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08/16/2017 12:09 PM \$102.00
Book - 10588 Pg - 7610-7621
JULIE DOLE
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: DCA, DEPUTY - WI 12 P.

WHEN RECORDED, RETURN TO:

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

**SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DAYBREAK CREEKSIDE TOWNHOME PROJECT
(ADDING ADDITIONAL LAND – VILLAGE 5 MULTI FAMILY #2)**

THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK CREEKSIDE TOWNHOME PROJECT (ADDING ADDITIONAL LAND – VILLAGE 5 MULTI FAMILY #2) (this “**Supplement**”) is made as of August 8, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company, as successor-in-interest to Kennecott Land Company, as declarant (“**Declarant**”) under that certain Declaration of Covenants, Conditions and Restrictions for Daybreak Creekside Townhome Project, recorded on June 15, 2015, as Entry No. 12070608, in Book 10333, beginning at Page 8632, as amended and/or previously supplemented from time to time (collectively, the “**Declaration**”), and is consented to by **HOLMES HOMES, INC.**, a Utah corporation (“**Holmes**”).

RECITALS:

- A.** Pursuant to the Declaration, Declarant has established the *Daybreak Creekside Townhome* project (the “**Project**”) initially consisting of various residential “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.** Declarant owns certain parcels of real property (collectively, “**Additional Land**”) adjacent to the Project. The Additional Land is legally described in **Exhibit A**, attached hereto and incorporated herein by this reference.
- C.** Declarant desires to add the Additional Land to the Project and to submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to such terms in the Declaration.
2. **Submission of Additional Land (Lots) to Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby exercises its option to expand the Project and add the Additional Land to the Project, effective as of the recording of this Supplement; and Declarant 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. Holmes 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 Daybreak Creekside Townhome Association, Inc., a Utah nonprofit corporation, as more particularly described in the Declaration.
3. **Full Force and Effect.** The Declaration, as amended hereby, remains in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into this Supplement by this reference.

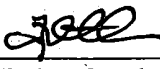
[Signatures on Following Page]

IN WITNESS WHEREOF, Declarant has executed this Supplement, and Holmes has consented to the same, as of the date first written above.

Declarant:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

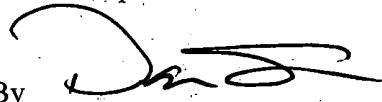
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 

Ty McCutcheon, President & CEO

Holmes:

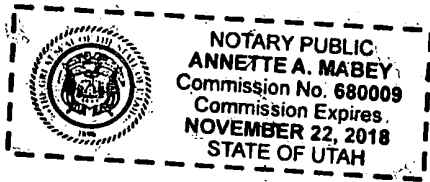
HOLMES HOMES, INC.,
a Utah corporation

By: 

Name DARON SMITH
Title SECRETARY

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

On August 14, 2017, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project Manager 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.



[SEAL]

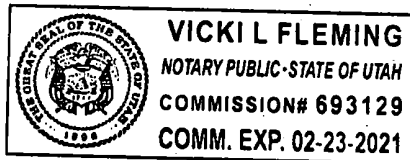
WITNESS my hand and official Seal.

Annette A. Mabey
Notary Public in and for said State

My commission expires: 11/22/2018

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

On 8/8, 2017, personally appeared before me, a Notary Public, Dawn Smith, the Secretary of HOLMES HOMES, INC., a Utah 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 HOLMES HOMES, INC., a Utah corporation.



[SEAL]

WITNESS my hand and official Seal.

V. Fleming
Notary Public in and for said State

My commission expires: 2/23/21

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL LAND ADDED TO PROJECT

VILLAGE 5 MULTI FAMILY #2:

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 5 MULTI FAMILY #2 SUBDIVISION AMENDING LOTS 148-163, P-LOTS P-102-P-104, PARCEL A & A PUBLIC LANE OF THE KENNECOTT DAYBREAK VILLAGE 5 PLAT 2 SUBDIVISION AMENDING LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on August 16, 2017, as Entry No. 12597263, in Book 2017P, at Page 211 of the Official Records of Salt Lake County, Utah.

