

14087814 B: 11409 P: 4934 Total Pages: 9  
03/30/2023 01:14 PM By: adavis Fees: \$138.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: VP DAYBREAK OPERATIONS LLC  
9350 S 150 E, STE 900 SANDY, UT 84070



WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC  
9350 South 150 East, Suite 900  
Sandy, Utah 84070  
Attn: John Warnick

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 12A PLAT 4)**

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 12A PLAT 4) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this March 20, 2023, 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 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 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 in the Salt Lake County Recorder's Office (as amended and/or supplemented from time to time, the "**Covenant**"), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company ("**Devco**").

#### 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 have recorded or are concurrently recording herewith that certain subdivision map entitled "DAYBREAK VILLAGE 12A PLAT 4 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 is the fee simple 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 in the Salt Lake County Recorder's Office (the "**Telecommunications Service Area Supplement**"), Founder created the Telecommunications Service Area No. 1 (the "**Telecommunications Service Area**").
- D. Founder and Devco 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 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. Devco, as the

fee simple owner of the Property, hereby consents to the subjection of the Property to the Covenant and Declaration, as herein provided.

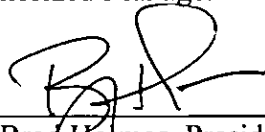
3. **Notice of Reinvestment Fee.** Notice is hereby given that the Covenant and the Charter provide, among other things, that certain assessments and fees will be charged against the Property (and their respective owners), as further described in the Covenant and Charter including a “Community Enhancement 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]*

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

By: LHMRE, LLC,  
a Utah limited liability company

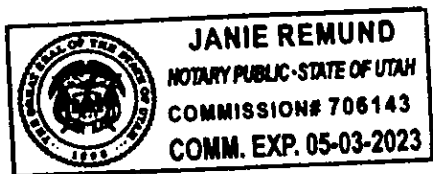
Its: Authorized Manager

By:   
Brad Holmes, President

ACKNOWLEDGMENT

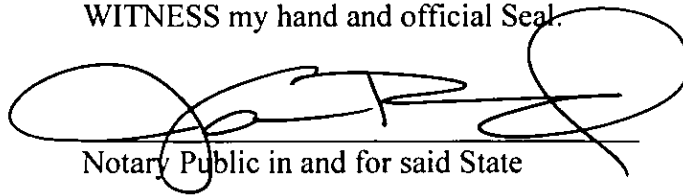
STATE OF UTAH )  
 ) :ss.  
COUNTY OF SALT LAKE )

On March 20, 2023, personally appeared before me, a Notary Public, Brad Holmes, President of LHMRE, LLC, the Authorized Manager of VP DAYBREAK DEVCO 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 DAYBREAK DEVCO LLC, a Delaware limited liability company.



[SEAL]

WITNESS my hand and official Seal.

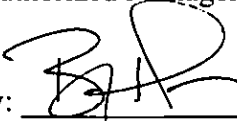
  
Notary Public in and for said State

My commission expires: 05.03.2023

IN WITNESS WHEREOF, as of this March \_\_\_\_, 2023, Founder has executed this Supplement, and Devco has consented to the same.

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

By: LHMRE, LLC,  
a Utah limited liability company  
Its: Authorized Manager

By:   
Brad Holmes, President

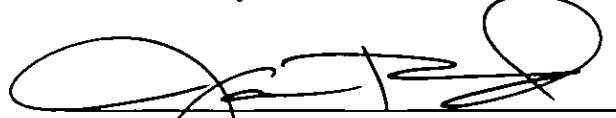
ACKNOWLEDGMENT

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

On March 20 2023, personally appeared before me, a Notary Public, Brad Holmes, the President of LHMRE, LLC, 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

  
Notary Public in and for said State

My commission expires: 05.03.2023

[SEAL]

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 12A PLAT 4 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on March 30, 2023 as Entry No. 14087812, Book 11409, at Page 4931 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

#### Boundary Description:

Being a portion Lot V5 of the KENNECOTT DAYBREAK 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, being more particularly described as follows:

