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10/20/2011 9:32:00 AM \$49.00
Book - 9959 Pg - 4875-4879
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
Attn: Financial Analyst
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 VC1 MULTI FAMILY #2B PLAT)
and**

**NOTICE OF TRANSFER FEE
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 VC1 MULTI
FAMILY #2B PLAT) AND NOTICE OF TRANSFER FEE AND EXPANSION OF
TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this 18**
day of October, 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 (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 Daybreak Development Company, a
Delaware corporation, formerly known as Kennecott Land Residential Development Company
("DDC").

RECITALS:

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

COURTESY RECORDING

This document is being recorded solely as a
courtesy and an accomodation to the parties named
herein. First American Title Insurance Company
hereby expressly disclaims any responsibility or
liability for the accuracy or the content thereof.

- B. DDC is concurrently herewith recording that certain subdivision map entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #2B AMENDING PARCEL B THE KENNECOTT DAYBREAK APARTMENT VENTURE #1" (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; and DDC desires to evidence its consent to the same.

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 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 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.

IN WITNESS WHEREOF, as of this 18 day of October, 2011, Founder has executed this Supplement, and DDC has consented to the same.


Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

DDC:

**DAYBREAK DEVELOPMENT
COMPANY,** a Delaware corporation

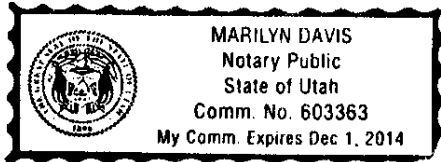
By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

ACKNOWLEDGMENTS

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

On October 18, 2011, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND COMPANY**, a Delaware 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 **KENNECOTT LAND COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.



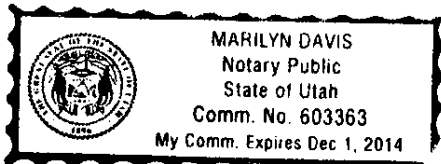
Marilyn Davis
Notary Public in and for said State
My commission expires: December 1, 2014

[SEAL]

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

On October 18, 2011, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **DAYBREAK DEVELOPMENT COMPANY**, a Delaware 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 **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation.

WITNESS my hand and official Seal.



Marilyn Davis
Notary Public in and for said State
My commission expires: December 1, 2014

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #2B AMENDING PARCEL B OF THE KENNECOTT DAYBREAK APARTMENT VENTURE #1" recorded on September 13, 2011, as Entry No. 11242550, Book 2011p, at Page 116 of the Official Records of Salt Lake County, Utah.

TAX PARCEL NOS.

143	26-24-279-021-0000	162	26-24-435-010-0000
144	26-24-279-020-0000	163	26-24-435-009-0000
145	26-24-279-019-0000	164	26-24-435-008-0000
146	26-24-279-018-0000	165	26-24-435-007-0000
147	26-24-279-017-0000	166	26-24-435-001-0000
148	26-24-279-016-0000	167	26-24-435-002-0000
149	26-24-279-015-0000	168	26-24-435-003-0000
150	26-24-279-014-0000	169	26-24-435-004-0000
151	26-24-279-011-0000	170	26-24-435-005-0000
152	26-24-279-010-0000	P104	26-24-279-012-0000
153	26-24-279-009-0000	P105	26-24-279-013-0000
154	26-24-279-002-0000	P106	26-24-435-006-0000
155	26-24-279-003-0000	P107	26-24-279-001-0000
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