

7-56
WHEN RECORDED RETURN TO:

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

12982053
05/06/2019 02:30 PM \$78.00
Book - 10777 Pg - 5537-5543
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: PSA, DEPUTY - WI 7 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 4 HARBOR PLAT 2)**

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 4 HARBOR PLAT 2) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "**Supplement**") is made this December 7, 2018, by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation) as successor 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 **IVORY DEVELOPMENT, LLC**, a Utah limited liability company ("**Ivory Development**").

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 has recorded, or is concurrently recording, that certain subdivision map entitled “DAYBREAK VILLAGE 4 HARBOR PLAT 2 AMENDING LOTS A-4, A-5 & O-114 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT” (the “**Plat**”) which relates to the real property more particularly described on Exhibit A attached hereto (the “**Property**”). Ivory Development 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’s predecessor created the Telecommunications Service Area No. 1 (the “**Telecommunications Service Area**”).
- D. Founder and Ivory Development 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. By execution hereof, Ivory Development hereby consents to the subjection of the Property to the Charter and the Covenant, as set forth herein.
- 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.

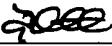
[Signatures on the Following Page]

IN WITNESS WHEREOF, Declarant has executed this Supplement, and Ivory Development has consented to the same, as of the date first written above.

Declarant:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

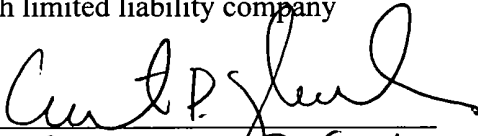
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 

Ty McCutcheon, President & CEO

Ivory Development:

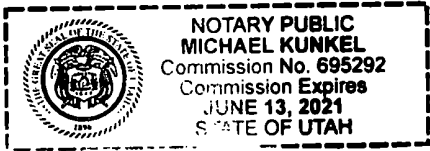
IVORY DEVELOPMENT, LLC,
a Utah limited liability company

By: 
Name: CHRISTOPHER P. GAMVROULAS
Its: PRESIDENT

ACKNOWLEDGMENTS

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

On December 7, 2018, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project 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.

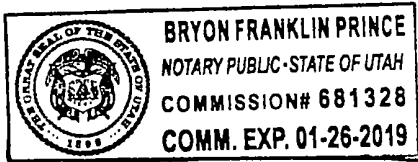
[Signature]
Notary Public in and for said State

My commission expires: June 13, 2021

[SEAL]

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

On DECEMBER 10th 2018, personally appeared before me, a Notary Public, CHRIS P. GAMVROULAS, the PRESIDENT of IVORY DEVELOPMENT, LLC, a Utah 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/she executed the above instrument on behalf of IVORY DEVELOPMENT, LLC, a Utah limited liability company.



WITNESS my hand and official Seal.

[Signature]
Notary Public in and for said State

My commission expires: 01-26-2019

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 4 HARBOR PLAT 2 AMENDING LOTS A-4, A-5 & O-114 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT", recorded on MAY 6, 2019 as Entry No. 12982043, Book 2019 P, at Page 152 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON RECORDATION OF PLAT]

