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Book - 9459 Pg - 4902-4906
Gary W. Ott
Recorder, Salt Lake County, UT
TALON GROUP
BY: eCASH, DEPUTY - EF 5 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
(KENNECOTT DAYBREAK PLAT 8 SUBDIVISION AND ALPHA PARCEL LESS AND
EXCEPTED FROM PLAT 8)**

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 (KENNECOTT DAYBREAK PLAT 8
SUBDIVISION AND ALPHA PARCEL LESS AND EXCEPTED FROM PLAT 8) 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 8 SUBDIVISION AMENDING LOTS OS2, OS2B & V1 OF THE KENNECOTT MASTER SUBDIVISION #1 AND ADDING A PORTION OF QUITCLAIM DEED BOOK 9277, PAGE 2603 THRU 2605" (the "Plat") which relates to the real property more

THE TALON GROUP
CV# 5745763

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: M. Bruce Snyder

Name: M. Bruce Snyder

Its: Vice President Residential and Commercial
Development

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,
a Delaware corporation

By: M. Bruce Snyder

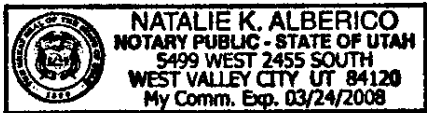
Name: M. Bruce Snyder

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, including Parcel A described below, but less and except Lot C-101, described on the "Kennecott Daybreak Plat 8 Subdivision Amending Lots OS2, OS2B & V1 of the Kennecott Master Subdivision #1 and adding a Portion of Quitclaim Deed Book 9277 Page 2603 thru 2605," recorded on March 26, 2007, as Entry No. 10045442, Book 2007P, at Page 133 of the Official Records of Salt Lake County, Utah.

PARCEL A

Commencing at the North Quarter corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing North 89°58'34" East - 2639.700 feet between the North Quarter and the Northeast Corner of said Section 18) and running South 89°57'12" West along the north line of Section 18 for 843.482 feet; thence South 00°02'48" West perpendicular to said section line for 945.122 feet to the POINT OF BEGINNING; thence with a non tangent curve to the left having a radius of 429.000 feet, whose center bears North 89°08'36" East, with a central angle of 57°05'30" (chord bearing and distance of South 29°24'09" East - 410.005 feet) for an arc distance of 427.472 feet; thence South 57°56'54" East for 61.183 feet; thence with a curve to the right having a radius of 6.500 feet, a central angle of 90°00'00" (chord bearing and distance of South 12°56'54" East - 9.192 feet) for an arc length of 10.210 feet; thence South 32°03'06" West for 213.500 feet; thence North 57°56'54" West for 276.417 feet; thence with a non-tangent curve to the left having a radius of 160.000 feet, whose center bears South 86°30'47" West, with a central angle of 74°58'34" (chord bearing and distance of North 40°58'30" West - 194.751 feet) for an arc length of 209.373 feet; thence North 00°00'00" East for 285.851 feet; thence North 90°00'00" East for 220.082 feet to the POINT OF BEGINNING.

Containing 3.3281 acres

Part of Tax Parcel Nos. 26-13-100-005-4001, 27-18-100-009-0000, 27-18-251-008-0000 and 27-18-400-005-0000