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RASHELLE HOBBS
Recorder, Salt Lake County, UT
MERIDIAN TITLE
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED, RETURN TO:
VP Daybreak Operations LLC
Attention: Matt Dean
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009

**SECOND DECLARATION OF ANNEXATION
FOR THE SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
ESTABLISHING AND/OR EXPANDING SERVICE AREA
(A PORTION OF DAYBREAK VILLAGE 8 PLAT 3)**

THIS SECOND DECLARATION OF ANNEXATION FOR THE SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK ESTABLISHING AND/OR EXPANDING SERVICE AREA (A PORTION OF DAYBREAK VILLAGE 8 PLAT 3) is made and executed by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, as successor-in-interest to KENNECOTT LAND COMPANY, a Delaware corporation ("*Founder*"), and Chocolate Daybreak Towns, LLC, a Utah limited liability company ("*Builder*").

RECITALS

- A. WHEREAS, certain real property in Salt Lake County, Utah, known as Chocolate Daybreak Village 8 Towns (the "*Service Area*") was subjected to covenants, conditions, and restrictions through the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3), recorded on September 30, 2019 in Book No. 10838, Pages 2637-2663, as Entry No. 13086332, in the Office of the County Recorder, Salt Lake County, Utah (the "*Supplement*");
- B. WHEREAS, the Supplement was made pursuant to the Community Charter for Daybreak recorded in Book No. 8950, Page No. 7784-7908, as Entry No. 8989518, in the Office of the County Recorder, Salt Lake County, Utah, as subsequently amended and supplemented from time to time (the "*Charter*");
- C. WHEREAS, the Founder expressly reserved the right, under Sections 3.4 and 20.2 of the Charter, to unilaterally amend the Supplement to change the Service Area boundaries during the Sale and Development Period;
- D. WHEREAS, additional land was added to the Service Area through the Declaration of Annexation for the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3), recorded on September 9, 2020 in Book No. 11014, Pages 3969-3976, as Entry No. 13386515, in the Office of the County Recorder, Salt Lake County, Utah (the "*First Declaration of Annexation*").
- E. WHEREAS, Builder owns the property described more fully in Exhibit A of this Declaration of Annexation (the "*Property*") that was not originally subjected to the Supplement;

F. WHEREAS, Founder, with the consent of Builder, desires to subject the Property to the Supplement.

NOW THEREFORE, for the reasons recited above, the Founder hereby executes this Second Declaration of Annexation for the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3) as follows:

1. All defined terms as used in this Second Declaration of Annexation shall have the same meaning as those set forth and defined in the Supplement and the First Declaration of Annexation.
2. The Property is hereby submitted to the provisions of the Supplement and, pursuant thereto, is hereby annexed in to the Association and is to be held, transferred, sold, conveyed, and occupied as Units subject to the Supplement and as a part of the Association.
3. The covenants, conditions, restrictions, easements, and limitations of the Supplement shall run with the Property and shall be binding on and burden all parties having or acquiring any right, title, or interest to the Property, or any part thereof, and shall inure to the benefit of each Owner in the Service Area, and are imposed upon said Property and every party thereof.
4. Except as amended by the provisions of this Second Declaration of Annexation, the Supplement as previously amended and supplemented shall remain unchanged and, together with this Second Declaration of Annexation, shall constitute the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3). This Second Declaration of Annexation does not affect the Association's right to amend or replace the Supplement or the binding effect of the Supplement as amended or replaced from time to time on the Unit and Owner.
5. This Second Declaration of Annexation shall be recorded in the Salt Lake County Recorder's Office.

[Signatures on following pages]


IN WITNESS WHEREOF, Founder has caused this Second Declaration of Annexation to be executed and Builder and the Association hereby agree with and have consented to the same as of this 3rd day of FEBRUARY 2021.

Founder: **VP DAYBREAK OPERATIONS, LLC,**
a Delaware limited liability company

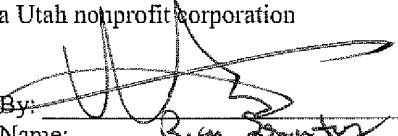
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Name: Ty McCutcheon
Its: President & CEO

Builder: **CHOCOLATE DAYBREAK TOWNS, LLC,**
a Utah limited liability company

By: 
Name: Tony Oviatt
Its: V.P. Operations

Association: **DAYBREAK COMMUNITY ASSOCIATION, INC.,**
a Utah nonprofit corporation

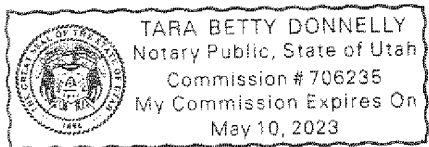
By: 
Name: Rick Swartz
Its: Resident

ACKNOWLEDGMENTS

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On February 3, 2021, personally appeared before me, a Notary Public, T. McCutcheon, the President and CEO of Daybreak Communities LLC, a Delaware limited liability company, 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.



