

WHEN RECORDED, RETURN TO:

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

13349097
08/03/2020 04:38 PM \$178.00
Book - 10992 Pg - 1169-1174
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAFTER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: TCA, DEPUTY - WI 6 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 8 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 8 PLAT 7) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this October 8, 2019, 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 VILLAGE 8 PLAT 7 SUBDIVISION AMENDING LOT Z105 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 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]

IN WITNESS WHEREOF, as of this OCTOBER 8, 2019, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

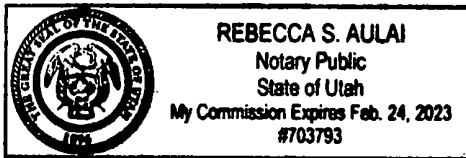
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon, President & CEO


ACKNOWLEDGMENT

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

On October 8th, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project 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: 2/24/23

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 7 SUBDIVISION AMENDING LOT Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on August 3, 2020, as Entry No. 13349095, Book 2020P, at Page 183 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Daybreak Village 8 Plat 7

Beginning at the Northwest Corner of the Daybreak Village 8 Plat 6 Subdivision, said point also being a point on a 518.500 foot radius curve to the left, (radius bears North 84°27'10" East, Chord: South 08°33'50" East 54.570 feet), said point lies South 89°58'56" East 6009.817 feet along the Daybreak Baseline North (being South 89°58'56" East 21219.493 feet between the Northwest Corner of Section 15, T3S, R2W and the Northeast Corner of Section 18, T3S, R1W) and South 5305.672, said point also being North 89°58'44" East 705.394 feet along the Section Line from the Southwest Corner of Section 14, T3S, R2W and running thence along said Daybreak Village 8 Plat 6 Subdivision the following (23) courses: 1) along the arc of said curve 54.595 feet through a central angle of 06°01'59"; 2) South 11°34'49" East 116.975 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears North 78°25'11" East, Chord: South 34°04'49" East 4.210 feet); 3) along the arc of said curve 4.320 feet through a central angle of 45°00'00"; 4) South 56°34'49" East 7.172 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears South 33°25'11" West, Chord: South 34°04'49" East 3.444 feet); 5) along the arc of said curve 3.534 feet through a central angle of 45°00'00"; 6) South 11°34'49" East 10.000 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South 78°25'11" West, Chord: South 33°25'11" West 35.355 feet); 7) along the arc of said curve 39.270 feet through a central angle of 90°00'00"; 8) South 78°25'11" West 19.578 feet; 9) South 11°34'49" East 81.346 feet; 10) South 38°00'00" East 19.000 feet to a point on a 25.000 foot radius non tangent curve to the right, (radius bears South 38°00'00" East, Chord: South 69°47'24" East 42.499 feet); 11) along the arc of said curve 50.798 feet through a central angle of 116°25'11"; 12) South 11°34'49" East 5.241 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears South 78°25'11" West, Chord: South 10°55'11" West 3.444 feet); 13) along the arc of said curve 3.534 feet through a central angle of 45°00'00"; 14) South 33°25'11" West 7.172 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears South 56°34'49" East, Chord: South 10°55'11" West 4.210 feet); 15) along the arc of said curve 4.320 feet through a central angle of 45°00'00"; 16) South 11°34'49" East 457.441 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears North 78°25'11" East, Chord: South 34°04'49" East 4.210 feet); 17) along the arc of said curve 4.320 feet through a central angle of

45°00'00"; 18) South 56°34'49" East 4.343 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears South 33°25'11" West, Chord: South 34°04'49" East 3.444 feet); 19) along the arc of said curve 3.534 feet through a central angle of 45°00'00"; 20) South 11°34'49" East 5.000 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South 78°25'11" West, Chord: South 37°57'36" West 38.043 feet); 21) along the arc of said curve 43.232 feet through a central angle of 99°04'49"; 22) South 02°30'00" East 42.500 feet; 23) South 87°30'00" West 748.128 feet and extended along Lot C-101 of the Daybreak Village 8, Village 9 & Village 13 School Sites subdivision; thence along said Lot C-101 South 00°05'03" East 729.648 feet to a Northerly line of Daybreak Village 8 Plat 5A Subdivision; thence along said Daybreak Village 8 Plat 5A Subdivision the following (26) courses: 1) South 89°54'57" West 54.000 feet; 2) South 00°05'03" East 5.281 feet; 3) South 87°30'00" West 106.402 feet; 4) North 79.790 feet; 5) North 18°26'06" West 95.915 feet; 6) North 422.808 feet; 7) North 18°26'06" East 93.715 feet; 8) North 00°05'03" West 59.000 feet; 9) East 3.577 feet; 10) North 00°05'03" West 119.912 feet; 11) North 18°26'06" West 93.196 feet; 12) North 92.701 feet to a point on a 22.000 foot radius non tangent curve to the right, (radius bears East, Chord: North 27°42'02" East 20.453 feet); 13) along the arc of said curve 21.273 feet through a central angle of 55°24'04" to a point of reverse curvature with a 46.000 foot radius tangent curve to the left, (radius bears North 34°35'56" West, Chord: North 27°42'02" East 42.766 feet); 14) along the arc of said curve 44.479 feet through a central angle of 55°24'04"; 15) North 167.013 feet; 16) East 39.644 feet; 17) North 22°00'00" East 116.000 feet; 18) South 68°00'00" East 55.838 feet to a point on a 273.000 foot radius tangent curve to the right, (radius bears South 22°00'00" West, Chord: South 61°44'31" East 59.517 feet); 19) along the arc of said curve 59.635 feet through a central angle of 12°30'57"; 20) North 34°30'57" East 37.500 feet to a point on a 310.500 foot radius non tangent curve to the left, (radius bears South 34°30'57" West, Chord: North 56°15'00" West 8.301 feet); 21) along the arc of said curve 8.301 feet through a central angle of 01°31'54"; 22) North 22°00'00" East 53.197 feet; 23) North 37.500 feet; 24) West 8.726 feet to a point on a 173.000 foot radius non tangent curve to the right, (radius bears North, Chord: North 77°33'59" West 74.497 feet); 25) along the arc of said curve 75.085 feet through a central angle of 24°52'02"; 26) North 65°07'58" West 131.760 feet; thence North 24°52'02" East 110.992 feet; thence North 00°00'59" West 37.851 feet to a Northerly line of Lot Z105 of the VP Daybreak Operations-Investments Plat 1; thence along said Lot Z105 North 89°58'44" East 688.890 feet to the point of beginning.

Property contains 19.681 acres.