



WHEN RECORDED, RETURN TO:

**VP DAYBREAK OPERATIONS LLC**  
9350 South 150 East, Suite 900  
Sandy, Utah 84070  
Attention: John Warnick

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 9 PLAT 3)**

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 9 PLAT 3) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this \_\_\_\_\_, 2022, 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 in the Salt Lake County Recorder’s Office, as amended by that certain Amendment No. 1 to Community Charter for Daybreak, recorded August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767 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 Book 9205, beginning at Page 4743 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 Book 9434, beginning at Page 6467 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 Book 9807, beginning at Page 7337 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 Book 9882, beginning at Page 1049 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 Book 10448, beginning at Page 4380 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 Book 10690, beginning at Page 7505 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 8 to Community Charter for Daybreak, recorded June 29, 2021, as Entry No. 13702903, in Book 11198, beginning at Page 2431 in the Salt Lake County Recorder's Office, and as further amended by that certain Amendment No. 9 to Community Charter for Daybreak, recorded March 9, 2022, as Entry No. 13907339, in Book 11314, beginning at Page 7633 in the Salt Lake County Recorder's Office (as further 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 ("**Devco**"), and **VP DAYBREAK DEVCO 2, INC.**, a Utah corporation ("**Devco 2**").

#### RECITALS:

- A. Pursuant to the Charter, Founder is the successor "Founder" of the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. Founder and/or Devco and Devco 2 have recorded, or are concurrently recording, that certain subdivision map entitled "DAYBREAK VILLAGE 9 PLAT 3 AMENDING LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1, ALSO AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Devco and Devco 2 are the fee simple owners 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's predecessor created the Telecommunications Service Area No. 1 (the "**Telecommunications Service Area**").
- D. Founder, Devco and Devco 2 desire 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, Devco, and Devco 2 hereby submit and subject the Property to the Charter and the Covenant, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. Devco and Devco 2 as the fee simple owners of the Property, hereby consent to the subjection of the Property to the Charter and Covenant, as herein provided.
3. **Notice of Reinvestment Fee.** Notice is hereby given that the Charter and the Covenant provide, among other things, that certain assessments and fees will be charged against the Property (and their respective owners), as further described in the Charter and the Covenant 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]*

**Devco 2: VP DAYBREAK DEVCO 2, INC.,**  
a Utah corporation

By: Miller Family Real Estate, L.L.C.,  
a Utah limited liability company  
Its: Authorized Manager

By: *B. Sharp*  
Bart Sharp, Chief Operating Officer

ACKNOWLEDGMENT

STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

On December 22, 2022, personally appeared before me, a Notary Public, Bart Sharp, the Chief Operating Officer of Miller Family Real Estate, L.L.C., a Utah limited liability company, the Authorized Manager of VP DAYBREAK DEVCO 2, INC., a Utah corporation, 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 DEVCO 2, INC., a Utah corporation.



[SEAL]

WITNESS my hand and official Seal.

*C. Glade*  
Notary Public in and for said State

My commission expires: August 16, 2026

IN WITNESS WHEREOF, as of this December 22, 2022, Founder has executed this Supplement, and Devco and Devco 2 have consented to the same.

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

By: Miller Family Real Estate, L.L.C.,  
a Utah limited liability company

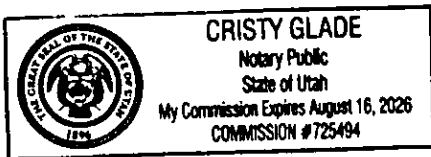
Its: Authorized Manager

By: Bart Sharp  
Bart Sharp, Chief Operating Officer

ACKNOWLEDGMENT

STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

On December 22, 2022, personally appeared before me, a Notary Public, Bart Sharp, the Chief Operating Officer of Miller Family Real Estate, L.L.C., a Utah limited liability company, the Authorized 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

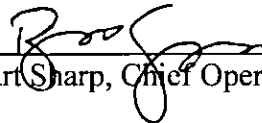
My commission expires: August 16, 2026

[SEAL]

**Devco: VP DAYBREAK DEVCO LLC,**  
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,  
a Utah limited liability company

Its: Authorized Manager

By:   
Bart Sharp, Chief Operating Officer

ACKNOWLEDGMENT

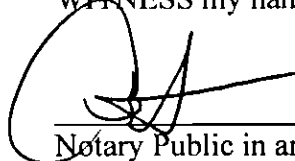
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[SEAL]

WITNESS my hand and official Seal.

