

11329463
02/08/2012 11:44 AM \$18.00
Book - 9989 Pg - 8488-8492
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: SAM, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
Attn: Senior Advisor, Contracts & Risk
4700 West Daybreak Parkway
South Jordan, UT 84095

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and**

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 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 (KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 SUBDIVISION) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this OCTOBER 14, 2011, 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 by that certain Amendment No. 1 to Community Charter for Daybreak, recorded on August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767, in the Official Records of Salt Lake County, and as amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded on October 19, 2005, as Entry No. 9528104, in Book 9205, beginning at Page 4743, in the Official Records of Salt Lake County, and as amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded on March 13, 2007, as Entry No. 10031889, in Book 9434, beginning at Page 6476, in the Official Records of Salt Lake County (collectively, and as further 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 Daybreak Development Company, a Delaware corporation (formerly known as Kennecott Land Residential Development Company, a Delaware corporation) ("DDC").

RECITALS:

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

- B. DDC has previously recorded or is concurrently herewith recording that certain subdivision map entitled "KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 SUBDIVISION AMENDING LOTS V2 & T4 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**"). DDC is the 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 (the "**Telecommunications Service Area Supplement**"), Founder created the Telecommunications Service Area No. 1 (the "**Telecommunications Service Area**").
- D. 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 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. DDC consents to the submission and subjection of the Property to the Charter and the Covenant.
3. **Notice of Reinvestment Fee Covenant.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units (as defined in the Covenant), 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 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 (as defined in the Charter) 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 Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this October 14, 2011, Founder has executed this Supplement, and DDC has consented to the same.

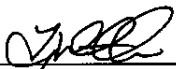
Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: TM MCCUTCHEON
Its: VICE PRESIDENT DAYBREAK

DDC:

DAYBREAK DEVELOPMENT COMPANY,
a Delaware corporation
(formerly known as Kennecott Land
Residential Development Company, a
Delaware corporation)

By: 
Name: TM MCCUTCHEON
Its: VICE PRESIDENT DAYBREAK

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

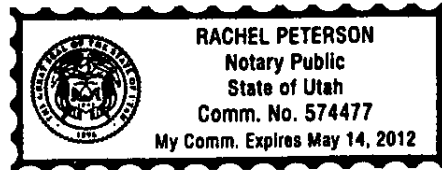
On October 14, 2011, personally appeared before me, a Notary Public, Ty McCutcheon, Vice President Daybreak of **KENNECOTT LAND COMPANY** personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT LAND COMPANY**.

WITNESS my hand and official Seal.

Rachel Peterson
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]



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

On October 14, 2011, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President of **DAYBREAK 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 **DAYBREAK DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.

Rachel Peterson
Notary Public in and for said State

My commission expires: May 14, 2012

[SEAL]

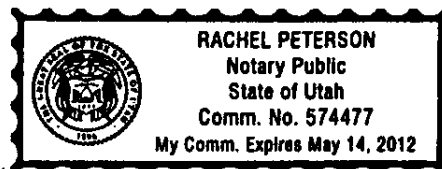


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VILLAGE 4A PLAT 5 SUBDIVISION AMENDING LOTS V2 & T4 OF THE KENNECOTT MASTER SUBDIVISION #1, AMENDED" recorded on FEBRUARY 8, 2012, as Entry No. 11329461, Book 9989, at Page 8480-8483 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON RECORDATION OF NEW PLAT]