. or 0.1697 acres

PARCEL H

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2013.033 feet; thence South 89°52'45" West perpendicular to said section line for 3624.408 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 91.472 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL I

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1921.561 feet; thence South 89°52'45" West perpendicular to said section line for 3624.600 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 91.472 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL J

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1831.450 feet; thence South 89°52'45" West perpendicular to said section line for 3624.790 feet to the POINT OF BEGINNING; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 90.111 feet; thence North 90°00'00" East for 85.000 feet; thence South 00°00'00" West for 90.111 feet to the POINT OF BEGINNING.

Containing 7,659 sq. ft. or 0.1758 acres

PARCEL K

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1831.416 feet; thence South 89°52'45" West perpendicular to said section line for 3608.790 feet to the POINT OF BEGINNING; thence

South 00°00'00" West for 100.000 feet; thence North 90°00'00" West for 101.000 feet; thence North 00°00'00" East for 100.000 feet; thence North 90°00'00" East for 101.000 feet to the POINT OF BEGINNING.

Containing 10,100 sq. ft. or 0.2319 acres

PARCEL L

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1830.370 feet; thence South 89°52'45" West perpendicular to said section line for 3112.045 feet to the POINT OF BEGINNING; thence with a non-tangent curve to the left having a radius of 1482.000 feet, whose center bears North 87°13'05" East, with a central angle of 03°23'37" (chord bearing and distance of South 04°28'43" East – 87.766 feet) for an arc distance of 87.778 feet; thence South 82°42'12" West for 81.155 feet; thence with a curve to the right having a radius of 271.000 feet, with a central angle of 05°57'39" (chord bearing and distance of South 85°41'02" West – 28.181 feet) for an arc distance of 28.194 feet; thence North 00°00'00" East for 99.926 feet; thence North 90°00'00" East for 101.746 feet to the POINT OF BEGINNING.

Containing 9,906 sq. ft. or 0.2274 acres

PARCEL M

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1920.484 feet; thence South 89°52'45" West perpendicular to said section line for 3113.602 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 18.184 feet; thence with a curve to the left having a radius of 1482.000 feet, with a central angle of 02°46'55" (chord bearing and distance of South 01°23'27" East – 71.950 feet) for an arc distance of 71.957 feet; thence South 90°00'00" West for 86.746 feet; thence North 00°00'00" East for 90.111 feet; thence North 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,701 sq. ft. or 0.1768 acres

PARCEL N

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2011.956 feet; thence South 89°52'45" West perpendicular to said section line for 3113.409 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 91.472 feet; thence South 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence South 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL O

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2103.429 feet; thence South 89°52'45" West perpendicular to said section line for 3113.216 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 91.472 feet; thence North 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 91.472 feet; thence North 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,775 sq. ft. or 0.1785 acres

PARCEL P

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 2190.373 feet; thence South 89°52'45" West perpendicular to said section line for 3113.033 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 86.945 feet; thence South 90°00'00" West for 85.000 feet; thence North 00°00'00" East for 86.945 feet; thence South 90°00'00" East for 85.000 feet to the POINT OF BEGINNING.

Containing 7,390 sq. ft. or 0.1697 acres

PARCEL Q

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the Southeast corner and the Northeast Corner of said Section 18) and running thence North 00°07'15" West along the east line of Section 18 for 1327.815 feet; thence South 89°52'45" West perpendicular to said section line for 2842.114 feet to the POINT OF BEGINNING; thence South 61°02'52" West for 79.603 feet; thence with a non-tangent curve to the right having a radius of 1418.000 feet, whose center bears North 64°24'41" East, with a central angle of 03°02'30" (chord bearing and distance of North 24°04'04" West – 75.269 feet) for an arc distance of 75.278 feet; thence North 61°02'52" East for 73.194 feet; thence South 28°57'08" East for 75.000 feet to the POINT OF BEGINNING.

Containing 5,755 sq. ft. or 0.1321 acres

PARCEL R

Commencing at the Southeast corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, (Basis of Bearing is North 00°07'15" West – 5292.036 feet between the

Southeast corner and the Northeast Corner of said Section 18) and running thence North $00^{\circ}07'15''$ West along the east line of Section 18 for 1595.492 feet; thence South $89^{\circ}52'45''$ West perpendicular to said section line for 2355.846 feet to the POINT OF BEGINNING; thence South $61^{\circ}02'52''$ West for 74.991 feet; thence North $28^{\circ}57'08''$ West for 75.000 feet; thence North $61^{\circ}02'52''$ East for 79.321 feet; thence with a non-tangent curve to the left having a radius of 600.000 feet, whose center bears North $67^{\circ}56'28''$ East, with a central angle of $07^{\circ}10'43''$ (chord bearing and distance of South $25^{\circ}38'54''$ East – 75.125 feet) for an arc distance of 75.174 feet to the POINT OF BEGINNING.

Containing 5,728 sq. ft. or 0.1315 acres

PART OF TAX PARCEL NOS. 26-13-100-005-4001, 27-18-251-008-0000, 27-18-400-005-0000