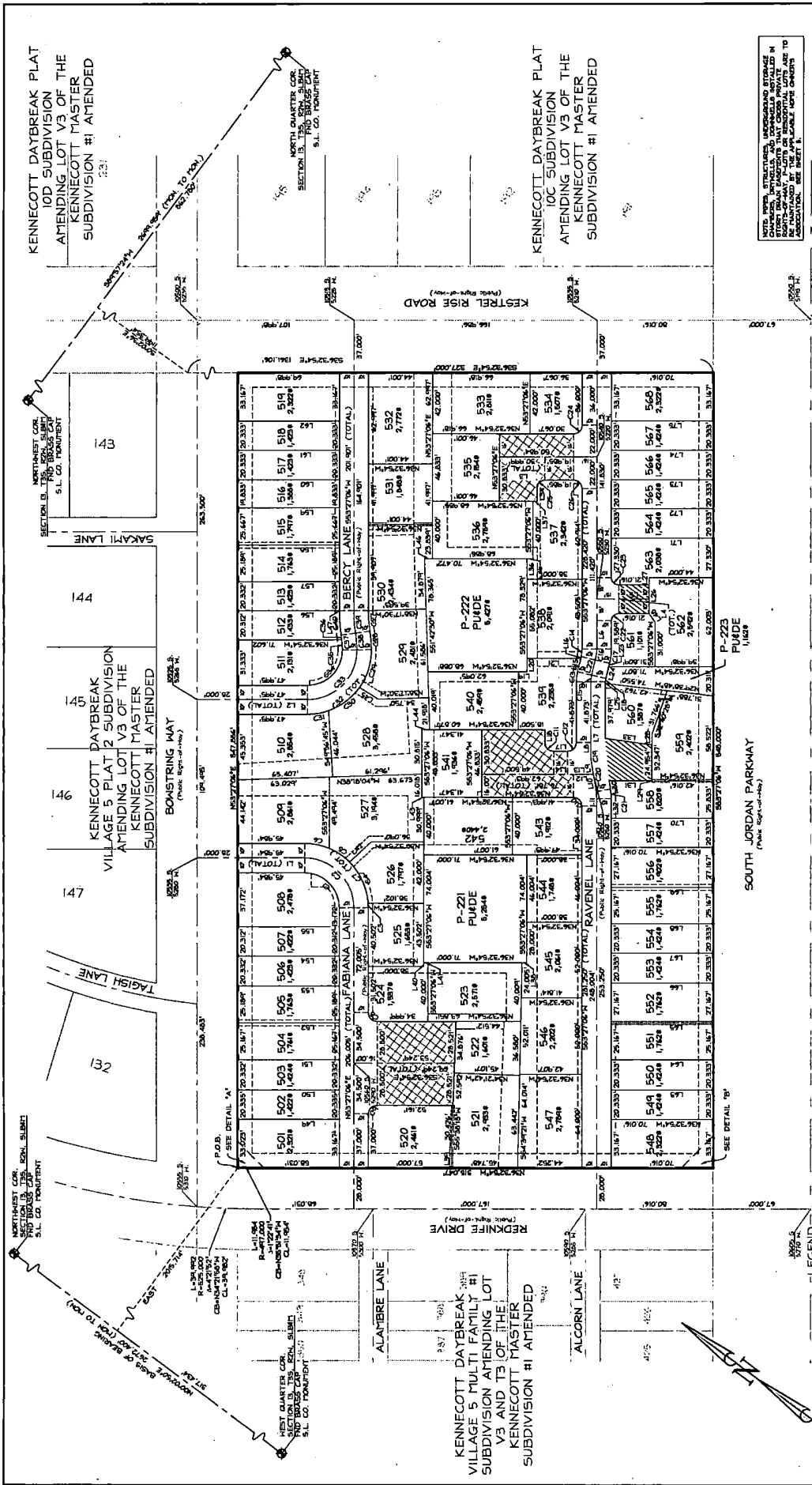
[TO BE FILLED IN UPON RECORDATION OF NEW PLAT]

