

When recorded return to:
Daybreak Lake Village LLC
67 S. Main Street Suite 300
Layton, Utah 84041

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9/27/2018 9:47:00 AM \$31.00
Book - 10716 Pg - 4546-4553
ADAM GARDINER
Recorder, Salt Lake County, UT
STEWART TITLE INS AGCY OF UT
BY: eCASH, DEPUTY - EF 8 P.

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
&
SUPPLEMENTAL DECLARATION &
NOTICE OF ANNEXATION TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
For Daybreak Lake Village Townhomes
Salt Lake County, Utah**

Supplement to Community Charter for Daybreak & Supplemental Declaration & Notice of Annexation to the Declaration of Covenants, Conditions and Restrictions for Daybreak Lake Village Townhomes (“Supplemental Declaration”) is hereby executed by Daybreak Lake Village, LLC (“Declarant”) (also being approved by VP Daybreak Operations, LLC and Daybreak Communities, LLC collectively “Master Developer”), hereby supplements that Declaration of Covenants, Conditions & Restrictions for Daybreak Lake Village Townhomes, as amended, recorded in the Salt Lake County Recorder’s Office on April 7, 2017 as Entry No. 12510666 (“Declaration”), annexing residential lots into the Association, as identified in **Exhibit A** (“Property”).

RECITALS:

- A. On February 27, 2004, Declarant’s predecessor caused to be recorded that certain Community Charter for Daybreak, as Entry No. 898518, in Book 8950, beginning at Page 7784 in the Official Records of Salt Lake county, Utah, 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 further 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 further amended by that certain Amendment No. 4 to Community Charter for Daybreak was recorded in the Salt Lake County Recorder’s Office on March 2, 2010, that as Entry No. 10907211, as further amended by that certain Amendment No. 5 to Community Charter for Daybreak was recorded in the Salt Lake County Recorder’s Office on November 24, 2010, as Entry No. 11082445, as further amended by that certain Amendment No. 6 to Community Charter for Daybreak was recorded in the Salt Lake County Recorder’s Office on July 1, 2016, as Entry No. 12312667, as further amended by that certain Amendment No. 7 to Community Charter for Daybreak was recorded in the Salt Lake County Recorder’s Office on July 3, 2018, as

SUPPLEMENTAL DECLARATION AND NOTICE OF ANNEXATION
DAYBREAK LAKE VILLAGE TOWNHOMES

Entry No. 12804618 (as may be further amended and/or supplemented from time to time (collectively “Master Declaration”).

- B. On or about April 7, 2017, that certain Declaration of Covenants, Conditions & Restrictions for Daybreak Lake Village Townhomes was recorded in the Salt Lake County Recorder’s Office as Entry No. 12510666, as amended (“Declaration”).
- C. On or about April 7, 2017 the Supplement to Community Charter for Daybreak and Supplement to Covenant for community for Daybreak, Submitting Addition Property (Daybreak Village 4 East Multi Family #1) and Notice of Reinvestment Fee Covenant and Expansion for Telecommunications Service Area No. 1 was recorded in the Salt Lake County Recorder’s Office, as Entry No. 12510667 (“First Supplement”).
- D. On January 5, 2018, the Plat Map for Daybreak Lake Island Plat 1 Amending Lots A-4 & A-6 of the Kennecott Daybreak Oquirrh Lake was recorded in the Salt Lake County Recorder’s Office, as Entry No. 12693190 (“Plat”).
- E. On or about January 26, 2018 the First Amendment to Declaration of Covenants, Conditions and Restrictions for Daybreak Lake Village Townhomes was recorded in the Salt Lake County Recorder’s Office, as Entry No. 12705663 (“First Amendment”).
- F. On or about April 19, 2018, a Notice of Approval of Exchange of Title affecting Parcel Nos. 27-18-357-006 through 27-18-357-008 was recorded in the Salt Lake County Recorder’s Office as Entry No. 12757066 (“Lot Line Adjustment for Lots 125-127”).
- G. On or about April 19, 2018, a Notice of Approval of Exchange of Title affecting Parcel Nos. 27-18-357-004 through 27-18-357-006 was recorded in the Salt Lake County Recorder’s Office as Entry No. 12757068 (“Lot Line Adjustment for Lots 128-129”).
- H. On or about April 19, 2018, a Notice of Approval of Exchange of Title affecting Parcel Nos. 27-18-357-002 through 27-18-357-004 was recorded in the Salt Lake County Recorder’s Office as Entry No. 12757070 (“Lot Line Adjustment for Lots 130-131”).
- I. On or about April 19, 2018, a Notice of Approval of Exchange of Title affecting Parcel Nos. 27-18-357-002 and 27-18-357-001 was recorded in the Salt Lake County Recorder’s Office as Entry No. 12757072 (“Lot Line Adjustment for Lots 132”).
- J. Pursuant to Article 15.5 of the Declaration, the Project remains within the Declarant Control Period.
- K. This Supplemental Declaration is hereby submitted, as provided for generally within the Master Declaration and specifically within Article 14 of the First Amendment, for the purpose of annexing certain residential lots located in Salt Lake County, Utah, as more particularly described on **Exhibit “A”** attached hereto, which residential lots are within the