  
Notary Public in and for said State

My commission expires: August 16, 2026

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 9 PLAT 3 AMENDING LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1, ALSO AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" recorded on 3/20/23, as Entry No. 14084218, Book 11407 P, at Page 4810 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

#### Boundary Description:

Being a portion of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 Subdivision, according to the official plat thereof, recorded as Entry No. 12571292 in Book 2017P at Page 176 in the Office of the Salt Lake County Recorder and a portion of Lot V5 of the Kennecott Master Subdivision #1 Amended according to the official plat thereof, recorded as Entry No. 8824749 in Book 2003P at Page 303 in the Office of the Salt Lake County Recorder more particularly described as follows:

Beginning at a point on the Northerly Right-of-Way Line of Lake Avenue, said point lies South  $89^{\circ}56'37''$  East 2241.445 feet along the Daybreak Baseline Southwest (Being South  $89^{\circ}56'37''$  East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 2238.221 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Avenue the following (4) courses: 1) North  $68^{\circ}49'22''$  West 287.558 feet to a point on a 467.000 foot radius tangent curve to the right, (radius bears North  $21^{\circ}10'38''$  East, Chord: North  $64^{\circ}12'21''$  West 75.181 feet); 2) along the arc of said curve 75.263 feet through a central angle of  $09^{\circ}14'02''$ ; 3) South  $30^{\circ}24'40''$  West 17.500 feet to a point on a 484.500 foot radius non tangent curve to the right, (radius bears North  $30^{\circ}24'40''$  East, Chord: North  $56^{\circ}04'14''$  West 59.466 feet); 4) along the arc of said curve 59.504 feet through a central angle of  $07^{\circ}02'12''$  to a point of compound curvature with a 39.500 foot radius tangent curve to the right, (radius bears North  $37^{\circ}26'52''$  East, Chord: North  $21^{\circ}28'42''$  West 40.775 feet) to the Easterly Right-of-Way Line of Bingham Rim Road; thence along said Bingham Rim Road the following (13) courses: 1) along the arc of said curve 42.845 feet through a central angle of  $62^{\circ}08'51''$  to a point of compound curvature with a 967.500 foot radius tangent curve to the right, (radius bears South  $80^{\circ}24'16''$  East, Chord: North  $11^{\circ}56'00''$  East 78.937 feet); 2) along the arc of said curve 78.959 feet through a central angle of  $04^{\circ}40'33''$  to a point of reverse curvature with a 512.500 foot radius tangent curve to the left, (radius bears North  $75^{\circ}43'43''$  West, Chord: North  $13^{\circ}51'20''$  East 7.437 feet); 3) along the arc of said curve 7.437 feet through a central angle of  $00^{\circ}49'53''$  to a point of reverse curvature with a 4.500 foot radius tangent curve to the right, (radius bears South  $76^{\circ}33'36''$  East, Chord: North  $36^{\circ}03'58''$  East 3.462 feet); 4) along the arc of said curve 3.554 feet through a central angle of  $45^{\circ}15'08''$ ; 5) North  $58^{\circ}41'32''$  East 4.142 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears North  $31^{\circ}18'28''$  West, Chord: North  $35^{\circ}30'24''$  East 4.331 feet); 6) along the arc of said curve 4.451 feet through a

