

Recording requested and  
when recorded, return to:

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

27-18-151-003

27-18-151-019

27-18-151-017

13332320

7/17/2020 2:41:00 PM \$42.00

Book - 10981 Pg - 4876-4882

RASHELLE HOBBS

Recorder, Salt Lake County, UT

OLD REPUBLIC TITLE DRAPER/OREM

BY: eCASH, DEPUTY - EF 7 P.

**NOTICE OF WITHDRAW FROM  
COMMUNITY CHARTER FOR DAYBREAK  
(WITHDRAWING CERTAIN PROPERTY)**

**THIS NOTICE OF WITHDRAW FROM COMMUNITY CHARTER FOR DAYBREAK (WITHDRAWING CERTAIN PROPERTY)** (this “**Notice**”) is made and entered into as of this July 16, 2020, 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 August 26, 2004, as Entry No. 9156782 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded October 19, 2005, as Entry No. 9528104 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded March 13, 2007, as Entry No. 10031889 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 4 to Community Charter for Daybreak, recorded March 2, 2010, as Entry No. 10907211 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 5 to Community Charter for Daybreak, recorded November 24, 2010, as Entry No. 11082445 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 6 to Community Charter for Daybreak, recorded July 1, 2016, as Entry No. 12312667 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 7 to Community Charter for Daybreak, recorded July 3, 2018, as Entry No. 12804618, in the Salt Lake County Recorder’s Office (as amended and/or supplemented 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**”), and is consented to by VP Daybreak Devco LLC, a Delaware limited liability company (“**VP Daybreak Devco**”).

**RECITALS:**

- A. Pursuant to the Charter, Founder is the successor “Founder” of the community commonly known as “*Daybreak*” located in South Jordan, Utah (the “**Project**”).

- B. Declarant desires, pursuant to the authority reserved unto Declarant under the Charter, to withdraw certain property from the Charter.

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 Founder as set forth in Chapter 16 and 17 of the Charter, Founder hereby withdraws that certain property 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 Charter, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Charter, which shall no longer be of force or effect with respect to the Withdrawn Property. VP Daybreak Devco 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 Charter solely with respect to the Withdrawn Property. From and after the recordation of this Notice, the Withdrawn Property shall be held, transferred, sold, conveyed, developed, and occupied free from the encumbrance of the Charter, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Charter.
3. **Full Force and Effect.** Except as specifically amended hereby, the Charter and the Covenant remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Notice are hereby incorporated herein by this reference.

*[Signatures on the Following Page]*

IN WITNESS WHEREOF, as of this JULY 16, 2020, Founder has executed this Notice, and VP Daybreak Devco has consented to the same.

**Founder:**

**VP DAYBREAK OPERATIONS LLC,**  
a Delaware limited liability company

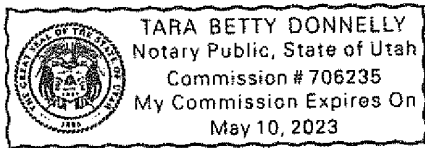
By: Daybreak Communities LLC,  
a Delaware limited liability company  
Its: Project Manager

By: Ty McCutcheon  
Ty McCutcheon, President & CEO

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

On JULY 16, 2020, 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.



[SEAL]

Tara Betty Donnelly  
Notary Public in and for said State

My commission expires: 5-10-2023

VP Daybreak Devco:

VP DAYBREAK DEVCO LLC,  
a Delaware limited liability company

By: Daybreak Communities LLC,  
a Delaware limited liability company

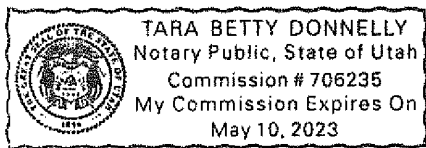
Its: Project Manager

By: *Ty McCutcheon*  
Ty McCutcheon, President & CEO

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

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WITNESS my hand and official Seal.



*Tara Betty Donnelly*  
Notary Public in and for said State

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[SEAL]

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a Delaware limited liability company

By: Daybreak Communities LLC,  
a Delaware limited liability company

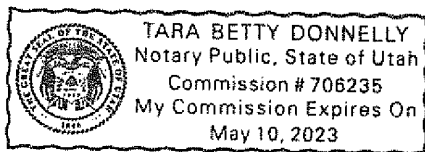
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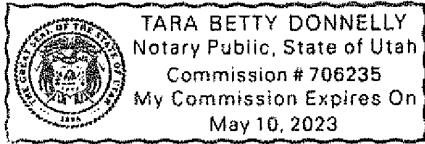
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My commission expires: 5-10-2023

[SEAL]

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE WITHDRAWN PROPERTY**

All of the real property described on that certain plat entitled "DAYBREAK NORTH SHORE VILLAGE CENTER AMENDING LOT A-1 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT, LOT C-101 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT AMENDED AND INCLUDING A VACATED PORTION OF SOUTH JORDAN PARKWAY", recorded on June 26, 2020, as Entry No. 13310849, in Book 10968, at Page 6634 of the Official Records of Salt Lake County, Utah.