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RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: SSP, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

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

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 8 PLAT 4C)**

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 8 PLAT 4C) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this October 9, 2019, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company), 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 that certain subdivision map entitled “DAYBREAK VILLAGE 8 PLAT 4C SUBDIVISION AMENDING LOTS Z102 AND Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 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 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]

IN WITNESS WHEREOF, as of this October 8, 2019, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

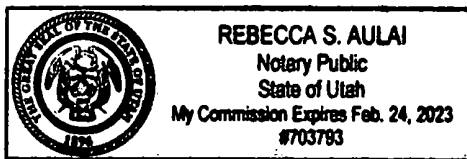
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: [Signature]
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On October 8, 2019, 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.

[Signature]
Notary Public in and for said State

My commission expires: 2/24/23

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 4C SUBDIVISION AMENDING LOTS Z102 AND Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on November 20, 2019, as Entry No. 13128697, Book 2019P, at Page 312 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Daybreak Village 8 Plat 4C Subdivision

Beginning at the Northwest Corner of the Daybreak Prosperity Road Plat, said point also being on the Westerly Line of Lot Z102 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 5184.707 feet along the Daybreak Baseline South (Basis of bearings is South 89°56'03" East between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 733.003 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said point also being North 89°49'08" West 103.517 feet along the Section Line and North 742.976 feet from the Southeast Corner of said Section 22 and running thence along said Lot Z102 the following (3) courses: 1) North 35.799 feet to a point on a 176.500 foot radius tangent curve to the left, (radius bears West, Chord: North 16°41'23" West 101.378 feet); 2) along the arc of said curve 102.826 feet through a central angle of 33°22'46"; 3) North 33°22'46" West 337.968 feet; thence North 56°37'14" East 94.500 feet; thence North 33°22'46" West 94.000 feet; thence North 56°37'14" East 38.000 feet; thence North 33°22'46" West 222.119 feet; thence South 89°49'44" West 26.257 feet; thence South 56°37'14" West 14.032 feet; thence North 33°22'46" West 25.000 feet; thence North 56°37'14" East 12.357 feet; thence North 89°49'44" East 138.915 feet; thence North 76°54'43" East 12.264 feet to a point on the Westerly Line of Daybreak Village 8 Plat 4B subdivision and a point on a 227.000 foot radius non tangent curve to the left, (radius bears North 76°54'43" East, Chord: South 23°14'01" East 79.973 feet); thence along said Westerly Line the following (5) courses: 1) along the arc of said curve 80.392 feet through a central angle of 20°17'29"; 2) South 33°22'46" East 217.220 feet; 3) South 36°39'50" East 282.647 feet to a point on a 188.000 foot radius tangent curve to the right, (radius bears South 53°20'10" West, Chord: South 18°20'58" East 118.150 feet); 4) along the arc of said curve 120.186 feet through a central angle of 36°37'43"; 5) South 00°02'07" East 185.321 feet to a Northeasterly Corner of said Daybreak Prosperity Road Plat; thence along said Daybreak Prosperity Road Plat the following (3) courses: 1) West 3.581 feet; 2) North 82°52'30" West 32.249 feet; 3) West 152.672 feet to the point of beginning.

Property contains 3.484 acres.