

WHEN RECORDED, RETURN TO:  
VP Daybreak Operations LLC  
Attention: Matt Dean  
11248 Kestrel Rise Road, Suite 201  
South Jordan, UT 84009

13386515  
9/9/2020 10:09:00 AM \$40.00  
Book - 11014 Pg - 3969-3976  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
MERIDIAN TITLE  
BY: eCASH, DEPUTY - EF 8 P.

**DECLARATION OF ANNEXATION  
FOR THE SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK  
ESTABLISHING AND/OR EXPANDING SERVICE AREA  
(A PORTION OF DAYBREAK VILLAGE 8 PLAT 3)**

**THIS DECLARATION OF ANNEXATION FOR THE SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK ESTABLISHING AND/OR EXPANDING SERVICE AREA (A PORTION OF DAYBREAK VILLAGE 8 PLAT 3)** is made and executed by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, as successor-in-interest to KENNECOTT LAND COMPANY, a Delaware corporation ("*Founder*"), and Chocolate Daybreak Towns, LLC, a Utah limited liability company ("*Builder*").

**RECITALS**

- A. WHEREAS, certain real property in Salt Lake County, Utah, known as Chocolate Daybreak Village 8 Towns (the "*Service Area*") was subjected to covenants, conditions, and restrictions through the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3), recorded on September 30, 2019 in Book No. 10838, Pages 2637-2663, as Entry No. 13086332, in the Office of the County Recorder, Salt Lake County, Utah (the "*Supplement*");
- B. WHEREAS, the Supplement was made pursuant to the Community Charter for Daybreak recorded in Book No. 8950, Page No. 7784-7908, as Entry No. 8989518, in the Office of the County Recorder, Salt Lake County, Utah, as subsequently amended and supplemented from time to time (the "*Charter*");
- C. WHEREAS, the Founder expressly reserved the right, under Sections 3.4 and 20.2 of the Charter, to unilaterally amend the Supplement to change the Service Area boundaries during the Sale and Development Period;
- D. WHEREAS, Builder owns the property described more fully in Exhibit A of this Declaration of Annexation (the "*Property*") that was not originally subjected to the Supplement;
- E. WHEREAS, Founder, with the consent of Builder, desires to subject the Property to the Supplement.

**NOW THEREFORE**, for the reasons recited above, the Founder hereby executes this Declaration of Annexation for the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3) as follows:

1. All defined terms as used in this Declaration of Annexation shall have the same meaning as those set

forth and defined in the Supplement.

2. The Property is hereby submitted to the provisions of the Supplement and, pursuant thereto, is hereby annexed in to the Association and is to be held, transferred, sold, conveyed, and occupied as Units subject to the Supplement and as a part of the Association.

3. The covenants, conditions, restrictions, easements, and limitations of the Supplement shall run with the Property and shall be binding on and burden all parties having or acquiring any right, title, or interest to the Property, or any part thereof, and shall inure to the benefit of each Owner in the Service Area, and are imposed upon said Property and every party thereof.

4. Except as amended by the provisions of this Declaration of Annexation, the Supplement as previously amended and supplemented shall remain unchanged and, together with this Declaration of Annexation, shall constitute the Supplement to Community Charter for Daybreak Establishing and/or Expanding Service Area (A Portion of Daybreak Village 8 Plat 3). This Declaration of Annexation does not affect the Association's right to amend or replace the Supplement or the binding effect of the Supplement as amended or replaced from time to time on the Unit and Owner.

5. This Declaration of Annexation shall be recorded in the Salt Lake County Recorder's Office.

*[Signatures on following pages]*

**IN WITNESS WHEREOF**, Founder has caused this Declaration of Annexation to be executed and Builder and the Association hereby agree with and have consented to the same as of this 3rd day of September, 2022.