Boundary Description:

Beginning at a the Northwest Corner of Lot 148 of the Kennecott Daybreak Village 5 Plat 2 Subdivision Amending Lot V3 of the Kennecott Master Subdivision #1 Amended, also being the intersection of the East right-of-way line of Redknife Drive and the South right-of-way line of Bowstring Way said point lies North 00°02'50" East 317.434 feet along the Section Line and East 2015.714 feet from the West Quarter Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said South right-of-way line North 53°27'06" East 547.856 feet to the Northeast Corner of Lot 155 of said Kennecott Daybreak Village 5 Plat 2 Subdivision, also being the intersection of said South right-of-way line and the West right-of-way line of Kestrel Rise Road; thence along said West right-of-way line South 36°32'54" East 327.000 feet to the Southeast Corner of Parcel A of said Kennecott Daybreak Village 5 Plat 2 Subdivision also being the intersection of said West right-of-way line and the North right-of-way line of South Jordan Parkway; thence along said North right-of-way line South 53°27'06" West 548.000 feet to the Southwest Corner of said Parcel A also being the intersection of said North right-of-way line and the said East right-of-way line of Redknife Drive; thence along said East right-of-way the following (2) courses: 1) North 36°32'54" West 315.047 feet to a point on a 497.000 foot radius tangent curve to the right, (radius bears North 53°27'06" East); 2) along the arc of said curve 11.954 feet through a central angle of 01°22'41" to the point of beginning.

Property contains 4.114 acres, 179195 square feet.

EXHIBIT B
COPY OF PLAT



KENNECOTT DAYBREAK PLAT
 100 SUBDIVISION
 AMENDING LOT V3 OF THE
 KENNECOTT MASTER
 SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK PLAT
 100 SUBDIVISION
 AMENDING LOT V3 OF THE
 KENNECOTT MASTER
 SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK SOUTH JORDAN PARKWAY RIGHT-OF-WAY DEDICATION PLAT
 (SPLIT ROCK DRIVE TO 5360 WEST)
 AMENDING LOTS T3 AND V3 OF THE
 KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 PLAT 2 SUBDIVISION
 AMENDING LOT V3 OF THE
 KENNECOTT MASTER
 SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY #1 SUBDIVISION
 AMENDING LOTS 100-104, P-LOTS P-02-P-04, PARCEL A & PUBLIC LANE
 LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY #2 SUBDIVISION
 AMENDING LOTS 100-104, P-LOTS P-02-P-04, PARCEL A & PUBLIC LANE
 LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY #3 SUBDIVISION
 AMENDING LOTS 100-104, P-LOTS P-02-P-04, PARCEL A & PUBLIC LANE
 LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY #4 SUBDIVISION
 AMENDING LOTS 100-104, P-LOTS P-02-P-04, PARCEL A & PUBLIC LANE
 LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

KENNECOTT DAYBREAK VILLAGE 5 MULTI FAMILY #5 SUBDIVISION
 AMENDING LOTS 100-104, P-LOTS P-02-P-04, PARCEL A & PUBLIC LANE
 LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 ATTENDED

SECTION B, THE EAST HALF OF SECTION 18, T3N, R3E, S11W, S.L. CO. TOWNSHIP

LEGEND

- ROAD, SALT LAKE COUNTY
- PROPOSED STREET FRONTY
- EXISTING STREET FRONTY
- STREET WITH AMBERATION
- STREET OR LANE
- UTILITY EASEMENT
- LOT LINE (DASHED WITH OTHERWISE)
- PUBLIC RIGHT-OF-WAY
- SOUTH JORDAN CITY WILL PROVIDE BARRIERS, RETAINMENT WALLS, AND STREET LIGHTS AND STREET PROTECTIVE AND GUARANTEE CURB MUST BE IN PLACE ON THE T3 SOUTH PORTION OF THE ADJACENT LANE OR STREET.
- PRIVATE RIGHT-OF-WAY

GRAPHIC SCALE
 (IN FEET)
 1" = 30' L

PROPERTY CORNERS TO BE SET SHALL BE
 PROPERTY CORNERS TO BE SET SHALL BE
 OF CURB OR ALLEY ON THE EXTENSION OF
 SIDE LOT LINES.

