

WHEN RECORDED, RETURN TO:

Kennecott Land Company
4700 Daybreak Parkway
South Jordan, UT 84095
Attention: Financial Analyst

12127334
09/04/2015 02:39 PM \$51.00
Book - 10359 Pg - 4153-4158
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: LTP, DEPUTY - WI 6 P.

**SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
SODA ROW TOWNHOME PROJECT**

(ADDING ADDITIONAL LAND - KENNECOTT DAYBREAK VC1 MULTI FAMILY #7)

THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SODA ROW TOWNHOME PROJECT (ADDING ADDITIONAL LAND - KENNECOTT DAYBREAK VC1 MULTI FAMILY #7) (this "**Supplement**") is made this Aug 20th, 2015, by **KENNECOTT LAND COMPANY**, a Delaware corporation, as declarant ("**Declarant**") under the Declaration of Covenants, Conditions and Restrictions for Soda Row Townhome Project, recorded on January 26, 2010, as Entry No. 10885373, in Book 9799, beginning at Page 3280 (as amended and/or supplemented from time to time, the "**Declaration**"), and is consented to by Daybreak Development Company, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation) ("**DDC**").

RECITALS:

- A.** Pursuant to the Declaration, Declarant has established the Soda Row Townhome Project (the "**Project**") initially consisting of various "Lots" as more particularly defined and described therein, which Lots are to be 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.** DDC has recorded that certain subdivision map entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #7 AMENDING LOTS C-223 THROUGH C-231 OF KENNECOTT DAYBREAK VILLAGE CENTER 1A" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto ("**Additional Land**"). DDC is the owner of the Additional Land.
- C.** Declarant desires to add the Additional Land to the Project and submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended, and DDC desires to evidence its consent to the same.

NOW, THEREFORE, Declarant hereby declares the following:

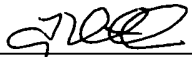
1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meanings assigned to them in the Declaration.
2. **Submission to Soda Row Townhomes Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Additional Land to the Project and submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. DDC hereby consents to the submission of the Additional Land to the Declaration. From and after the recordation of this Supplement, the Additional Land 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. In addition, the Additional Land shall be subject to the governance of the Soda Row Townhome Association, Inc., a Utah nonprofit corporation (the “**Association**”), as more particularly described in the Declaration. DDC hereby consents to the submission of the Additional Land to the Declaration and to the governance of the Association as provided herein.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, remains in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into this Supplement by this reference.

[Signatures on Following Page]

IN WITNESS WHEREOF, as of this August 20, 2015, Declarant has executed this Supplement and DDC has consented to the same.

Declarant:

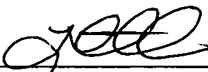
KENNECOTT LAND COMPANY,
a Delaware corporation

By 
Name Ty McCutcheon
Title VICE PRESIDENT DAYBREAK

DDC:

**DAYBREAK DEVELOPMENT
COMPANY,**
a Delaware corporation

(formerly known as Kennecott Land
Residential Development Company, a
Delaware corporation)

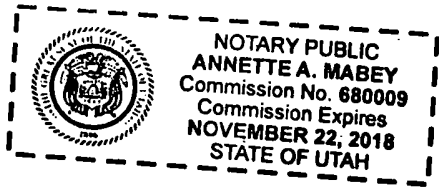
By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

ACKNOWLEDGMENTS

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

On August 20, 2015 personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND COMPANY**, a Delaware corporation, 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**, a Delaware corporation.

WITNESS my hand and official Seal.



Annette A Mabey
Notary Public in and for said State

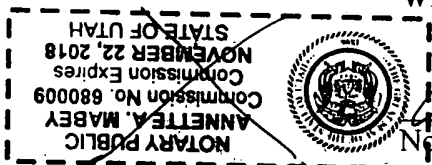
My commission expires: 11/22/2018

[SEAL]

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

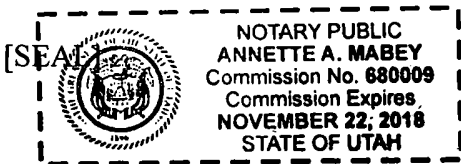
On August 20, 2015 personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation), personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation).

WITNESS my hand and official Seal.



Annette A Mabey
Notary Public in and for said State

My commission expires: 11/22/2018



[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE ADDITIONAL LAND

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #7 AMENDING LOTS C-223 THROUGH C-231 OF KENNECOTT DAYBREAK VILLAGE CENTER 1A", recorded on SEPTEMBER 4, 2015 as Entry No. 12127333, Book 2015P, at Page 207 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

**KENNECOTT DAYBREAK VCI MULTI FAMILY #7
BOUNDARY DESCRIPTION**

Commencing at the South Quarter corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing being North 89°52'04" West 2642.201 feet between the South Quarter corner and the Southwest corner of said Section 19) and running North 89°52'04" West along the south line of said Section 19 for 667.687 feet; thence North 00°07'56" East perpendicular to said section line for 3666.507 feet to the southernmost corner of Lot C-227 of Kennecott Daybreak Village Center 1A recorded in Book 2008P at Page 100, said corner being the POINT OF BEGINNING; thence along the north right of way line of Daybreak Rim Way as shown on said Kennecott Daybreak Village Center 1A for the following five (5) courses: with a curve to the left having a radius of 142.500 feet whose center bears South 23°23'56" West with a central angle of 28°19'28" (chord bearing and distance of North 80°45'48" West – 69.730 feet) for an arc distance of 70.446 feet; thence South 85°04'28" West for 96.600 feet; thence with a curve to the right having a radius of 839.255 feet with a central angle of 06°40'48" (chord bearing and distance of South 88°24'52" West – 97.791 feet) for an arc distance of 97.846 feet; thence North 88°14'44" West for 82.889 feet; thence with a curve to the left having a radius of 839.000 feet with a central angle of 01°48'05" (chord bearing and distance of North 89°08'47" West – 26.378 feet) for an arc distance of 26.379 feet; thence North 01°12'25" East for 67.693 feet; thence with a curve to the right having a radius of 523.000 feet with a central angle of 20°13'40" (chord bearing and distance of North 11°19'15" East – 183.683 feet) for an arc distance of 184.641 feet; thence North 21°26'05" East for 52.141 feet to the south right of way line of Daybreak Parkway as shown on said Kennecott Daybreak Village Center 1A; thence along said south right of way line for the following five (5) courses: with a non-tangent curve to the right having a radius of 867.500 feet whose center bears South 19°54'55" West with a central angle of 06°48'59" (chord bearing and distance of South 66°40'35" East – 103.143 feet) for an arc distance of 103.204 feet; thence North 53°19'15" East for 8.378 feet; thence with a non-tangent curve to the right having a radius of 875.000 feet whose center bears South 26°58'38" West with a central angle of 10°36'23" (chord bearing and distance of South 57°43'10" East – 161.747 feet) for an arc distance of 161.977 feet; thence with a compound curve to the right having a radius of 465.000 feet with a central angle of 15°23'46" (chord bearing and distance of South 44°43'06" East – 124.575 feet) for an arc distance of 124.951 feet; thence South

37°01'13" East for 37.302 feet; thence with a non-tangent curve to the left having a radius of 166.000 feet whose center bears South 49°11'31" East with a central angle of 23°26'17" (chord bearing and distance of South 29°05'20" West – 67.433 feet) for an arc distance of 67.906 feet to the POINT OF BEGINNING.

Containing 81,944 square feet or 1.8812 acres.