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8/27/2007 8:00:00 AM \$180.00
Book - 9507 Pg - 9136-9143
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 8 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
5295 South 300 West, Suite 475
Murray, Utah 84107
Attention: Senior Contracts and Revenue Analyst

**AMENDED AND RESTATED SUPPLEMENT TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DAYBREAK TOWNHOME 1 PROJECT**

**THIS AMENDED AND RESTATED SUPPLEMENT TO AMENDED AND
RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR DAYBREAK TOWNHOME 1 PROJECT** (this "**Supplement**") is made this August 23
2007 by **KENNECOTT LAND COMPANY**, as declarant ("**Declarant**") under the Amended
and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Townhome 1
Project, recorded on October 19, 2005, as Entry No. 9528106, in Book 9205, beginning at Page
4779, as amended by that certain Amendment No. 1 to Amended and Restated Declaration of
Covenants, Conditions and Restrictions for Daybreak Townhome 1 Project, recorded on June 7,
2007, as Entry No. 10125269, in Book 9475, beginning at Page 2842 (as amended from time to
time, the "**Declaration**"), and is consented to by Kennecott Land Residential Development
Company, a Delaware corporation ("**KLRDC**") and Holmes Homes, Inc., a Utah corporation
("**Holmes Homes**").

FIRST AMERICAN TITLE
CV# 307340

RECITALS

- A. Pursuant to the Declaration, Declarant has established the Daybreak Townhome 1 Project (the "**Project**") initially consisting of 64 lots as shown on the plat entitled "DAYBREAK TOWNHOME 1 SUBDIVISION", which lots are improved with certain attached residential units called "Townhomes." The Project is located within 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 7 SUBDIVISION AMENDING LOTS 382 THRU 397, PARCELS A, B, C, D, E, F, Q & R AND ADDING LOTS 575 THRU 596" (the "**Plat**"). It is anticipated that Townhomes will be constructed on certain of the lots (the "**Townhome Lots**") located within the Plat, which lots are more particularly described on Exhibit A.
- C. Holmes Homes owns certain Townhome Lots. KLRDC is the owner of the remaining Townhome Lots.

- D. Declarant previously recorded that certain Supplement to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Townhome 1 Project on November 21, 2006, as Entry No. 9916615, in Book 9384, beginning at Page 228 of the official records of Salt Lake County (the "**Previous Supplement**"). Declarant desires to amend, restate and replace the Previous Supplement in its entirety.
- E. Declarant desires to add the Townhome Lots to the Project and submit and subject the Townhome Lots to the Declaration (to the extent they were not so formerly added, submitted or subjected), as the terms, conditions, covenants and restrictions of the Declaration now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Submission to Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Townhome Lots to the Project and submits and subjects the Townhome Lots to the Declaration (to the extent they were not so formerly added, submitted or subjected), including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. KLRDC and Holmes Homes hereby consent to the submission of the Townhome Lots to the Declaration. The Townhome Lots shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration. This Supplement amends, restates and replaces the Previous Supplement in its entirety.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, shall remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into the Supplement by this reference.

[Signatures on Next Page]

IN WITNESS WHEREOF, as of this August 23, 2007, Declarant has executed this Supplement, and KLRDC and Holmes Homes have consented to the same.

Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: M. Bruce Snyder
M. Bruce Snyder
Its: Vice President, Residential and
Commercial Development

KLRDC:

**KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,** a Delaware
corporation

By: M. Bruce Snyder
M. Bruce Snyder
Its: Vice President, Residential and
Commercial Development

Holmes Homes:

HOLMES HOMES, INC., a Utah corporation

By: [Signature]
Name: Spencer M. Holmes
Its: VP

STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

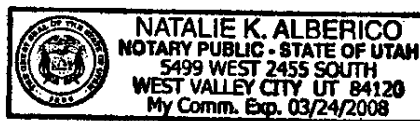
On 23 August 2007 personally appeared before me, a Notary Public, M. Bruce Snyder,
the Asst Vice President of **KENNECOTT LAND COMPANY** personally
known or proved to me to be the person whose name is subscribed to the above instrument who
acknowledged to me that he executed the above instrument on behalf 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)