PERIGEE CONSULTING, INC.
 CIVIL, SURVEYING, & ENVIRONMENTAL ENGINEERING

DATE: _____ TIME: _____ DRAWN BY: _____

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
 RECORDER'S OFFICE
 DATE: _____ TIME: _____ DRAWN BY: _____

PLAT # _____

BOOK _____ PAGE _____

SALT LAKE COUNTY RECORDS

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	1.732	24,000	000°30'00"	S03°30'00"E	1.732
C2	36.201	24,000	006°29'00"	S03°55'40"E	32.807
C3	3.750	24,000	004°51'00"	N86°27'00"E	3.750
C4	23.300	24,000	020°15'00"	N85°29'30"E	21.500
C5	36.000	24,000	027°22'30"	N83°34'15"E	36.246
C6	31.964	21,000	037°22'30"	N83°34'15"E	28.964
C7	31.42	6,000	050°00'00"	N81°32'00"E	3.006
C8	6.263	6,000	060°00'00"	N81°32'00"E	6.000
C9	41.900	24,000	070°00'00"	N81°32'00"E	30.539
C10	33.000	24,000	070°00'00"	N81°32'00"E	4.591
C11	15.704	21,000	082°30'00"	N81°32'00"E	15.341
C12	9.715	44,000	092°30'00"	N81°32'00"E	9.185
C13	21.861	44,000	092°30'00"	N81°32'00"E	21.837
C14	24.400	47,000	090°00'00"	N80°49'30"E	24.377

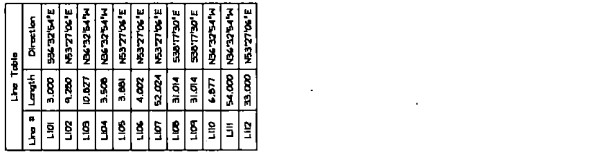
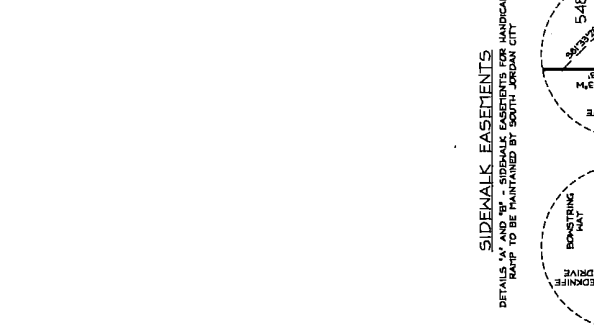
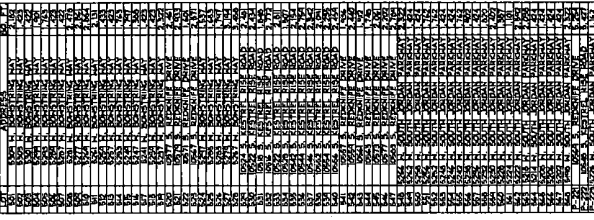
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C15	6.400	42,000	006°47'00"	N80°27'00"E	6.403
C16	7.864	5,000	009°00'00"	S09°37'00"W	7.071
C17	7.864	5,000	009°00'00"	S09°37'00"W	7.071
C18	9.425	5,000	009°00'00"	S09°37'00"W	8.486
C19	9.425	5,000	009°00'00"	S09°37'00"W	8.486
C20	27.100	44,000	009°37'00"	N72°47'00"E	26.614
C21	14.868	44,000	017°21'00"	S44°43'00"E	14.877
C22	14.896	44,000	009°37'00"	S09°37'00"E	49.346
C23	37.962	24,000	009°37'00"	S09°37'00"E	34.127
C24	3.362	50,000	009°37'00"	N45°30'00"E	3.362
C25	10.446	50,000	007°29'00"	N45°30'00"E	10.438
C26	11.701	50,000	007°29'00"	N45°30'00"E	11.703
C27	18.564	10,000	020°00'00"	S47°29'48"W	18.556
C28	18.564	10,000	020°00'00"	S47°29'48"W	18.556

