

6-93
WHEN RECORDED, RETURN TO:

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

13216382
03/13/2020 01:48 PM \$186.00
Book - 10909 Pg - 6545-6550
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: BRH, DEPUTY - WI 6 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK LAKE ISLAND PLAT 3)**

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 LAKE ISLAND PLAT 3) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “**Supplement**”) is made this October 19, 2018, 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, 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 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**”).

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 that certain subdivision map entitled “DAYBREAK LAKE ISLAND PLAT 3 AMENDING LOT A-6 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT” (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 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.
- 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]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK LAKE ISLAND PLAT 3 AMENDING LOT A-6 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT", recorded on MARCH 13, 2020, as Entry No. 13216380, Book 2020 P, at Page 54 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a point on the Easterly line of Lot A-6 of the Kennecott Daybreak Oquirrh Lake Plat, also being a Southeasterly corner of the Daybreak Lake Island Plat 1 Amending Lots A-4 & A-6 of the Kennecott Daybreak Oquirrh Lake Plat, also being on a 79.360 foot radius non tangent curve to the right, (radius bears South 42°56'25" West) said point lies North 89°57'12" East 1404.967 feet along the Section Line and South 4807.048 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along the boundary of said Lot A-6 the following (32) courses: 1) thence along the arc of said curve 49.800 feet through a central angle of 35°57'15"; 2) South 11°06'20" East 35.618 feet; 3) South 08°41'16" East 51.643 feet to a point on a 184.886 foot radius tangent curve to the left, (radius bears North 81°18'44" East); 4) along the arc of said curve 37.669 feet through a central angle of 11°40'24"; 5) South 20°21'40" East 33.204 feet; 6) South 23°26'15" East 23.353 feet to a point on a 341.284 foot radius non tangent curve to the left, (radius bears North 58°01'32" East); 7) along the arc of said curve 252.182 feet through a central angle of 42°20'14"; 8) South 74°18'42" East 44.117 feet to a point on a 154.654 foot radius tangent curve to the right, (radius bears South 15°41'18" West); 9) along the arc of said curve 112.801 feet through a central angle of 41°47'25"; 10) South 32°31'17" East 86.560 feet to a point on a 637.401 foot radius tangent curve to the left, (radius bears North 57°28'43" East); 11) along the arc of said curve 86.475 feet through a central angle of 07°46'24"; 12) South 40°17'40" East 20.044 feet to a point on a 172.731 foot radius tangent curve to the left, (radius bears North 49°42'20" East); 13) along the arc of said curve 60.393 feet through a central angle of 20°01'58"; 14) South 60°19'38" East 54.487 feet; 15) South 63°56'30" East 33.835 feet to a point on a 57.714 foot radius non tangent curve to the left, (radius bears South 04°23'18" West); 16) along the arc of said curve 199.169 feet through a central angle of 197°43'28" to a point of reverse curvature with a 111.087 foot radius non tangent curve to the right, (radius bears North 37°28'20" West); 17) along the arc of said curve 18.159 feet through a central angle of 09°21'58" to a point of reverse curvature with a 169.788 foot radius non tangent curve to the left, (radius bears South 24°21'58" East); 18) along the arc of said curve 77.910 feet through a central angle of 26°17'28" to a point of compound curvature with a 282.084 foot radius non tangent curve to the left, (radius bears South 58°51'25" East); 19) along the arc of said curve 168.853 feet through a central angle of 34°17'48" to a point of reverse curvature with a 114.338 foot radius non tangent curve to the right, (radius bears

South 83°27'17" West); 20) along the arc of said curve 89.556 feet through a central angle of 44°52'37"; 21) South 38°19'55" West 39.179 feet to a point on a 92.109 foot radius tangent curve to the right, (radius bears North 51°40'05" West); 22) along the arc of said curve 52.825 feet through a central angle of 32°51'34"; 23) South 75°08'47" West 145.581 feet to a point on a 236.506 foot radius non tangent curve to the left, (radius bears South 30°34'32" East); 24) along the arc of said curve 183.007 feet through a central angle of 44°20'06" to a point of reverse curvature with a 82.691 foot radius non tangent curve to the right, (radius bears North 59°13'33" West); 25) along the arc of said curve 139.570 feet through a central angle of 96°42'25"; 26) North 60°10'38" West 71.205 feet to a point on a 753.911 foot radius non tangent curve to the left, (radius bears South 26°21'18" West); 27) along the arc of said curve 163.379 feet through a central angle of 12°24'59" to a point of reverse curvature with a 262.958 foot radius tangent curve to the right, (radius bears North 13°56'18" East); 28) along the arc of said curve 261.711 feet through a central angle of 57°01'27"; 29) North 19°02'14" West 32.928 feet to a point on a 266.979 foot radius tangent curve to the left, (radius bears South 70°57'46" West); 30) along the arc of said curve 146.256 feet through a central angle of 31°23'16"; 31) North 50°25'30" West 43.890 feet to a point on a 187.597 foot radius tangent curve to the left, (radius bears South 39°34'30" West); 32) along the arc of said curve 68.893 feet through a central angle of 21°02'28" to a point of reverse curvature with a 210.945 foot radius non tangent curve to the right, (radius bears North 32°38'50" East) to a Southeasterly Corner of Daybreak Lake Island Plat 2; thence along said Daybreak Lake Island Plat 2 the following (12) courses: 1) along the arc of said curve 82.610 feet through a central angle of 22°26'17"; 2) North 41°28'48" East 170.886 feet; 3) North 48°31'12" West 34.000 feet; 4) North 31°19'33" East 55.834 feet; 5) North 41°28'48" East 50.041 feet; 6) South 48°31'12" East 35.682 feet; 7) North 41°28'48" East 56.000 feet; 8) North 48°31'12" West 6.000 feet; 9) North 41°28'48" East 232.000 feet; 10) South 48°31'12" East 6.000 feet; 11) North 41°28'48" East 56.000 feet; 12) North 48°31'12" West 115.868 feet to a point on the Southeasterly Line of the Daybreak Lake Island Plat 1 and a point on a 729.000 foot radius non tangent curve to the left, (radius bears North 39°47'14" West); thence along said Daybreak Lake Island Plat 1 the following (2) courses: 1) along the arc of said curve 107.457 feet through a central angle of 08°26'44"; 2) North 41°46'02" East 282.352 feet to the point of beginning.

Less and excepting Lot C-102 of the Daybreak Lake Island Plat 2.

Property contains 20.313 acres.