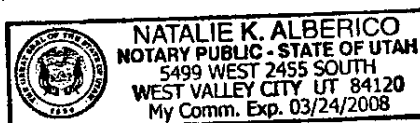
On 23 August 2007 personally appeared before me, a Notary Public, M. Bruce Snyder,
the Vice President of **KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY** personally known or proved to me to be the person whose name is
subscribed to the above instrument who acknowledged to me that he executed the above 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: _____

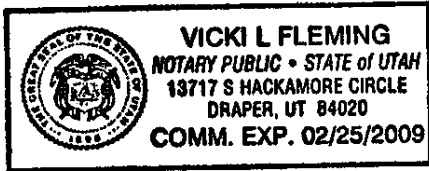
[SEAL]



STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

On 8/22/07, personally appeared before me, a Notary Public, Spencer M. Holmes
the Vice President of **HOLMES HOMES, INC.**, 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 **HOLMES HOMES, INC.**.

WITNESS my hand and official Seal.



GFleming

Notary Public in and for said State

My commission expires: 2/25/09

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE TOWNHOME LOTS

TOWN HOME 2 LOTS:

Lots 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 281, 282, 283, 284, 285, 286, 331, 332, 333, 334, 335, 346, 347, 348, 349, 350, and 351 inclusive of that certain map entitled "Kennecott Daybreak Plat 7A Subdivision Amending Lots 382 thru 397, Parcels A, B, C, D, E, F, Q & R and Adding Lots 575 thru 596" recorded on August 15, 2007, as Entry No. 10194877, Book 2007P, at Page 339 of the Official Records of Salt Lake County.

MANSION TOWN HOME LOTS:

Lots 258, 259, 260, 261, 262, 263, 264, 265, 266, 278, 279, and 280 inclusive of that certain map entitled "Kennecott Daybreak Plat 7A Subdivision Amending Lots 382 thru 397, Parcels A, B, C, D, E, F, Q & R and Adding Lots 575 thru 596" recorded on August 15, 2007, as Entry No. 10194877, Book 2007P, at Page 339 of the Official Records of Salt Lake County.

TOWN HOME 1 LOTS:

Lots 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, and 397 inclusive of that certain map entitled "Kennecott Daybreak Plat 7A Subdivision Amending Lots 382 thru 397, Parcels A, B, C, D, E, F, Q & R and Adding Lots 575 thru 596" recorded on August 15, 2007, as Entry No. 10194877, Book 2007P, at Page 339 of the Official Records of Salt Lake County.

ADDITIONAL TOWNHOME LOTS:

Lots 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, and 596 inclusive of that certain map entitled "Kennecott Daybreak Plat 7A Subdivision Amending Lots 382 thru 397, Parcels A, B, C, D, E, F, Q & R and Adding Lots 575 thru 596" recorded on August 15, 2007, as Entry No. 10194877, Book 2007P, at Page 339 of the Official Records of Salt Lake County.

EXHIBIT B

Tax Parcel No.	27-18-302-032-0000	27-18-177-025-0000	27-18-177-009-0000	27-18-178-029-0000
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	27-18-302-030-0000	27-18-177-023-0000	27-18-178-005-0000	27-18-303-009-0000
	27-18-302-029-0000	27-18-177-022-0000	27-18-178-006-0000	27-18-303-010-0000
	27-18-302-028-0000	27-18-177-021-0000	27-18-178-007-0000	27-18-303-011-0000
	27-18-302-027-0000	27-18-177-020-0000	27-18-178-008-0000	27-18-303-012-0000
	27-18-302-026-0000	27-18-177-019-0000	27-18-178-009-0000	27-18-303-013-0000
	27-18-302-025-0000	27-18-177-018-0000	27-18-178-010-0000	27-18-305-007-0000
	27-18-302-024-0000	27-18-177-017-0000	27-18-178-011-0000	27-18-305-008-0000
	27-18-302-023-0000	27-18-177-016-0000	27-18-178-012-0000	27-18-305-009-0000
	27-18-302-022-0000	27-18-177-015-0000	27-18-178-013-0000	27-18-305-010-0000
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