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WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
Attention: Gary Langston
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009

12922021
01/22/2019 02:12 PM \$51.00
Book - 10747 Pg - 2070-2074
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: SAA, DEPUTY - WI 5 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK SOUTH MIXED USE MULTI FAMILY #1)**

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 SOUTH MIXED USE MULTI FAMILY #1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “**Supplement**”) is made this October 18, 2018, 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, 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**”).

RECITALS:

- A. Pursuant to the Charter, Founder is the “Founder” of the community commonly known as “*Daybreak*” located in South Jordan, Utah.
- B. Founder has recorded or is concurrently recording that certain subdivision map entitled “DAYBREAK SOUTH MIXED USE MULTI FAMILY #1 AMENDING LOT M-101 & P-128 OF THE DAYBREAK LAKE AVENUE FROM MOUNTAIN VIEW CORRIDOR TO 6000 WEST SUBDIVISION” (the “**Plat**”) which relates to the real property more particularly described on Exhibit A attached hereto (the “**Property**”). Founder 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.
- 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]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK SOUTH MIXED USE MULTI FAMILY #1 AMENDING LOT M-101 & P-128 OF THE DAYBREAK LAKE AVENUE FROM MOUNTAIN VIEW CORRIDOR TO 6000 WEST SUBDIVISION", recorded on January 22, 2019, as Entry No. 12922019, Book 2019P, at Page 28 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a Southerly Corner of Lot M-101 of the Daybreak Lake Avenue From Mountain View Corridor to 6000 West Subdivision, said point lies North 89°56'12" East 337.651 feet along the Section Line and North 2425.766 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the Southerly Line of said Lot M-101 extended West 158.864 feet to the Easterly right-of-way line of Kitty Hawk Road, also being a point on a 1018.500 foot radius non tangent curve to the left, (radius bears North 83°56'58" West); thence along said Easterly right-of-way line and the arc of said curve 20.092 feet through a central angle of 01°07'49"; thence East 61.943 feet to the West Line of said Lot M-101; thence along said Lot M-101 the following (10) courses: 1) North 206.779 feet; 2) North 83°40'55" East 425.758 feet to a point on a 929.000 foot radius tangent curve to the right, (radius bears South 06°19'05" East); 3) along the arc of said curve 71.808 feet through a central angle of 04°25'44" to a point of compound curvature with a 269.000 foot radius non tangent curve to the right, (radius bears North 79°40'24" West); 4) along the arc of said curve 42.173 feet through a central angle of 08°58'58"; 5) South 19°18'34" West 146.287 feet to a point on a 337.806 foot radius tangent curve to the left, (radius bears South 70°41'26" East); 6) along the arc of said curve 77.019 feet through a central angle of 13°03'48"; 7) North 83°42'46" West 9.285 feet; 8) North 70°31'24" West 125.733 feet; 9) North 86°48'40" West 134.899 feet; 10) West 49.182 feet to a point on a 24.000 foot radius tangent curve to the left, (radius bears South); thence along the arc of said curve 12.560 feet through a central angle of 29°59'06" to an Southeasterly Line of said Lot M-101; thence along said Southeasterly Line South 72.265 feet to the point of beginning.

Property contains 2.175 acres.