

WHEN RECORDED, RETURN TO:

Kennecott Land Company
4700 Daybreak Parkway, 3S
South Jordan, UT 84095
Attention: Senior Associate, Contracts
and Risk Management

10857232
12/11/2009 9:33:00 AM \$18.00
Book - 9787 Pg - 5959-5963
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 5 P.

SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,

AND

**SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY
(KENNECOTT DAYBREAK VC1 DAYCARE SUBDIVISION)**

**THIS SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
AND SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY (KENNECOTT DAYBREAK VC1
DAYCARE SUBDIVISION)** (this "Supplement") is made this 8th day of December ____,
2009, by **KENNECOTT LAND COMPANY**, as founder under the Covenant for Community
for Daybreak, recorded February 27, 2004, as Entry No. 8989517, in Book 8950, beginning at
Page 7722 (as amended and supplemented from time to time, the "Covenant"), and as declarant
("Declarant") under the Amended and Restated Declaration of Covenants, Conditions and
Restrictions for Daybreak Village, recorded on December 30, 2005, as Entry No. 9598233, in
Book 9237, beginning at Page 5395 (as amended and supplemented from time to time, the
"Declaration") and is consented to by Kennecott Land Residential Development Company, a
Delaware corporation ("KLRDC").

RECITALS

- A. Declarant executed and recorded the Covenant and Declaration, which documents shall collectively govern the certain aspects and uses of the development 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 VC1 DAYCARE SUBDIVISION AMENDING LOT V2 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" which relates to the real property more particularly described on Exhibit A attached hereto (the "Property"). KLRDC is the owner of the Property.

- C. Declarant desires to submit and subject the Property to the Covenant and the Declaration, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

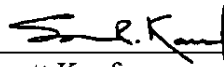
1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Submission to Declaration and Covenant.** Pursuant to Section 5.2 of the Covenant and Section 15.1 of the Declaration, Declarant hereby submits and subjects the Property to the Covenant and the Declaration, 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 Covenant and the Declaration.
3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and the Declaration provide, among other things, that certain assessments and fees will be charged against the Parcels, which comprise portions of the Property, as further described in the Covenant and the Declaration, including a "Community Enhancement Fee" as more particularly set forth in the Covenant.
4. **Full Force and Effect.** The Covenant and the Declaration, as supplemented hereby, shall remain in full force and effect.
5. **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 8th day of December, 2009, Declarant has executed this Supplement, and KLRDC has consented to the same.

Declarant:


KENNECOTT LAND COMPANY,
a Delaware corporation

By 

Name: Scott Kaufmann
Title: Vice President Commercial
Development

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,
a Delaware corporation

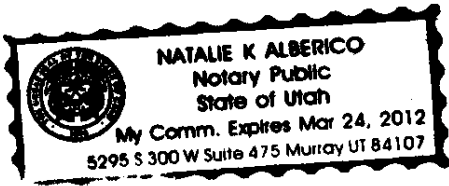
By 

Name: Ty McCutcheon
Title: Vice President Daybreak

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

On December 8, 2009 personally appeared before me, a Notary Public, Scott Kauffmann, the Vice President 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

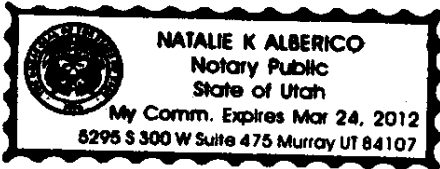
My commission expires: March 24, 2012

[SEAL]

STATE OF UTAH)
) SS.

COUNTY OF On December 8, 2009 personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak 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: March 24, 2012

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain map entitled "Kennecott Daybreak VC1 Daycare Subdivision amending Lot V2 of the Kennecott Master Subdivision #1 Amended" recorded on October 6, 2009, as Entry No. 10811596, Book 2009P, at page 126 of the Official Records of Salt Lake County.

TAX PARCEL NOS. 27-19-158-003-0000 AND 27-19-158-004-0000