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C29	37.491	24,000	000°00'00"	N00°27'00"E	33.941
C30	63.407	24,000	000°00'00"	N00°27'00"E	49.083
C31	3.022	34,000	000°00'00"	N01°29'48"E	3.022
C32	31.076	44,000	014°07'00"	N02°41'00"E	30.402
C33	17.672	44,000	022°45'00"	N02°41'00"E	16.961
C34	9.425	6,000	000°00'00"	N02°41'00"E	17.357
C35	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C36	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C37	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C38	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C39	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C40	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C41	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C42	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C43	7.024	30,000	013°36'00"	N02°41'00"E	7.027
C44	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C45	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C46	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C47	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C48	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C49	9.425	6,000	000°00'00"	N02°41'00"E	8.486
C50	9.425	6,000	000°00'00"	N02°41'00"E	8.486

Line #	Length	Direction
L1	37.000	N86°32'00"W
L2	20.294	N75°42'00"W
L3	1.340	N83°32'00"W
L4	5.404	S84°32'00"E
L5	16.301	N82°24'00"E
L6	5.407	S84°32'00"E
L7	0.047	S83°27'00"E
L8	7.214	N75°42'00"W
L9	64.984	N86°32'00"W
L10	64.984	N86°32'00"W
L11	64.984	N86°32'00"W
L12	64.984	N86°32'00"W
L13	64.984	N86°32'00"W
L14	64.984	N86°32'00"W
L15	64.984	N86°32'00"W
L16	64.984	N86°32'00"W
L17	64.984	N86°32'00"W
L18	64.984	N86°32'00"W
L19	64.984	N86°32'00"W
L20	64.984	N86°32'00"W

Line #	Length	Direction
L21	37.000	N86°32'00"W
L22	20.294	N75°42'00"W
L23	1.340	N83°32'00"W
L24	5.404	S84°32'00"E
L25	16.301	N82°24'00"E
L26	5.407	S84°32'00"E
L27	0.047	S83°27'00"E
L28	7.214	N75°42'00"W
L29	64.984	N86°32'00"W
L30	64.984	N86°32'00"W
L31	64.984	N86°32'00"W
L32	64.984	N86°32'00"W
L33	64.984	N86°32'00"W
L34	64.984	N86°32'00"W
L35	64.984	N86°32'00"W
L36	64.984	N86°32'00"W
L37	64.984	N86°32'00"W
L38	64.984	N86°32'00"W
L39	64.984	N86°32'00"W
L40	64.984	N86°32'00"W

Line #	Length	Direction
L41	37.000	N86°32'00"W
L42	20.294	N75°42'00"W
L43	1.340	N83°32'00"W
L44	5.404	S84°32'00"E
L45	16.301	N82°24'00"E
L46	5.407	S84°32'00"E
L47	0.047	S83°27'00"E
L48	7.214	N75°42'00"W
L49	64.984	N86°32'00"W
L50	64.984	N86°32'00"W
L51	64.984	N86°32'00"W
L52	64.984	N86°32'00"W
L53	64.984	N86°32'00"W
L54	64.984	N86°32'00"W
L55	64.984	N86°32'00"W
L56	64.984	N86°32'00"W
L57	64.984	N86°32'00"W
L58	64.984	N86°32'00"W
L59	64.984	N86°32'00"W
L60	64.984	N86°32'00"W

