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RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
OLD REPUBLIC TITLE DRAPER/OREM  
898 NORTH 1200 WEST  
OREM UT 84057  
BY: TLP, DEPUTY - WI 7 P.

WHEN RECORDED, RETURN TO:

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

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 5 PLAT 14)**

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 5 PLAT 14) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “Supplement”)** is made this October 18, 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 VILLAGE 5 PLAT 14 SUBDIVISION AMENDING LOTS T3 & V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED ALSO AMENDING A PORTION OF DAYBREAK VILLAGE 5 PLAT 8 SUBDIVISION” (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 18, 2018, 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  
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On October 18, 2018, 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.



[SEAL]

Ty McCutcheon  
Notary Public in and for said State

My commission expires: June 13, 2021

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 5 PLAT 14 SUBDIVISION AMENDING LOTS T3 & V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED ALSO AMENDING A PORTION OF DAYBREAK VILLAGE 5 PLAT 8 SUBDIVISION", recorded on January 29, 2019, as Entry No. 12925776, Book 2019P, at Page 42 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

#### Boundary Description:

Beginning at a point on the Southwesterly Line of the Kennecott Daybreak Village 5 Plat 6 Subdivision, said point lies North 00°02'52" East 2473.790 feet along the Section Line and East 2289.620 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Southwesterly Line the following (3) courses: 1) South 41°54'50" East 182.687 feet to a point on a 469.000 foot radius tangent curve to the right, (radius bears South 48°05'10" West); 2) along the arc of said curve 43.920 feet through a central angle of 05°21'56"; 3) South 36°32'54" East 30.930 feet to a point on the Northwesterly Line of the Kennecott Daybreak Village 5 Plat 5 Subdivision; thence along said Kennecott Daybreak Village 5 Plat 5 Subdivision the following (3) courses: 1) South 43°29'09" West 248.420 feet to a point on a 172.000 foot radius tangent curve to the right, (radius bears North 46°30'51" West); 2) along the arc of said curve 29.917 feet through a central angle of 09°57'57"; 3) South 53°27'06" West 13.562 feet extending along the North Line of Daybreak Village 5 Multi Family #3; thence North 36°32'54" West 285.829 feet; thence North 48°05'10" East 100.220 feet; thence South 41°54'50" East 8.783 feet; thence North 48°05'10" East 169.000 feet to the point of beginning.

Property contains 1.760 acres.

Also and together with the following tract of land:

Beginning at the North Corner of Lot 885 of the Daybreak Village 5 Multi Family #3, said point lies North 00°02'52" East 1956.795 feet along the Section Line and East 2194.214 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 5 Multi Family #3 North 53°27'06" East 120.000 feet to a point on the Southwest Line of Kennecott Daybreak Village 5 Plat 5 Subdivision; thence along said Kennecott Daybreak Village 5 Plat 5 Subdivision South 36°32'54" East 254.795 feet to a Northeasterly Corner of said Daybreak Village 5 Multi Family #3; thence along said Daybreak Village 5 Multi Family #3 the following (4) courses: 1) South

50°02'47" West 100.177 feet; 2) North 36°32'54" West 210.745 feet; 3) South 53°27'06" West 20.000 feet; 4) North 36°32'54" West 50.000 feet to the point of beginning.

Property contains 0.615 acres.

Also and together with the following tract of land:

Beginning at a Easterly Corner of Daybreak Village 5 Multi Family #3, said point lies North 00°02'52" East 1706.224 feet along the Section Line and East 2417.718 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 5 Multi Family #3 and a Southwesterly Line of Kennecott Daybreak Village 5 Plat 5 Subdivision North 50°02'47" East 374.491 feet to a Southwesterly Corner of said Kennecott Daybreak Village 5 Plat 5 Subdivision; thence along said Kennecott Daybreak Village 5 Plat 5 Subdivision South 36°32'54" East 195.345 feet to North corner of Daybreak Village 5 Plat 8 Subdivision; thence along said Daybreak Village 5 Plat 8 Subdivision and said Daybreak Village 5 Multi Family #3 South 50°02'47" West 342.889 feet; thence along said Daybreak Village 5 Multi Family #3 the following (3) courses: 1) North 39°57'13" West 145.000 feet; 2) South 50°02'47" West 20.000 feet; 3) North 39°57'13" West 50.000 feet to the point of beginning.

Property contains 1.584 acres.

Also and together with the following tract of land:

Beginning at a Northerly Corner of Daybreak Village 5 Plat 12 Subdivision, said point being the West Corner of Lot 796 of said Daybreak Village 5 Plat 12 Subdivision, said point lies North 00°02'52" East 869.296 feet along the Section Line and East 2422.426 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 5 Plat 12 Subdivision North 36°32'54" West 411.902 feet to a Southerly Corner of Daybreak Village 5 Multi Family #3 ; thence along said Daybreak Village 5 Multi Family #3 the following (5) courses: 1) North 53°27'06" East 123.000 feet; 2) North 36°32'54" West 43.280 feet; 3) North 04°05'35" East 141.997 feet; 4) North 50°02'47" East 285.831 feet; 5) South 39°57'13" East 156.000 feet to a Southern Corner of said Daybreak Village 5 Multi Family #3 also being on the Southeasterly right-of-way of Arista Way; thence along said Arista Way North 50°02'47" East 359.557 feet to the North Corner of Lot M-101 of the Daybreak Village 5 Plat 8 Subdivision; thence along said Lot M-101 South 36°32'54" East 122.751 feet to the North Corner of Lot C-104 of said Daybreak Village 5 Plat 8 Subdivision; thence along said Lot C-104 the following (4) courses: 1) South 53°24'41" West 472.813 feet to a point on a 24.000 foot radius non tangent curve to the left, (radius bears South 32°56'42" East); 2) along the arc of said curve 39.225 feet through a central angle of 93°38'37"; 3) South 36°35'19" East 299.288 feet; 4) North 55°43'30" East 27.415 feet to a point on a Northerly Line of said Daybreak Village 5 Plat 12 Subdivision; thence along said Daybreak Village 5 Plat 12 Subdivision the following (7) courses: 1) South 53°27'06" West 119.282 feet; 2) North 36°32'54" West 11.000 feet; 3) South 53°27'06" West 56.000 feet; 4) South 36°32'54" East 11.000 feet; 5) South 53°27'06" West 100.000 feet; 6) North 36°32'54" West 1.891 feet; 7) South 53°27'06" West 123.000 feet to the point of beginning.

Property contains 5.986 acres.