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Book - 9272 Pg - 7256-7263
Gary W. Ott
Recorder, Salt Lake County, UT
TALON GROUP
BY: eCASH, DEPUTY - EF 8 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
5295 South 300 West, Suite 475
Murray, Utah 84107
Attention: Senior Revenue Analyst

06.335

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

AND

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(KENNECOTT DAYBREAK PLAT 5 SUBDIVISION)**

AND

NOTICE OF TRANSFER FEE

AND

EXPANSION OF SERVICE AREA

THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (KENNECOTT DAYBREAK PLAT 5 SUBDIVISION) AND NOTICE OF TRANSFER FEE AND EXPANSION OF SERVICE AREA (this "Supplement") is made this March 27, 2006, by **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 (as amended 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 Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**"), Destination Homes at Daybreak, LLC, a Utah limited liability company ("**Destination Homes**"), Holmes Homes, Inc., a Utah corporation ("**Holmes Homes**"), Liberty Homes, Inc., a Utah corporation ("**Liberty Homes**"), and Rainey Homes, Inc., a Utah corporation ("**Rainey Homes**")

RECITALS

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "Daybreak" located in South Jordan, Utah.

- B. KLRDC has previously recorded or is concurrently herewith recording that certain subdivision map entitled "KENNECOTT DAYBREAK PLAT 5 SUBDIVISION" (the "Plat") which relates to the real property more particularly described on Exhibit A (the "Property"). KLRDC is the owner of the Property.
- C. Destination Homes, Holmes Homes, Liberty Homes and Rainey Homes each own certain lots located within the Plat and KLRDC is owner of the remaining lots located within the Plat and is the owner of all other areas as depicted on the Plat.
- D. 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 "Service Area Supplement"), Founder created the Telecommunications Service Area No. 1 (the "Service Area").
- E. Founder desires 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 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. KLRDC, Destination Homes, Holmes Homes, Liberty Homes and Rainey Homes hereby consent to the submission and subjection of the Property to the Charter and the Covenant.
3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units, which comprise portions of the Property, as further described in the Charter and the Covenant, including a "Community Enhancement Fee" as more particularly set forth in the Covenant.
4. **Expansion of Service Area.** Pursuant to the Service Area Supplement and Section 3.4 of the Charter, Founder hereby expands the boundaries of the Service Area to include the Property and hereby designates the Residential Units located within the Property to the Service Area, including all applicable terms, conditions, rules, assessments, liens, charges, and regulations associated with such 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 Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this March 27, 2006, Founder has executed this Supplement, and KLRDC, Destination Homes, Holmes Homes, Liberty Homes and Rainey Homes have consented to the same.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By M. Bruce Snyder
Name: M. Bruce Snyder
Title: Vice President Residential and
Commercial Development

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,
a Delaware corporation

By M. Bruce Snyder
Name: M. Bruce Snyder
Title: Vice President Residential and
Commercial Development

Destination Homes:

DESTINATION HOMES AT DAYBREAK,
LLC, a Utah limited liability company

By: Tom Gill
Tom Gill
Its Authorized Agent

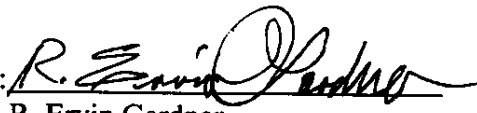
Holmes Homes:

HOLMES HOMES, Inc., a Utah corporation

By: Heidi Topham
Heidi Topham
Its Secretary/Treasurer

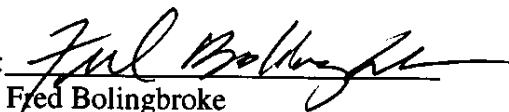
Liberty Homes:

LIBERTY HOMES, Inc., a Utah corporation

By: 
R. Ervin Gardner
Its Authorized Agent

Rainey Homes:

RAINEY HOMES, Inc., a Utah corporation

By: 
Fred Bolingbroke
Its Authorized Agent

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

On March 27, 2006, personally appeared before me, a Notary Public, R. Ervin Gardner, the Authorized Agent of **LIBERTY HOMES, Inc.**, 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 **LIBERTY HOMES, Inc.**

WITNESS my hand and official Seal.



Tina M. Marler

Notary Public in and for said State

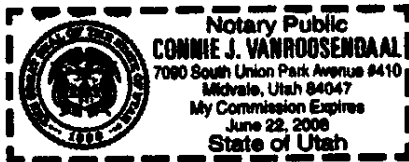
My commission expires: 03/04/2008

[SEAL]

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

On 03/27/2006, personally appeared before me, a Notary Public, Fred Botingbroke, the authorized agent of **RAINEY HOMES, Inc.**, 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 **RAINEY HOMES, Inc.**

WITNESS my hand and official Seal.



Connie J. Vanrosendaal

Notary Public in and for said State

My commission expires: 6-22-08

[SEAL]

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

On March 27, 2006, personally appeared before me, a Notary Public, H. Bruce Snyder, the V.P. Residential and Commercial Development of KENNECOTT LAND 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 KENNECOTT LAND COMPANY.

WITNESS my hand and official Seal.



Tina M. Marler

Notary Public in and for said State

My commission expires: 03/04/2008

[SEAL]

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

On March 27, 2006, personally appeared before me, a Notary Public, H. Bruce Snyder, the V.P. Residential Development of KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY.

WITNESS my hand and official Seal.



Tina M. Marler

Notary Public in and for said State

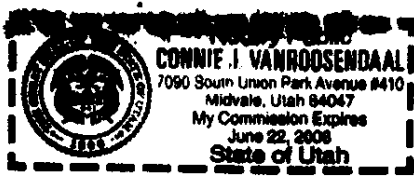
My commission expires: 03/04/2008

[SEAL]

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

On 03/27/2006 personally appeared before me, a Notary Public, Tom Gill, the Authorized agent of **DESTINATION HOMES AT DAYBREAK, LLC** 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 **DESTINATION HOMES AT DAYBREAK, LLC**.

WITNESS my hand and official Seal.



[Signature]
Notary Public in and for said State

My commission expires: 6-22-08

[SEAL]

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

On 3/28/06 personally appeared before me, a Notary Public, Heidi Topham, the Secretary of **HOLMES HOMES, Inc.**, 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 **HOLMES HOMES, Inc.**

WITNESS my hand and official Seal.



[Signature]
Notary Public in and for said State

My commission expires: 11/1/07

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on and subdivided by the "Kennecott Daybreak Plat 5 Subdivision Amending Lots OS2 & V1 of the Kennecott Subdivision #1" recorded on February 10, 2006 as Entry No. 9634633, in Book 2006P, at Page 34 of the Official Records of Salt Lake County.

27-18-400-005

26-13-100-005-4001