Beginning at Southeast Corner of Less & Except Parcel CCC of the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation recorded as Entry No. 13061700 in Book 2019P at Page 239 in the Office of the Salt Lake County Recorder, said point also being on a 1980.500 foot radius non tangent curve to the left, (radius bears South 05°27'06" West, Chord: North 87°16'27" West 188.376 feet), said point lies South 89°56'37" East 671.630 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 4841.262 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel CCC the following (6) courses: 1) along the arc of said curve 188.447 feet through a central angle of 05°27'06"; 2) West 477.643 feet; 3) North 00°03'55" East 39.000 feet; 4) East 477.599 feet to a point on a 2019.500 foot radius non tangent curve to the right, (radius bears South, Chord: South 87°15'12" East 193.539 feet); 5) along the arc of said curve 193.613 feet through a central angle of 05°29'35" to a point of compound curvature with a 970.000 foot radius non tangent curve to the right, (radius bears North 83°33'49" West, Chord: South 07°35'21" West 39.027 feet); 6) along the arc of said curve 39.029 feet through a central angle of 02°18'19" to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at the Northwest Corner of Less & Except Parcel DDD of the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation recorded as Entry No. 13061700 in Book 2019P at Page 239 in the Office of the Salt Lake County Recorder, said point being a point on a 2019.500 foot radius non tangent curve to the right, (radius bears South 07°11'43" West, Chord: South 69°06'05" East 956.815 feet), said point lies South 89°56'37" East 736.417 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 4873.381 feet from the Southwest Corner of Section 22, Township 3

South, Range 2 West, Salt Lake Base and Meridian and running thence along said Less & Except Parcel DDD and the arc of said curve 965.998 feet through a central angle of 27°24'24"; thence South 31°21'21" West 41.087 feet to the Southerly Line of said Less & Except Parcel DDD and a point on a 750.500 foot radius non tangent curve to the left, (radius bears South 31°21'21" West, Chord: North 62°00'39" West 88.149 feet); thence along said Less & Except Parcel DDD the following (5) courses: 1) along the arc of said curve 88.199 feet through a central angle of 06°44'00"; 2) North 65°22'40" West 514.324 feet to a point on a 750.500 foot radius tangent curve to the left, (radius bears South 24°37'20" West, Chord: North 71°24'42" West 157.785 feet); 3) along the arc of said curve 158.077 feet through a central angle of 12°04'05" to a point of compound curvature with a 1980.500 foot radius tangent curve to the left, (radius bears South 12°33'15" West, Chord: North 80°07'42" West 185.384 feet); 4) along the arc of said curve 185.452 feet through a central angle of 05°21'54" to a point of compound curvature with a 1030.000 foot radius non tangent curve to the left, (radius bears North 81°23'58" West, Chord: North 07°30'57" East 39.001 feet); 5) along the arc of said curve 39.003 feet through a central angle of 02°10'11" to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the Southwesterly Right-of-Way Line of South Jordan Parkway, said point lies South 89°56'37" East 1596.527 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 4451.945 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 30°00'00" West 68.755 feet; thence North 65°22'40" West 234.319 feet; thence South 24°37'20" West 23.000 feet; thence North 65°22'40" West 180.611 feet; thence North 24°37'20" East 23.000 feet; thence North 65°22'40" West 188.811 feet to a point on a 630.000 foot radius tangent curve to the left, (radius bears South 24°37'20" West, Chord: North 67°32'53" West 47.719 feet); thence along the arc of said curve 47.731 feet through a central angle of 04°20'27"; thence North 70°00'00" West 54.000 feet; thence South 20°00'00" West 1.548 feet to a point on a 1860.000 foot radius non tangent curve to the left, (radius bears South 13°30'29" West, Chord: North 78°33'50" West 134.500 feet); thence along the arc of said curve 134.529 feet through a central angle of 04°08'39"; thence South 20°00'00" West 37.312 feet; thence North 70°00'00" West 76.468 feet; thence North 73°30'58" West 58.500 feet to a point on a 721.500 foot radius non tangent curve to the left, (radius bears North 73°30'58" West, Chord: North 14°12'36" East 57.254 feet); thence along the arc of said curve 57.269 feet through a central angle of 04°32'52" to a point of reverse curvature with a 5.500 foot radius tangent curve to the right, (radius bears South 78°03'50" East, Chord: North 33°08'23" East 3.979 feet); thence along the arc of said curve 4.071 feet through a central angle of 42°24'27"; thence North 54°20'37" East 3.453 feet to a point on a 4.500 foot radius tangent curve to the left, (radius bears North 35°39'23" West, Chord: North 32°52'31" East 3.294 feet); thence along the arc of said curve 3.372 feet through a central angle of 42°56'10"; thence North 11°24'26" East 8.204 feet to a point on a 28.000 foot radius tangent curve to the left, (radius bears North 78°35'34" West, Chord: North 00°35'54" West 11.648 feet); thence along the arc of said curve 11.734 feet through a central angle of 24°00'40" to a point of reverse curvature with a 1935.000 foot radius non tangent curve to the right, (radius bears South 05°27'49" West, Chord: South 80°59'28" East 239.307 feet) to said Southwesterly Right-of-Way Line of South Jordan Parkway; thence along