central angle of  $46^{\circ}22'17''$  to a point of compound curvature with a 518.500 foot radius tangent curve to the left, (radius bears North  $77^{\circ}40'45''$  West, Chord: North  $09^{\circ}59'51''$  East 42.039 feet); 7) along the arc of said curve 42.051 feet through a central angle of  $04^{\circ}38'48''$  to a point of reverse curvature with a 481.500 foot radius tangent curve to the right, (radius bears South  $82^{\circ}19'33''$  East, Chord: North  $15^{\circ}23'01''$  East 129.188 feet); 8) along the arc of said curve 129.578 feet through a central angle of  $15^{\circ}25'09''$  to a point of reverse curvature with a 5.500 foot radius tangent curve to the left, (radius bears North  $66^{\circ}54'24''$  West, Chord: North  $09^{\circ}08'52''$  East 2.651 feet); 9) along the arc of said curve 2.677 feet through a central angle of  $27^{\circ}53'29''$  to a point of reverse curvature with a 981.500 foot radius non tangent curve to the right, (radius bears South  $64^{\circ}29'06''$  East, Chord: North  $27^{\circ}45'27''$  East 76.811 feet); 10) along the arc of said curve 76.830 feet through a central angle of  $04^{\circ}29'06''$ ; 11) North  $30^{\circ}00'00''$  East 52.362 feet; 12) South  $60^{\circ}00'00''$  East 11.500 feet; 13) North  $30^{\circ}00'00''$  East 498.000 feet to the Southerly Right-of-Way Line of Docksider Drive; thence along said Docksider Drive the following (3) courses: 1) South  $60^{\circ}00'00''$  East 433.025 feet; 2) South  $25^{\circ}43'37''$  West 5.014 feet; 3) South  $60^{\circ}00'00''$  East 27.075 feet; thence South  $25^{\circ}43'37''$  West 220.613 feet; thence South  $60^{\circ}00'00''$  East 117.449 feet; thence South  $29^{\circ}52'54''$  West 195.014 feet; thence North  $60^{\circ}00'00''$  West 18.826 feet; thence South  $30^{\circ}00'00''$  West 24.000 feet; thence South  $60^{\circ}00'00''$  East 65.000 feet; thence South  $30^{\circ}00'00''$  West 187.127 feet to a point on a 112.537 foot radius non tangent curve to the right, (radius bears North  $36^{\circ}46'59''$  East, Chord: North  $48^{\circ}14'46''$  West 19.503 feet); thence along the arc of said curve 19.527 feet through a central angle of  $09^{\circ}56'31''$ ; thence North  $43^{\circ}16'30''$  West 11.609 feet to a point on a 111.615 foot radius tangent curve to the left, (radius bears South  $46^{\circ}43'30''$  West, Chord: North  $62^{\circ}10'50''$  West 72.328 feet); thence along the arc of said curve 73.658 feet through a central angle of  $37^{\circ}48'39''$ ; thence North  $81^{\circ}05'10''$  West 40.772 feet to a point on a 77.370 foot radius tangent curve to the right, (radius bears North  $08^{\circ}54'50''$  East, Chord: North  $74^{\circ}02'37''$  West 18.972 feet); thence along the arc of said curve 19.020 feet through a central angle of  $14^{\circ}05'07''$ ; thence South  $21^{\circ}10'38''$  West 206.622 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the Northerly Right-of-Way Line of Docksider Drive, said point lies South  $89^{\circ}56'37''$  East 2647.140 feet along the Daybreak Baseline Southwest (Being South  $89^{\circ}56'37''$  East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3049.431 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Docksider Drive the following (3) courses: 1) North  $60^{\circ}00'00''$  West 27.000 feet; 2) South  $30^{\circ}00'00''$  West 5.000 feet; 3) North  $60^{\circ}00'00''$  West 432.631 feet to the Easterly Right-of-Way Line of Bingham Rim Road; thence along said Bingham Rim Road the following (6) courses: 1) North  $30^{\circ}00'00''$  East 262.000 feet; 2) North  $60^{\circ}00'00''$  West 17.500 feet; 3) North  $30^{\circ}00'00''$  East 42.227 feet; 4) North  $52^{\circ}59'18''$  East 51.211 feet; 5) North  $30^{\circ}00'00''$  East 135.006 feet to a point on a 28.000 foot radius tangent curve to the right, (radius bears South  $60^{\circ}00'00''$  East, Chord: North  $57^{\circ}47'32''$  East 26.111 feet); 6) along the arc of said curve 27.164 feet through a central angle of  $55^{\circ}35'05''$  to the Southerly Right-of-Way Line of South Jordan Parkway; thence along said South Jordan Parkway the following (6) courses: 1) South  $50^{\circ}00'00''$  East 152.212 feet to a point on a 1553.500 foot radius tangent curve to the left, (radius bears North  $40^{\circ}00'00''$  East, Chord: South  $51^{\circ}57'04''$  East 105.783 feet); 2) along the arc of said



curve 105.804 feet through a central angle of 03°54'08"; 3) South 36°05'52" West 11.500 feet to a point on a 1565.000 foot radius non tangent curve to the left, (radius bears North 36°05'52" East, Chord: South 56°55'12" East 164.779 feet); 4) along the arc of said curve 164.856 feet through a central angle of 06°02'08"; 5) South 30°03'44" West 4.000 feet to a point on a 1569.000 foot radius non tangent curve to the left, (radius bears North 30°03'44" East, Chord: South 60°25'51" East 27.001 feet); 6) along the arc of said curve 27.001 feet through a central angle of 00°59'10"; thence South 30°00'00" West 439.146 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the Easterly Right-of-Way Line of Watercourse Road, said point being a point on a 230.000 foot radius non tangent curve to the left, (radius bears North 75°31'04" West, Chord: North 09°30'17" East 39.911 feet), said point lies South 89°56'37" East 3892.731 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3038.118 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Watercourse Road the following (3) courses: 1) along the arc of said curve 39.961 feet through a central angle of 09°57'17"; 2) North 04°31'38" East 155.052 feet; 3) North 1.186 feet to the South Right-of-Way Line of South Jordan Parkway; thence along said South Jordan Parkway East 240.257 feet; thence South 37°49'40" West 13.791 feet to a point on a 51.856 foot radius non tangent curve to the right, (radius bears South 37°49'40" West, Chord: South 48°22'09" East 6.879 feet); thence along the arc of said curve 6.884 feet through a central angle of 07°36'22" to a point of compound curvature with a 60.028 foot radius non tangent curve to the right, (radius bears South 44°02'58" West, Chord: South 23°46'51" East 45.303 feet); thence along the arc of said curve 46.454 feet through a central angle of 44°20'22"; thence South 00°06'32" West 132.428 feet; thence South 30°20'10" West 92.930 feet; thence North 59°39'50" West 36.323 feet; thence North 73°59'30" West 203.388 feet to the point of beginning.