

WHEN RECORDED, RETURN TO:

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

14286204 B: 11517 P: 701 Total Pages: 7
09/10/2024 11:27 AM By: tpham Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To VP DAYBREAK OPERATIONS, LLC
ATTN: JOHN WARNICK 9350 SOUTH 150 EAST, SUITE 900 SANDY, UT 84070

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 15 PLAT 2 AMENDING A PORTION OF LOT Z101 OF THE VP
DAYBREAK OPERATIONS – INVESTMENTS PLAT 1 SUBDIVISION)**

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 15 PLAT 2) AND
NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF
TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this
August 27, 2024, 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, 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, and as further amended by that certain Amendment No. 10 to Community Charter for Daybreak, recorded December 26, 2023, as Entry No. 14188903, in Book 11463, beginning at Page 5321 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 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 2 have recorded or are concurrently recording herewith that certain subdivision map entitled "DAYBREAK VILLAGE 15 PLAT 2 AMENDING A PORTION OF LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 SUBDIVISION" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Devco 2 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 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 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 2, 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]

IN WITNESS WHEREOF, as of this August 27, 2024, Founder has executed this Supplement, and Devco 2 has consented to the same.

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

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

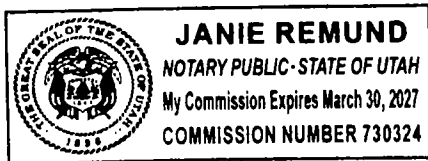
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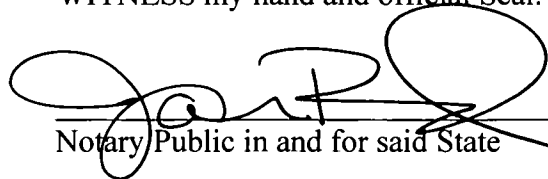
ACKNOWLEDGMENT

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

On August 27, 2024, personally appeared before me, a Notary Public, Brad Holmes, the Operating Manager of LHMRE, LLC, a Utah limited liability company, the Operating 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: March 30, 2027

[SEAL]

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

By: Brad Holmes

ACKNOWLEDGMENT

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

On August 27, 2024, personally appeared before me, a Notary Public, Brad Holmes,
Op. 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.

WITNESS my hand and official Seal.



Janie Remund
Notary Public in and for said State

My commission expires: March 30, 2027

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 15 PLAT 2, AMENDING A PORTION OF LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1 SUBDIVISION", recorded on Sept. 10, 2024 as Entry No. 14286202, Book 11517, at Page 696 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Proposed DAYBREAK VILLAGE 15 PLAT 2, Amending a Portion of Lot Z101 of the Daybreak Operations-Investments Plat 1 Subdivision, being more particularly described as follows:

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 more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of Prosperity Road, said point lies South 89°56'37" East 4856.988 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest corner of Section 22, Township 3 South, Range 2 West and the Southeast corner of Section 23, Township 3 South, Range 2 West) and North 1264.330 feet from the Southwest corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and running thence South 56°37'14" West 328.049 feet; thence North 33°22'46" West 69.945 feet; thence North 35°04'56" West 140.707 feet to a point on a 230.000 foot radius tangent curve to the right, (radius bears North 54°55'04" East, Chord: North 28°31'51" West 52.482 feet); thence along the arc of said curve 52.597 feet through a central angle of 13°06'09"; thence South 75°30'54" West 0.935 feet to a point on a 230.000 foot radius tangent curve to the right, (radius bears North 14°29'06" West, Chord: South 85°46'41" West 81.958 feet); thence along the arc of said curve 82.398 feet through a central angle of 20°31'35"; thence North 83°57'31" West 139.440 feet; thence North 06°02'29" East 60.000 feet; thence North 83°57'31" West 285.000 feet; thence North 06°02'29" East 230.483 feet; thence North 08°28'00" East 10.526 feet to the Southerly Right-of-Way Line of Lake Avenue; thence along said Lake Avenue the following (3) courses: 1) South 83°57'31" East 619.792 feet to a point on a 527.000 foot radius tangent curve to the left, (radius bears North 06°02'29" East, Chord: South 87°03'54" East 57.113 feet); 2) along the arc of said curve 57.141 feet through a central angle of 06°12'45"; 3) North 89°49'44" East 90.262 feet to said Westerly Right-of-way Line of Prosperity Road and a point on a 28.000 foot radius non tangent curve to the right, (radius bears South 69°59'47" West, Chord: South 11°07'10" East 8.645 feet); thence along said Prosperity Road the following (16) courses: 1) along the arc of said curve 8.683 feet through a central angle of 17°46'06" to a point of reverse curvature with a 207.500 foot radius tangent curve to the left,

(radius bears North 87°45'53" East, Chord: South 03°01'20" East 5.700 feet); 2) along the arc of said curve 5.700 feet through a central angle of 01°34'26" to a point of compound curvature with a 207.500 foot radius tangent curve to the left, (radius bears North 86°11'27" East, Chord: South 05°28'38" East 12.079 feet); 3) along the arc of said curve 12.081 feet through a central angle of 03°20'09" to a point of reverse curvature with a 4.500 foot radius tangent curve to the right, (radius bears South 82°51'18" West, Chord: South 14°36'04" West 3.334 feet); 4) along the arc of said curve 3.416 feet through a central angle of 43°29'32"; 5) South 36°20'50" West 2.988 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears South 53°39'10" East, Chord: South 13°20'53" West 4.298 feet); 6) along the arc of said curve 4.416 feet through a central angle of 45°59'53" to a point of compound curvature with a 212.500 foot radius tangent curve to the left, (radius bears North 80°20'56" East, Chord: South 19°54'47" East 75.713 feet); 7) along the arc of said curve 76.120 feet through a central angle of 20°31'26"; 8) South 37°07'33" East 56.134 feet; 9) South 33°22'46" East 79.091 feet to a point on a 5.500 foot radius tangent curve to the left, (radius bears North 56°37'14" East, Chord: South 55°52'46" East 4.210 feet); 10) along the arc of said curve 4.320 feet through a central angle of 45°00'00"; 11) South 78°22'46" East 4.343 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears South 11°37'14" West, Chord: South 55°52'46" East 3.444 feet); 12) along the arc of said curve 3.534 feet through a central angle of 45°00'00"; 13) South 33°22'46" East 11.860 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South 56°37'14" West, Chord: South 11°37'14" West 35.355 feet); 14) along the arc of said curve 39.270 feet through a central angle of 90°00'00"; 15) South 56°37'14" West 10.500 feet; 16) South 33°22'46" East 42.500 feet to the point of beginning.