Daybreak Lake Island Plat 1 Amending Lots A-4 & A-6 of the Kennecott Daybreak Oquirrh Lake Plat as modified by those certain Lot Line Adjustments.

- L. Declarant and Master Developer desire to submit the Property within the Plat to the covenants, conditions, restrictions, easements, charges and liens created by that certain Declaration, as supplemented hereby. Declarant declares that the Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied, and improved subject to the terms, covenants, conditions, easements, and restrictions of the Master Declaration and Declaration, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement, and sale of the Property, and to enhance the value, desirability, and attractiveness of the Property.

NOW, THEREFORE, BE IT DECLARED:

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are specifically incorporated herein by reference and made a part hereof.
2. Definitions. All terms used but not defined herein shall have the meanings given them under the Master Declaration and Declaration.
3. Effective Date. This Supplemental Declaration will take effect on the date recorded at the office of the Salt Lake County Recorder's Office, Utah (the "Effective Date").
4. Identification of Annexed Lots. The residential Lots to be annexed, as confirmed by the recordation of this Supplemental Declaration, are those Lots identified **Exhibit "A"**.
5. Annexation. The Property is hereby annexed to Daybreak and the Lake Village Townhomes and shall hereafter be held, sold, conveyed, encumbered, leased, occupied and improved as part of the Project subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Master Declaration and Declaration, the full text of which is incorporated herein by reference and made a part hereof, as the same may be supplemented hereby.
6. General Restrictions and Requirements. All general restrictions and requirements of the Master Declaration and Declaration shall apply to the Lots, without exception.
7. Land Classification & Designation of Lots, Common Areas and Easements. The Property annexed herewith, as set forth in the Plat, does create separate residential Lots, with all corresponding easement and made subject to the covenants, conditions, restrictions, and easements provided for in the Master Declaration and Declaration.
8. Conflict. If any provisions of this Supplemental Declaration conflict with any terms set forth in the Declaration, the terms of this Supplemental Declaration shall govern.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date indicated below.

ORIGINAL DECLARANT:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

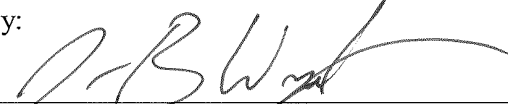
By: DAYBREAK COMMUNITIES LLC,
a Delaware limited liability company
Its: Project Manager

By: 

Name: Ty McCutcheon
Title: President & CEO

SUCCESSOR DECLARANT:

DAYBREAK LAKE VILLAGE, LLC

By: 

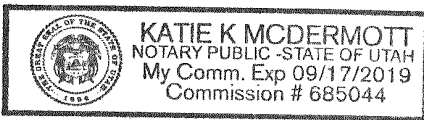
John B. Warnick
Its: Manger

ACKNOWLEDGMENTS

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On September 20, 2018, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware limited liability company, 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.

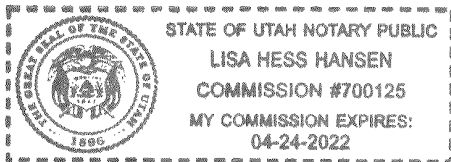
WITNESS my hand and official Seal.