Tara Betty Donnelly
Notary Public
My commission expires: 5-10-23

[SEAL]

- CONTINUED ON NEXT PAGE -

STATE OF UT)
) ss.
COUNTY OF Salt Lake)

On 1/27/21, personally appeared before me, a Notary Public, Tony Oviatt, the V.P. Operations of Chocolate Daybreak Towns, LLC, a Utah 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 Chocolate Daybreak Towns, LLC, a Utah limited liability company.

WITNESS my hand and official Seal.



[Signature]
Notary Public
My commission expires: 9/22/23

[SEAL]

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On February 3 2021, personally appeared before me, a Notary Public, Rich Sonntag, the President of Daybreak Community Association, Inc., a Utah nonprofit corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that they executed the above instrument on behalf of Daybreak Community Association, Inc., a Utah nonprofit corporation.

WITNESS my hand and official Seal.



Tara Betty Donnelly
Notary Public
My commission expires: 5.10.23

[SEAL]

EXHIBIT A
LEGAL DESCRIPTION

That certain real property located in the City of South Jordan, Salt Lake County, Utah described as follows:

All Lots and common area depicted in DAYBREAK VILLAGE 8 PLAT 9 VACATING & AMENDING LOTS M-103 THROUGH M-110 OF THE DAYBREAK VILLAGE 8 PLAT 8, ALSO VACATING & AMENDING LOT M-101 OF THE DAYBREAK VILLAGE 8 PLAT 5A SUBDIVISION, according to the official plat thereof, on file and of record in the office of the Salt Lake County Recorder, State of Utah.

PARCEL NO 26222870200000	LOT P-172	6419 W SOUTH JORDAN PKWY
PARCEL NO 26222870210000	LOT 239	6413 W SOUTH JORDAN PKWY
PARCEL NO 26222870220000	LOT 240	6409 W SOUTH JORDAN PKWY
PARCEL NO 26231520060000	LOT 241	6403 W SOUTH JORDAN PKWY
PARCEL NO 26231520070000	LOT 242	6399 W SOUTH JORDAN PKWY
PARCEL NO 26222870230000	PRIVATE LANE #1	11325 S DAWNING LN
PARCEL NO 26231520100000	LOT 243	11312 S WILLOW WALK DR
PARCEL NO 26231520090000	LOT 244	11314 S WILLOW WALK DR
PARCEL NO 26231520080000	LOT 245	11316 S WILLOW WALK DR
PARCEL NO 26222870240000	LOT 246	11318 S WILLOW WALK DR
PARCEL NO 26231520110000	LOT P-173	11322 S WILLOW WALK DR
PARCEL NO 26231550150000	LOT P-174	11311 S WILLOW WALK DR
PARCEL NO 26231550180000	LOT 247	11319 S WILLOW WALK DR
PARCEL NO 26231550170000	LOT 248	11313 S WILLOW WALK DR
PARCEL NO 26231550160000	LOT 249	6373 W SOUTH JORDAN PKWY
PARCEL NO 26231550190000	LOT 250	6367 W SOUTH JORDAN PKWY
PARCEL NO 26231550200000	LOT 251	6361 W SOUTH JORDAN PKWY
PARCEL NO 26231550210000	LOT 252	6357 W SOUTH JORDAN PKWY
PARCEL NO 26231550220000	LOT 253	6353 W SOUTH JORDAN PKWY
PARCEL NO 26231630310000	LOT 254	6372 W SOUTH JORDAN PKWY
PARCEL NO 26231630320000	LOT 255	6366 W SOUTH JORDAN PKWY
PARCEL NO 26231630330000	LOT 256	6362 W SOUTH JORDAN PKWY
PARCEL NO 26231630340000	LOT 257	6358 W SOUTH JORDAN PKWY
PARCEL NO 26231630350000	LOT 258	6354 W SOUTH JORDAN PKWY
PARCEL NO 26231630360000	LOT 259	6348 W SOUTH JORDAN PKWY
PARCEL NO 26231630370000	LOT 260	6344 W SOUTH JORDAN PKWY
PARCEL NO 26231630380000	LOT 261	6338 W SOUTH JORDAN PKWY
PARCEL NO 26231630390000	LOT 262	6336 W SOUTH JORDAN PKWY
PARCEL NO 26231630400000	LOT 263	6332 W SOUTH JORDAN PKWY
PARCEL NO 26231630410000	LOT 264	6326 W SOUTH JORDAN PKWY
PARCEL NO 26231630420000	LOT 265	6322 W SOUTH JORDAN PKWY
PARCEL NO 26231630430000	LOT 266	6318 W SOUTH JORDAN PKWY
PARCEL NO 26231630440000	LOT 267	6314 W SOUTH JORDAN PKWY
PARCEL NO 26231630450000	LOT 268	6312 W SOUTH JORDAN PKWY