Daybreak Village 4 Harbor Plat 2

Beginning at a Southerly Corner of the Daybreak Lake Island Plat 1, said point also being on the Easterly line of Lot A-4 of the Kennecott Daybreak Oquirrh Lake Plat, said point also being on a 121.545 foot radius non tangent curve to the right, (radius bears South 72°01'23" West, Chord: South 13°37'35" West 127.388 feet), said point lies North 89°57'12" East 459.785 feet along the Section Line and South 5692.627 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Lot A-4 and the arc of said curve 134.085 feet through a central angle of 63°12'24" to a point of reverse curvature with a 646.131 foot radius non tangent curve to the left, (radius bears South 71°08'33" East, Chord: South 15°19'26" West 79.651 feet); thence along the arc of said curve 79.701 feet through a central angle of 07°04'03" to a point of compound curvature with a 296.721 foot radius non tangent curve to the left, (radius bears South 80°41'15" East, Chord: South 04°18'34" West 51.753 feet); thence along the arc of said curve 51.819 feet through a central angle of 10°00'22" to a point of compound curvature with a 248.482 foot radius tangent curve to the left, (radius bears North 89°18'23" East, Chord: South 11°20'54" East 91.884 feet); thence along the arc of said curve 92.415 feet through a central angle of 21°18'34"; thence South 36°33'03" East 107.465 feet to the Northwesterly Line of Daybreak Village 4 Harbor Plat 1; thence along said Northwesterly Line South 53°26'57" West 254.968 feet to the Southwesterly line of said Kennecott Daybreak Oquirrh Lake Plat; thence along said Kennecott Daybreak Oquirrh Lake Plat North 36°32'54" West 486.040 feet to a Southwesterly Corner of said Daybreak Lake Island Plat 1; thence along said Daybreak Lake Island Plat 1 the following (4) courses: 1) North 53°27'06" East 46.909 feet to a point on a 575.000 foot radius tangent curve to the right, (radius bears South 36°32'54" East, Chord: North 66°05'33" East 251.667 feet); 2) along the arc of said curve 253.720 feet through a central angle of 25°16'55" to a point of reverse curvature with a 825.000 foot radius tangent curve to the left, (radius bears North 11°15'59" West, Chord: North 75°02'00" East 106.484 feet); 3) along the arc of said curve 106.558 feet through a central angle of 07°24'02"; 4) North 71°19'59" East 101.859 feet to the point of beginning.

Property contains 3.578 acres.

Also and together with the following described tract of land:

Beginning at a point on the Northerly Right-of-Way of Isla Daybreak Road as defined by Daybreak Lake Island Plat 1, said point lies North $89^{\circ}57'12''$ East 443.852 feet along the Section Line and South 5645.220 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Northerly Right-of-Way the following (5) courses: 1) South $71^{\circ}19'59''$ West 101.933 feet to a point on a 775.000 foot radius tangent curve to the right, (radius bears North $18^{\circ}40'01''$ West, Chord: South $75^{\circ}13'25''$ West 105.168 feet); 2) along the arc of said curve 105.249 feet through a central angle of $07^{\circ}46'52''$ to a point of reverse curvature with a 625.000 foot radius tangent curve to the left, (radius bears South $10^{\circ}53'09''$ East, Chord: South $75^{\circ}30'56''$ West 78.459 feet); 3) along the arc of said curve 78.511 feet through a central angle of $07^{\circ}11'50''$; 4) South $71^{\circ}55'00''$ West 39.128 feet to a point on a 282.887 foot radius non tangent curve to the right, (radius bears North $30^{\circ}06'42''$ West, Chord: South $60^{\circ}01'19''$ West 1.319 feet); 5) along the arc of said curve 1.319 feet through a central angle of $00^{\circ}16'02''$ to a point of reverse curvature with a 282.887 foot radius tangent curve to the left, (radius bears North $29^{\circ}50'40''$ West, Chord: North $49^{\circ}52'05''$ East 101.040 feet) to a point on the Northwesterly Line of Lot A-4 of the Kennecott Daybreak Oquirrh Lake Plat; thence along said Lot A-4 the following (7) courses: 1) along the arc of said curve 101.585 feet through a central angle of $20^{\circ}34'30''$; 2) North $34^{\circ}03'23''$ West 11.193 feet; 3) North $51^{\circ}48'25''$ East 10.092 feet; 4) North $65^{\circ}20'23''$ East 33.691 feet to a point on a 421.213 foot radius non tangent curve to the right, (radius bears South $23^{\circ}54'01''$ East, Chord: North $72^{\circ}07'35''$ East 88.447 feet); 5) along the arc of said curve 88.611 feet through a central angle of $12^{\circ}03'12''$ to a point of compound curvature with a 178.045 foot radius non tangent curve to the right, (radius bears South $14^{\circ}28'28''$ East, Chord: North $86^{\circ}08'21''$ East 65.586 feet); 6) along the arc of said curve 65.962 feet through a central angle of $21^{\circ}13'37''$ to a point of compound curvature with a 67.312 foot radius non tangent curve to the right, (radius bears South $04^{\circ}36'42''$ West, Chord: South $57^{\circ}13'58''$ East 63.525 feet); 7) along the arc of said curve 66.155 feet through a central angle of $56^{\circ}18'41''$ to the point of beginning.

Property contains 0.341 acres, 14873 square feet.