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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: SMA, DEPUTY - WI 6 P.

Recording requested and
when recorded, return to:

VP Daybreak Operations LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009
Attention: Gary Langston

**AMENDMENT TO SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
SODA ROW TOWNHOME PROJECT
(WITHDRAWING CERTAIN LOTS)**

THIS AMENDMENT TO SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SODA ROW TOWNHOME PROJECT (WITHDRAWING CERTAIN LOTS) (this "**Amendment**") is made and entered into as of this SEPTEMBER 13, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company, as successor-in-interest to Kennecott Land Company, a Delaware corporation, as declarant ("**Declarant**") under that certain 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 subsequently amended and supplemented from time to time (collectively, the "**Declaration**").

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. Pursuant to that certain Supplement to Declaration of Covenants, Conditions and Restrictions for Daybreak Soda Row Townhome Project, dated September 14, 2016, and recorded on September 14, 2016 as Entry No. 12364814, in Book 10475, at Pages 8060-8065 (the "**Supplement**"), certain additional lots within the "Property" (as defined in the Supplement) were added to the Project and subjected to the Declaration.
- C. Declarant desires, pursuant to the authority reserved unto Declarant, under that certain Community Charter for Daybreak, which was recorded as Entry No. 8989518, in Book, 8950, beginning at 7784 in the Official Records of Salt Lake County, Utah (the "**Master Residential Declaration**") and the terms of Section 14.5 of the Declaration, to withdraw certain lots from the Declaration, the Soda Row Townhome project, and from the

governance of the Soda Row Townhome Association, Inc., a Utah nonprofit corporation (the "Association").

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. **Withdrawal from Declaration.** Pursuant to the authority vested and reserved in Declarant (as "Founder" thereunder) as set forth in Chapter 16 and 17 of the Master Residential Declaration, and Section 14.5 of the Declaration, Declarant hereby withdraws those certain lots legally described in **Exhibit A** attached hereto and incorporated herein by this reference (the "**Withdrawn Property**") from the Project and unsubjects the Withdrawn Property to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration, which shall no longer be of force or effect with respect to the Withdrawn Property. Declarant is the fee simple owner of the Withdrawn Property and hereby consents to the removal of the Withdrawn Property from the Project and the termination of the Declaration solely with respect to the Withdrawn Property. From and after the recordation of this Amendment, the Withdrawn Property shall be held, transferred, sold, conveyed, developed, and occupied free from the encumbrance of the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration, including the governance of the Association.
3. **Full Force and Effect.** Except as specifically amended hereby, the Supplement and the Declaration remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Amendment are hereby incorporated herein by this reference.

[Signatures on the Following Page]


IN WITNESS WHEREOF, as of this SEPTEMBER 13, 2017, Declarant has executed this Amendment.

Declarant:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

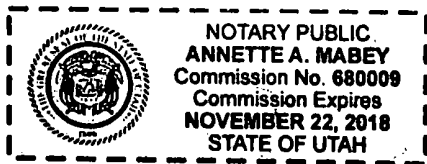
By: Daybreak Communities LLC,
a Delaware limited liability company

Its: Project Manager

By: 
Ty McCutcheon, President & CEO

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

On Sept 13, 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.



WITNESS my hand and official Seal.


Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE WITHDRAWN PROPERTY

LOT C-214 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-215 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-216 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-217 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-218 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-219 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

LOT C-220 OF THAT CERTAIN PLAT ENTITLED "KENNECOTT DAYBREAK VILLAGE CENTER 1A AMENDING PARCEL A AND PARCEL B OF THE KENNECOTT PHASE II SUBDIVISION" RECORDED ON APRIL 25, 2008, AS ENTRY NO.: 10410248, IN BOOK 2008P, AT PAGE 100 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH

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APN's: 27-19-153-015, 27-19-153-016, 27-19-153-017, 27-19-153-018, 27-19-153-019, 27-19-153-020, 27-19-153-021, 27-19-153-022, 27-19-153-023, 27-19-153-024, 27-19-153-025, 27-19-153-026, 27-19-153-027, 27-19-153-028, 27-19-153-029, 27-19-187-001, 27-19-187-002, 27-19-187-003, 27-19-187-013, 27-19-187-014, 27-19-187-015, 27-19-187-016.