PARCEL NO 26231630520000	LOT P-175	6274 W SOUTH JORDAN PKWY
PARCEL NO 26231630530000	LOT 269	6268 W SOUTH JORDAN PKWY
PARCEL NO 26231630510000	LOT 270	11272 S HOLLY SPRINGS DR
PARCEL NO 26231630500000	LOT 271	11268 S HOLLY SPRINGS DR
PARCEL NO 26231630490000	LOT 272	11264 S HOLLY SPRINGS DR
PARCEL NO 26231630480000	LOT 273	11258 S HOLLY SPRINGS DR
PARCEL NO 26231630470000	LOT 274	11254 S HOLLY SPRINGS DR
PARCEL NO 26231630460000	LOT 275	11248 S HOLLY SPRINGS DR
PARCEL NO 26231650120000	LOT 276	6249 W MOON VALLEY DR
PARCEL NO 26231650130000	LOT 277	11253 S HOLLY SPRINGS DR
PARCEL NO 26231650140000	LOT 278	11257 S HOLLY SPRINGS DR
PARCEL NO 26231650150000	LOT 279	11259 S HOLLY SPRINGS DR
PARCEL NO 26231650160000	LOT 280	11263 S HOLLY SPRINGS DR
PARCEL NO 26231650170000	LOT 281	11267 S HOLLY SPRINGS DR
PARCEL NO 26231820190000	LOT P-176	6205 W SOUTH JORDAN PKWY
PARCEL NO 26231820200000	LOT 282	6203 W SOUTH JORDAN PKWY
PARCEL NO 26231820210000	LOT 283	6199 W SOUTH JORDAN PKWY
PARCEL NO 26231820220000	LOT 284	6197 W SOUTH JORDAN PKWY
PARCEL NO 26231820230000	LOT 285	6193 W SOUTH JORDAN PKWY
PARCEL NO 26231820240000	LOT 286	6191 W SOUTH JORDAN PKWY
PARCEL NO 26231820250000	LOT 287	6187 W SOUTH JORDAN PKWY
PARCEL NO 26231820260000	LOT P-177	11276 S OLD BRIDGE RD
PARCEL NO 26231650180000	LOT 288	6202 W SOUTH JORDAN PKWY
PARCEL NO 26231650190000	LOT 289	6198 W SOUTH JORDAN PKWY
PARCEL NO 26231650200000	LOT 290	6196 W SOUTH JORDAN PKWY
PARCEL NO 26231650210000	LOT 291	6192 W SOUTH JORDAN PKWY
PARCEL NO 26231900030000	LOT 292	11237 S OLD BRIDGE RD
PARCEL NO 26231900040000	LOT 293	6176 W SOUTH JORDAN PKWY
PARCEL NO 26231900050000	LOT 294	6172 W SOUTH JORDAN PKWY
PARCEL NO 26231900060000	LOT 295	6168 W SOUTH JORDAN PKWY
PARCEL NO 26231900070000	LOT 296	6166 W SOUTH JORDAN PKWY
PARCEL NO 26231900080000	LOT 297	6162 W SOUTH JORDAN PKWY
PARCEL NO 26231900090000	LOT 298	6158 W SOUTH JORDAN PKWY
PARCEL NO 26231900100000	LOT 299	6154 W SOUTH JORDAN PKWY
PARCEL NO 26231900110000	LOT 300	6152 W SOUTH JORDAN PKWY
PARCEL NO 26231900120000	LOT 301	6148 W SOUTH JORDAN PKWY
PARCEL NO 26231380030000	LOT 302	11203 S IVY GLENN WY
PARCEL NO 26231380040000	LOT 303	6134 W SOUTH JORDAN PKWY
PARCEL NO 26231380050000	LOT 304	6132 W SOUTH JORDAN PKWY
PARCEL NO 26231380060000	LOT 305	6128 W SOUTH JORDAN PKWY
PARCEL NO 26231380070000	LOT 306	6126 W SOUTH JORDAN PKWY
PARCEL NO 26231380130000	LOT 307	6118 W SOUTH JORDAN PKWY
PARCEL NO 26231380120000	LOT 308	11186 S KITTY HAWK RD
PARCEL NO 26231380110000	LOT 309	11182 S KITTY HAWK RD
PARCEL NO 26231380100000	LOT 310	11178 S KITTY HAWK RD
PARCEL NO 26231380090000	LOT 311	11176 S KITTY HAWK RD
PARCEL NO 26231380080000	LOT 312	11174 S KITTY HAWK RD