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 10/20/2011 9:32:00 AM \$45.00  
 Book - 9959 Pg - 4880-4884  
 Gary W. Ott  
 Recorder, Salt Lake County, UT  
 FIRST AMERICAN TITLE  
 BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company  
 4700 Daybreak Parkway  
 South Jordan, UT 84095  
 Attention: Financial Analyst

**SUPPLEMENT TO DECLARATION OF  
 COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
 SODA ROW TOWNHOME PROJECT**

**THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SODA ROW TOWNHOME PROJECT** (this "**Supplement**") is made this October 18<sup>th</sup>, 2011, by **KENNECOTT LAND COMPANY**, a Delaware corporation, as declarant ("**Declarant**") under the Declaration of Covenants, Conditions and Restrictions for Soda Row Townhome Project, recorded on January 26, 2010, as Entry No. 10885373, in Book 9799, beginning at Page 3280 (as amended and/or supplemented from time to time, the "**Declaration**"), 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 Declaration, Declarant has established the Soda Row Townhome Project (the "**Project**") initially consisting of various "Lots" as more particularly defined and described therein, which Lots are to be improved with certain attached residential units called "Townhomes". The Project is located within the community commonly known as "*Daybreak*" located in South Jordan, Utah.
- B. DDC owns certain real property ("**Additional Lots**") adjacent to the Project. The Additional Lots are also collectively referred to herein as the "**Property**", which Property is legally described in Exhibit A attached hereto and incorporated herein by this reference.
- C. Declarant desires to add the Property to the Project and submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended, and DDC desires to evidence its consent to the same.

**NOW, THEREFORE**, Declarant hereby declares the following:

- 1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meanings assigned to them in the Declaration.

**COURTESY RECORDING**

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


2. **Submission to Soda Row Townhomes Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Additional Lots to the Project and submits and subjects the Property to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. DDC hereby consents to the submission of the Property to the Declaration. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration. In addition, the Property shall be subject to the governance of the Soda Row Townhome Association, Inc., a Utah nonprofit corporation (the "**Association**"), as more particularly described in the Declaration. DDC hereby consents to the submission of the Property to the Declaration and to the governance of the Association as provided herein.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, shall remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated into this Supplement by this reference.

*[Signatures on Next Page]*

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

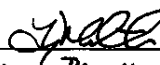
**Declarant:**

**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By:   
Name: TY MCCUTCHEON  
Title: VICE PRESIDENT DAYBREAK

**DDC:**

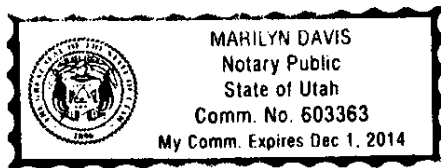
**DAYBREAK DEVELOPMENT  
COMPANY,** a Delaware corporation

By:   
Name: TY MCCUTCHEON  
Title: VICE PRESIDENT DAYBREAK

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

On October 18, 2011, personally appeared before me, a Notary Public, TJ McCutcheon, the Vice President 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

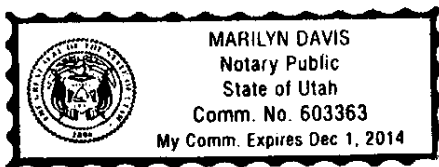
My commission expires: December 1, 2014

[SEAL]

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

On October 18, 2011, personally appeared before me, a Notary Public, TJ McCutcheon, the Vice President 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**

Lots 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169 and 170, inclusive, of that certain map 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.

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		
153	26-24-279-009-0000		
154	26-24-279-002-0000		
155	26-24-279-003-0000		
156	26-24-279-004-0000		
157	26-24-279-005-0000		
158	26-24-279-006-0000		
159	26-24-279-007-0000		
160	26-24-279-008-0000		
161	26-24-435-011-0000		