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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: CRA, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
4700 West Daybreak Parkway
South Jordan, UT 84009
Attn: Gary Langston

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(GARDEN PARK CONDOMINIUMS, PHASE 6)**

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 (GARDEN PARK CONDOMINIUMS, PHASE 6) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this August 18, 2016, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (successor-in-interest to Kennecott Land Company, a Delaware corporation), 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 herewith, that certain subdivision map entitled "GARDEN PARK CONDOMINIUMS, PHASE 6 AMENDING LOT T4 OF AMENDED LOTS B2, B3, OS2, T4, V4, V7 & WTC2 KENNECOTT MASTER SUBDIVISION #1" (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's predecessor-in-interest 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 ascribed 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 August 18, 2016, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

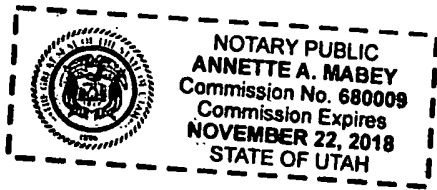
By: [Signature]
Name: Ty McCutcheon
Its: VICE PRESIDENT

ACKNOWLEDGMENT

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

On August 18, 2016, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak 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.



[Signature]
Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "GARDEN PARK CONDOMINIUMS, PHASE 6 AMENDING LOT T4 OF AMENDED LOTS B2, B3, OS2, T4, V4, V7 & WTC2 KENNECOTT MASTER SUBDIVISION #1", recorded on SEPTEMBER 28, 2016, as Entry No. 12375726, in Book 2016P, at Page 253 of the Official Records of Salt Lake County, Utah.

Boundary Description:

A portion of Lot T4, AMENDED LOTS B2, B3, OS2, T4, V4, V7 & WTC2, KENNECOTT MASTER SUBDIVISION #1, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, more particularly described as follows:

Beginning at a point on the northerly right-of-way line of Duckhorn Drive as described and platted with KENNECOTT DAYBREAK APARTMENT VENTURE #1 Subdivision (Amending Lots V2 & T4 of the KENNECOTT MASTER SUBDIVISION #1, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, located N89°58'42"W along the Section line 1,541.97 feet and North 2,928.65 feet from the Southeast Corner of Section 24, T3S, R2W, S.L.B.& M.; thence N36°32'54"W along said Plat 9.50 feet; thence S53°27'05"W along said plat 7.50 feet; thence N36°32'54"W 94.19 feet; thence N53°00'00"E 125.41 feet; thence North 10.42 feet to the southerly line of Parcel 1, KENNECOTT DAYBREAK VILLAGE 4A PLAT 8 Subdivision (Amending Lot T4 of the Kennecott Master Subdivision #1 Amended) according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence along said Plat the following 2 (two) courses and distances: Northeasterly along the arc of a 46.00 foot radius non-tangent curve to the left (radius bears: North) 29.34 feet through a central angle of 36°32'54" (chord: N71°43'33"E 28.85 feet); thence N53°27'06"E 88.00 feet to the southwesterly line of KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 Subdivision (Amending Lots V2 & T4 of the Kennecott Master Subdivision #1 Amended) according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence S36°32'54"E along said Plat 104.00 feet to the northerly line of said Duckhorn Drive; thence S53°27'06"W along said street 239.50 feet to the point of beginning.

Contains: 25,749+/- s.f.