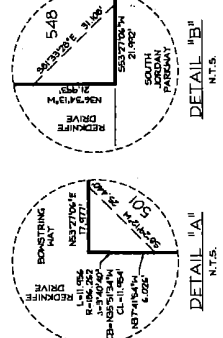


Sheet 3 of 6

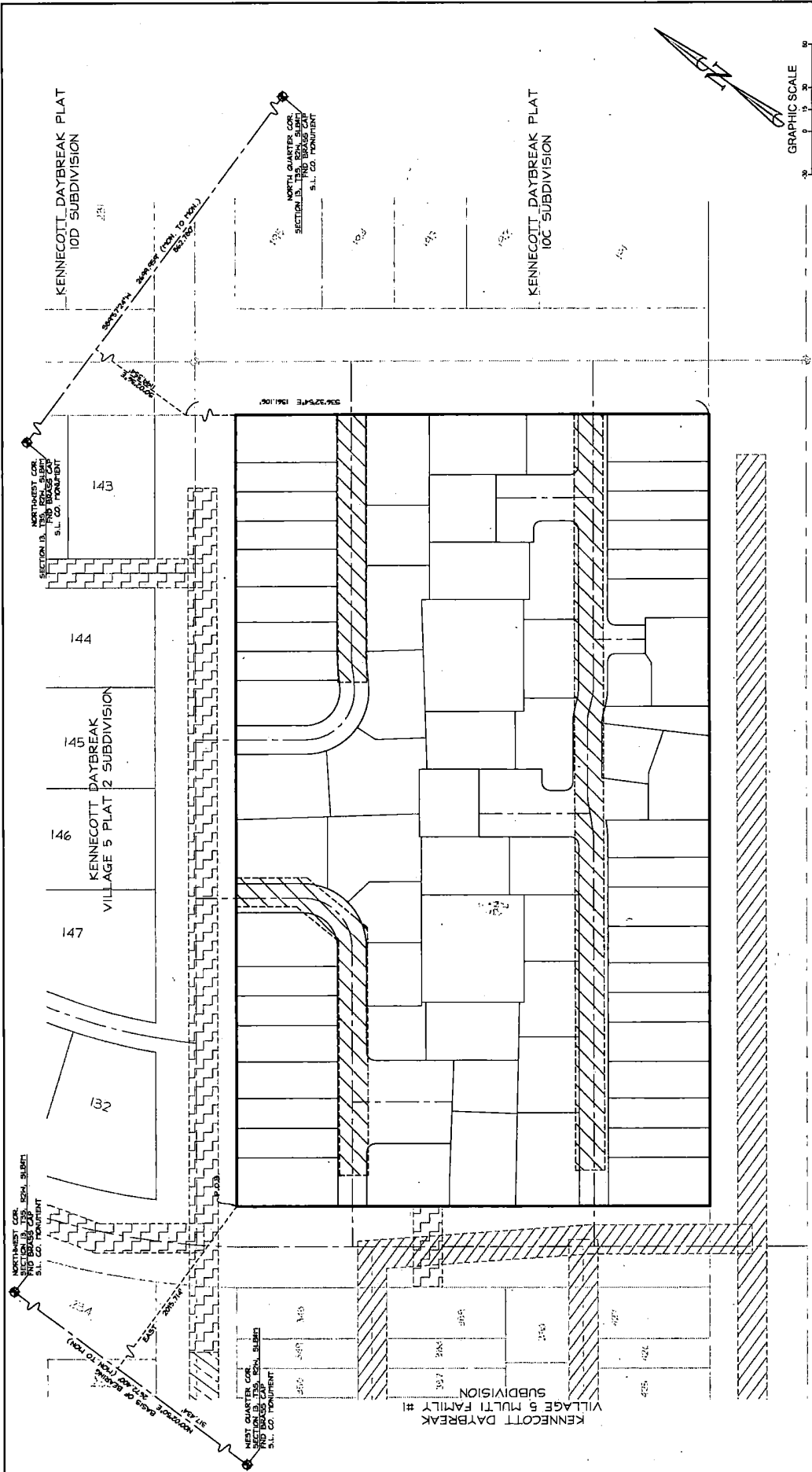
DATSBREAK VILLAGE 8 MULTI-FAMILY 22 SUBDIVISION
 ATTENDING LOTS 140-143, 2-LOTS P-02-P-04, PARCELS A & B PUBLIC LANE
 OF THE LOT 13 OF THE KENEGOTT MASTER PLANNING DIVISION IS ATTENDED
 Located in the Westwood Estates of Section 15, T15N, R12E