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

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

By: [Signature]  
Name: Ty McCutcheon  
Its: President & CEO

Builder: **CHOCOLATE DAYBREAK TOWNS, LLC,**  
a Utah limited liability company

By: [Signature]  
Name: Tony Oriant  
Its: V.P. Operations

SEE  
COUNTERPART

Association: **DAYBREAK COMMUNITY ASSOCIATION, INC.,**  
a Utah nonprofit corporation

By: [Signature]  
Name: Rick Smith  
Its: President


**IN WITNESS WHEREOF**, Founder has caused this Declaration of Annexation to be executed and Builder and the Association hereby agree with and have consented to the same as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Founder: **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  
Its: President & CEO

Builder: **CHOCOLATE DAYBREAK TOWNS, LLC,**  
a Utah limited liability company

By:   
Name: Tony Oriatt  
Its: V.p. Operations

Association: **DAYBREAK COMMUNITY ASSOCIATION, INC.,**  
a Utah nonprofit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF Utah )  
 ) ss.  
COUNTY OF Salt Lake )

On September 3, 2020 personally appeared before me, a Notary Public, Ty McCischn the Resident & 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.



Tara Betty Donnelly  
Notary Public  
My commission expires: 5-10-23

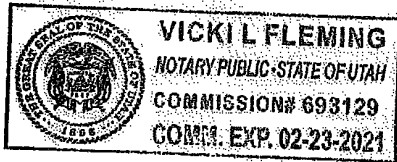
[SEAL]

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STATE OF Utah )  
 ) ss.  
COUNTY OF Salt Lake )

On 8/31/2020, personally appeared before me, a Notary Public, Tony Oratt, the VP Operations of Chocolate Daybreak Towns, LLC, a Utah 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 Chocolate Daybreak Towns, LLC, a Utah limited liability company.

WITNESS my hand and official Seal.



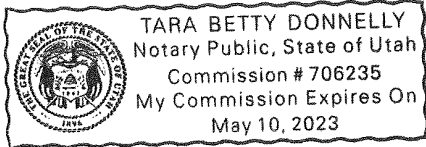
[Signature]  
Notary Public  
My commission expires: 2/23/21

[SEAL]

STATE OF Utah )  
 ) ss.  
COUNTY OF Salt Lake )

On September 3, 2020 personally appeared before me, a Notary Public, Rich Sonrtaq, the President of Daybreak Community Association, Inc., a Utah nonprofit corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that they executed the above instrument on behalf of Daybreak Community Association, Inc., a Utah nonprofit corporation.

WITNESS my hand and official Seal.



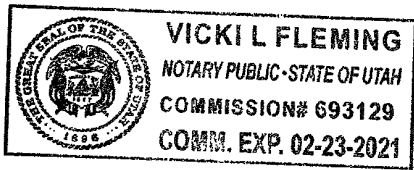
[Signature]  
Notary Public  
My commission expires: 5-10-23

[SEAL]

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On 8/31/2020, personally appeared before me, a Notary Public, Tony Orzatt, the VP Operations of Chocolate Daybreak Towns, LLC, a Utah 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 Chocolate Daybreak Towns, LLC, a Utah limited liability company.

WITNESS my hand and official Seal.



[Signature]  
Notary Public  
My commission expires: 2/23/21

[SEAL]

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On \_\_\_\_\_, personally appeared before me, a Notary Public, \_\_\_\_\_, the \_\_\_\_\_ of Daybreak Community Association, Inc., a Utah nonprofit corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that they executed the above instrument on behalf of Daybreak Community Association, Inc., a Utah nonprofit corporation.

WITNESS my hand and official Seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

[SEAL]

**EXHIBIT A**  
**LEGAL DESCRIPTION**

That certain real property located in the City of South Jordan, Salt Lake County, Utah described as follows:

Lots 591, 592, 593, 594, 595, 596, and 597, DAYBREAK VILLAGE 8 PLAT 4B  
SUBDIVISION AMENDING LOT Z102 and Z103 OF THE VP DAYBREAK OPERATIONS-  
INVESTMENTS PLAT 1, according to the official plat thereof, on file and of record in the office  
of the Salt Lake County Recorder, State of Utah.

PARCEL NO 26233590170000	LOT 591	11667 S SKYWARD RD
PARCEL NO 26233590160000	LOT 592	11661 S SKYWARD RD
PARCEL NO 26233590150000	LOT 593	11657 S SKYWARD RD
PARCEL NO 26233590140000	LOT 594	11653 S SKYWARD RD
PARCEL NO 26233590130000	LOT 595	11647 S SKYWARD RD
PARCEL NO 26233590120000	LOT 596	11643 S SKYWARD RD
PARCEL NO 26233590110000	LOT 597	11639 S SKYWARD RD