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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
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BY: LHP, DEPUTY - WI 6 P.

WHEN RECORDED, RETURN TO:

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

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 5 PLAT 8)**
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 (DAYBREAK VILLAGE 5 PLAT 8) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this FEBRUARY 2, 2017, by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation) as successor 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 successor “Founder” of the community commonly known as “*Daybreak*” located in South Jordan, Utah.
- B. Founder has recorded, or is concurrently recording, that certain subdivision map entitled “DAYBREAK VILLAGE 5 PLAT 8 SUBDIVISION AMENDING LOTS T3 & V3 OF THE 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 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.
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]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 5 PLAT 8 SUBDIVISION AMENDING LOTS T3 & V3 OF THE KENNECOTT MASTER SUBDIVISION #1", recorded on FEBRUARY 3, 2017, as Entry No. 12470439, Book 2017 P, at Page 22 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Boundary Description:

Beginning at the Southwesterly corner of Kennecott Daybreak Village 5 Plat 7 Subdivision recorded as Entry 12335751 in the office of the Salt Lake County Recorder, a point that lies North 00°09'21" East 1016.260 feet along the Quarter Section line and South 89°50'39" East 714.691 feet perpendicular to the said Quarter Section line from the South Quarter Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said point also being a point on a 2972.000 foot radius non tangent curve to the right, (radius bears South 38°52'26" East) and running thence along the Southerly line of said Village 5 Plat 7 the following (2) courses: 1) along the arc of said curve 120.626 feet through a central angle of 02°19'32"; 2) North 53°27'06" East 454.656 feet to the Southeasterly corner of said Village 5 Plat 7 also being a point on the Westerly line of Kennecott Daybreak Plat 10H Subdivision recorded as Entry 12206281 in the office of the Salt Lake County Recorder; thence along said Westerly line of said Plat 10H South 36°32'54" East 898.000 feet to the Southwesterly corner of said Plat 10H; thence South 53°27'06" West 68.471 feet to a point on a 291.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West); thence along the arc of said curve 356.027 feet through a central angle of 70°05'57"; thence North 56°26'57" West 15.557 feet; thence South 33°33'03" West 56.000 feet to a point on a 145.500 foot radius non tangent curve to the right, (radius bears South 33°33'03" West); thence along the arc of said curve 270.838 feet through a central angle of 106°39'08" to a point of reverse curvature with a 4531.000 foot radius tangent curve to the left, (radius bears South 39°47'49" East); thence along the arc of said curve 102.551 feet through a central angle of 01°17'48"; thence South 48°54'22" West 463.439 feet to a point on a 4969.000 foot radius tangent curve to the right, (radius bears North 41°05'38" West); thence along the arc of said curve 88.734 feet through a central angle of 01°01'23"; thence North 48°06'07" West 26.514 feet to a point on a 462.000 foot radius tangent curve to the left, (radius bears South 41°53'53" West); thence along the arc of said curve 44.088 feet through a central angle of 05°28'03"; thence North 53°34'10" West 86.653 feet to a point on a 1962.000 foot radius tangent curve to the left, (radius bears South 36°25'50" West); thence along the arc of said curve 97.829 feet through a central angle of 02°51'25"; thence North 56°25'35" West 107.281 feet to a point on a 1962.000 foot radius tangent curve to the left, (radius bears South 33°34'25" West); thence along the arc of said curve 23.569 feet through a central angle of 00°41'18"; thence North 57°06'53" West 143.292 feet to a point on a 2038.000 foot radius tangent curve to the right, (radius bears North 32°53'07" East); thence along the arc

of said curve 42.874 feet through a central angle of 01°12'19"; thence North 55°54'34" West 11.032 feet; thence North 38°54'41" East 165.479 feet to a point on a 3628.000 foot radius tangent curve to the right, (radius bears South 51°05'19" East); thence along the arc of said curve 38.192 feet through a central angle of 00°36'11"; thence South 50°29'08" East 56.000 feet; thence South 56°46'40" East 100.624 feet to a point on a 3472.000 foot radius non tangent curve to the right, (radius bears South 50°18'13" East); thence along the arc of said curve 523.278 feet through a central angle of 08°38'07"; thence South 46°52'08" East 37.406 feet; thence North 35°47'06" East 102.855 feet to a point on a 1898.000 foot radius non tangent curve to the right, (radius bears North 36°59'58" East); thence along the arc of said curve 425.646 feet through a central angle of 12°50'57" to the Southwesterly Corner of said Village 5 Plat 7 also being the point of beginning.

Property contains 18.872 acres.

Also and together with the following described tract of land:

Beginning at a point that lies North 00°09'21" East 1086.675 feet along the Section Line and East 28.680 feet from the South Quarter Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°35'19" West 299.288 feet to a point on a 24.000 foot radius tangent curve to the right, (radius bears North 53°24'41" East); thence along the arc of said curve 39.225 feet through a central angle of 93°38'37"; thence North 53°24'41" East 169.996 feet; thence North 36°35'19" West 161.038 feet; thence North 50°02'47" East 303.466 feet to the Westerly line of Kennecott Daybreak Village 5 Plat 5 Subdivision Amending Lot V3 of the Kennecott Master Subdivision #1 Amended recorded as Entry #12206272 in the Salt Lake County Recorder's Office; thence South 36°32'54" East 471.518 feet along said Westerly line; thence South 53°26'29" West 194.710 feet; thence North 36°32'54" West 13.977 feet; thence South 53°24'41" West 95.000 feet; thence South 36°32'54" East 32.260 feet to a point on a 20.000 foot radius tangent curve to the right, (radius bears South 53°27'06" West); thence along the arc of said curve 32.209 feet through a central angle of 92°16'24"; thence South 55°43'30" West 187.757 feet to the point of beginning.

Property contains 4.660 acres.