RECORDED IN
 STATE OF IOWA, COUNTY OF BALT, RECORDS AND FILED AT THE
 REISTRY ON _____ DATE: _____ BOOK: _____ PAGE: _____
 BY: _____

SIDEWALK EASEMENTS
 RAIP TO BE MAINTAINED BY SOUTH JORDAN CITY



PERIGEE CONSULTING
 8711 - ESTHERIA - ARREBY
 505 SOUTH VAN SICKLE AVE.
 DES MOINES, IA 50319-7174
 WWW.PERIGEECONSULTING.COM



GRAPHIC SCALE
 1" = 30 ft.
 Sheet 4 of 6

DAYBREAK VILLAGE 5 MULTI FAMILY #2 SUBDIVISION
 ATTENDING LOTS 142-145, PLOTS P-104, PARCEL A & A PUBLIC LANE
 OF THE KENNECOTT DAYBREAK VILLAGE 5 PLAT 12 SUBDIVISION
 LOTS 100-103 OF THE KENNECOTT MASTER SUBDIVISION IN PART
 Located in the North-Western Quarter of Section 15, T35N, R2E

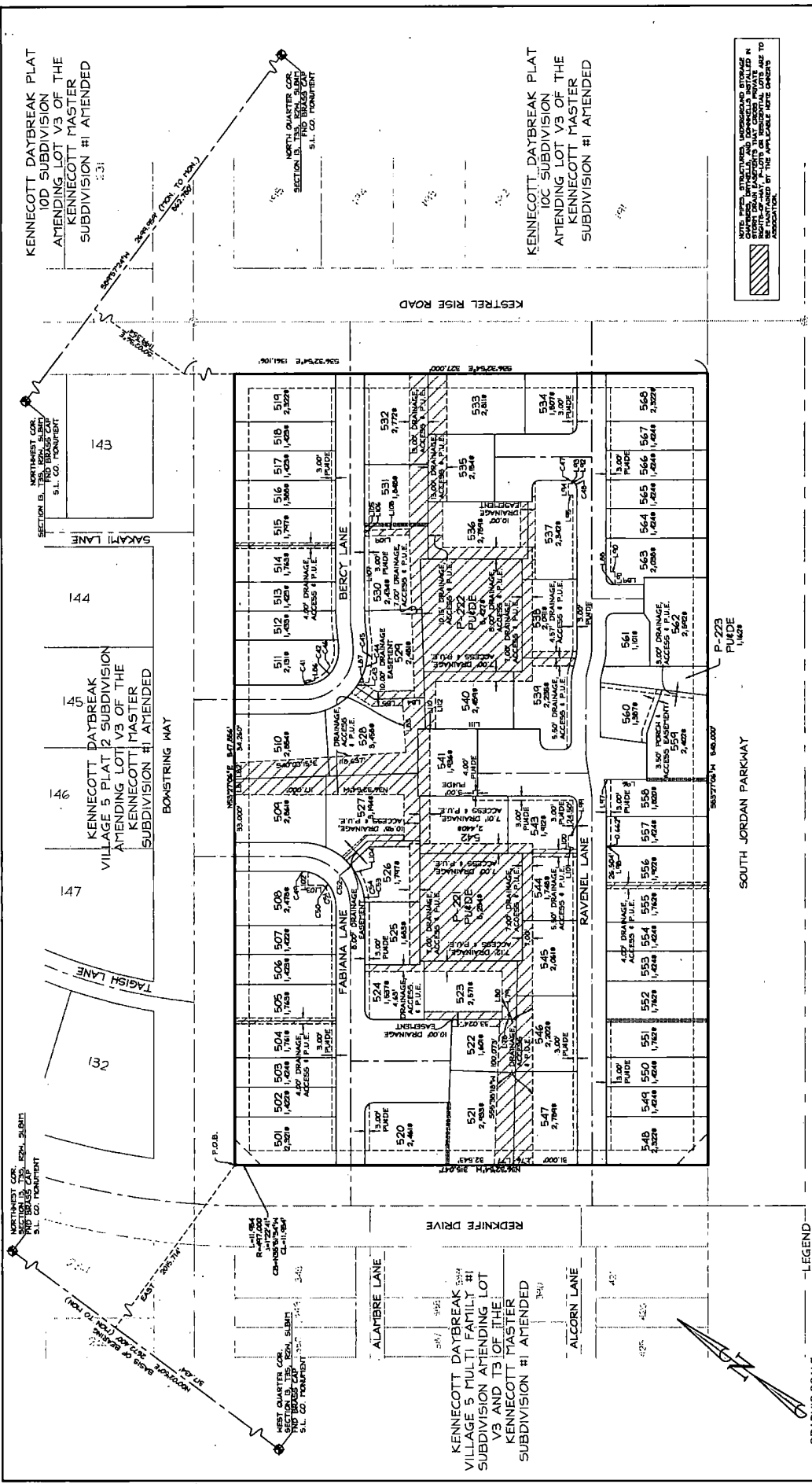
RECORDS
 STATE OF IOWA, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
 REQUEST OF: _____ BOOK: _____ PAGE: _____
 DATE: _____ YEAR: _____