Katie K Mc Dermott
Notary Public in and for said State
My commission expires: 09/17/2019

STATE OF UTAH)
 : ss
COUNTY OF Davis)

On the 25th day of September, 2018, before me, the undersigned Notary Public, personally appeared John B. Warnick, who being by me duly sworn, did say that he is the Manager of the Daybreak Lake Village, LLC and that the within and foregoing instrument was signed on behalf of said limited liability company by authority and said member duly acknowledged to me that said limited liability company approved the same.



Lisa Hess Hansen
Notary Public in and for said State
My commission expires: 2-24-2022

Exhibit A
Legal Descriptions

- a. Lot 125: Parcel No. 27-18-357-008
Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 958.771 feet along the Section Line and South 5024.419 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 53°27'06" West 0.437 feet from the West Corner of Lot 125 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 40.437 feet to the North Corner of said Lot 125; thence along said Lot 125 South 36°32'54" East 104.648 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 40.457 feet; thence North 36°32'54" West 103.395 feet to the point of beginning.
- b. Lot 126: Parcel No. 27-18-357-007
Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 958.771 feet along the Section Line and South 5024.419 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 53°27'06" West 0.437 feet from the North Corner of Lot 126 of the Daybreak Lake Island Plat 1 subdivision and running thence South 36°32'54" East 103.395 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 21.302 feet; thence North 36°32'54" West 102.735 feet to said Southerly right-of-way line; thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet to the point of beginning.
- c. Lot 127: Parcel No. 27-18-357-006
Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 924.562 feet along the Section Line and South 5049.750 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 53°27'06" West 0.687 feet from the West Corner of Lot 127 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet; thence South 36°32'54" East 102.735 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 21.302 feet; thence North 36°32'54" West 102.075 feet to the said Southerly right-of-way line and the point of beginning.
- d. Lot 128: Parcel No. 27-18-357-005
Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 924.562 feet along the Section Line and South 5049.750 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 53°27'06" West 0.687 feet from the North Corner of Lot 128 of the Daybreak Lake Island Plat I subdivision and running thence South 36°32'54" East 102.075 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 34.162 feet; thence North 36°32'54"

West 101.017 feet to said Southerly right-of-way line; thence along said Southerly right-of-way line North 53°27'06" East 34.146 feet to the point of beginning.

e. Lot 129: Parcel No. 27-18-357-004

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 873.633 feet along the Section Line and South 5087.461 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.250 feet from the West Corner of Lot 129 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 29.250 feet; thence South 36°32'54" East 101.017 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 29.264 feet; thence North 36°32'54" West 100.111 feet to said Southerly right-of-way line and the point of beginning.

f. Lot 130: 27-18-357-003

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 873.633 feet along the Section Line and South 5087.461 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.250 feet from the North Corner of Lot 130 of the Daybreak Lake Island Plat 1 subdivision and running thence South 36°32'54" East 100.111 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line the following (2) courses: 1) South 55°13'35" West 6.567 feet to a point on a 529.000 foot radius tangent curve to the left, (radius bears South 34°46'25" East); 2) along the arc of said curve 14.730 feet through a central angle of 01°35'43"; thence North 36°32'54" West 99.657 feet to said Southerly right-of-way line; thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet to the point of beginning.

g. Lot 131: Parcel No. 27-18-357-002

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 839.423 feet along the Section Line and South 5112.791 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.000 feet from the West Corner of Lot 131 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet; thence South 36°32'54" East 99.657 feet to the Northerly right-of-way line of Isla Daybreak Road and a point on a 529.000 foot radius non tangent curve to the left, (radius bears South 36°22'09" East); thence along Northerly right-of-way line and the arc of said curve 21.296 feet through a central angle of 02°18'24"; thence North 36°32'54" West 100.019 feet to said Southerly right-of-way line and the point of beginning.

h. Lot 132: Parcel No. 27-18-357-001

Beginning at the West Comer of Lot 132 of the Daybreak Lake Island Plat 1 subdivision, also being on the Southerly right-of-way line of Topsail Lane, said point lies North 89°57' 12" East 806.486 feet along the Section Line and South 5137.180 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Southerly right-of-way line of Isla Daybreak Road, also being a point on a 529.000 foot radius non tangent curve to the left, (radius bears South 38°40'32" East); thence along the arc of said curve 41.129 feet through a central angle of 04°27'17" to the South Corner of said Lot 132' thence along said Lot 132 North 36°32' 54" West 103.141 feet to the point of beginning.