said South Jordan Parkway the following (4) courses: 1) along the arc of said curve 239.460 feet through a central angle of 07°05'26" to a point of compound curvature with a 705.000 foot radius tangent curve to the right, (radius bears South 12°33'15" West, Chord: South 71°24'42" East 148.219 feet); 2) along the arc of said curve 148.493 feet through a central angle of 12°04'05"; 3) South 65°22'40" East 514.324 feet to a point on a 705.000 foot radius tangent curve to the right, (radius bears South 24°37'20" West, Chord: South 61°28'13" East 96.084 feet); 4) along the arc of said curve 96.159 feet through a central angle of 07°48'53" to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the West Right-of-Way Line of future Fordman Way, said point that lies South 89°56'37" East 721.579 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 3780.907 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 85°54'25" West 105.000 feet; thence North 04°05'35" East 411.941 feet; thence North 85°54'25" West 2.000 feet; thence North 04°05'35" East 45.000 feet; thence South 85°54'25" East 22.000 feet; thence South 70°00'00" East 8.558 feet; thence South 20°00'00" West 30.030 feet; thence South 04°05'35" West 8.322 feet; thence South 70°00'00" East 88.384 feet to said West Right-of-Way Line of future Fordman Way; thence along said future Fordman Way South 04°05'35" West 393.168 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the East Right-of-Way Line of future Fordman Way, said point that lies South 89°56'37" East 776.869 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 3797.056 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said future Fordman Way North 04°05'35" East 309.677 feet; thence South 85°54'25" East 44.732 feet; thence South 70°00'00" East 41.871 feet; thence South 04°05'35" West 298.201 feet; thence North 85°54'25" West 85.000 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a Northerly corner of Daybreak Village 12A Plat 1, recorded as Entry No. 13765628 in Book 2021P at Page 223 in the Office of the Salt Lake County Recorder, said point lies South 89°56'37" East 1659.755 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 3562.521 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Village 12A Plat 1 the following (4) courses: 1) South 30°00'00" West 435.078 feet to a point on a 25.500 foot radius tangent curve to the right, (radius bears North 60°00'00" West, Chord: North 75°00'00" West 49.262 feet); 2) along the arc of said curve 66.759 feet through a central angle of 150°00'00"; 3) North 88.321 feet; 4) West 37.500 feet; thence North 152.066 feet to a point on a 1475.000 foot radius non tangent curve to the left,



(radius bears West, Chord: North 01°02'00" West 53.194 feet); thence along the arc of said curve 53.197 feet through a central angle of 02°03'59"; thence North 02°03'59" West 118.294 feet to the South Right-of-Way Line of Docksider Drive; thence along said Docksider Drive the following (3) courses: 1) North 87°56'01" East 159.878 feet to a point on a 181.500 foot radius tangent curve to the right, (radius bears South 02°03'59" East, Chord: South 76°02'00" East 100.259 feet); 2) along the arc of said curve 101.579 feet through a central angle of 32°03'59"; 3) South 60°00'00" East 58.635 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

All of Lot P-115 of the Daybreak Village 12A Plat 3 subdivision, recorded as Entry No. 13912513 in Book 2022P at Page 81 in the Office of the Salt Lake County Recorder, being more particularly described as follows: Beginning at a Northwesterly Corner of Lot P-115 of said Daybreak Village 12A Plat 3, said point lies South 89°56'37" East 1895.257 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 4271.654 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot P-115 the following (8) courses: 1) North 30°00'00" East 28.432 feet; 2) South 50°00'00" East 114.942 feet; 3) South 56°58'06" East 90.670 feet; 4) South 50°00'00" East 520.265 feet; 5) South 27°24'13" West 28.691 feet; 6) North 50°00'00" West 144.049 feet; 7) North 56°43'28" West 93.941 feet; 8) North 50°00'00" West 489.183 feet to the point of beginning.