PER 3
 SALT LAKE COUNTY RECORDER

LEGEND
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT
 [Diagonal Hatching] EXISTING 30' WIDE SEWER EASEMENT

KENNECOTT DAYBREAK SOUTH JORDAN
 PARKWAY, RIGHT-OF-WAY DEDICATION PLAT
 (SPLIT ROCK DRIVE TO 5560 WEST)

PERIGEE
 CONSULTING
 CIVIL • SURVEYING • ENERGY
 1000 WEST 1500 SOUTH, SUITE 100
 WEST JORDAN, UT 84081-1100
 TEL: (801) 437-5000
 FAX: (801) 437-5001



Sheet 5 of 6

DAYBREAK VILLAGE & MULTI FAMILY #2 SUBDIVISION
 AMENDING LOTS 106-108, P-LOTS P-102-P-104, PARCEL A & A PUBLIC LANE
 OF THE DAYBREAK VILLAGE & MULTI FAMILY #2 SUBDIVISION
 LOT V3 OF THE KENNEDOTT MASTER SUBDIVISION #1 ATTENDED

Located in the Northwest Quarter of Section 03, T8N, R2W

STATE OF IOWA, COUNTY OF BALT LAKE, RECORD NO. AND FILED AT THE
 REGISTRY OF.
 DATE: _____ TITLE: _____ BOOK: _____ PAGE: _____

FILE # _____ BALT LAKE COUNTY RECORDER

PUBLIC UTILITY EASEMENTS
 (UNLESS OTHERWISE NOTED)

KENNEDOTT DAYBREAK SOUTH JORDAN
 PARKWAY RIGHT-OF-WAY DEDICATION PLAT
 (SPLIT ROCK DRIVE TO 5360 WEST)
 AMENDING LOTS T3 AND V3 OF THE
 KENNEDOTT MASTER SUBDIVISION #1 ATTENDED

LEGEND

- ROAD BALT LAKE COUNTY
- SECTION CORNER
- PROPOSED STREET MONUMENT
- EXISTING STREET MONUMENT
- ADJACENT WITH ASSURANCE
- OF STREET OR ALLEY
- 3.00' PUIDE
- 5.00' PUIDE
- 10.00' PUIDE
- 15.00' PUIDE
- 20.00' PUIDE
- 25.00' PUIDE
- 30.00' PUIDE
- 35.00' PUIDE
- 40.00' PUIDE
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