

WHEN RECORDED, RETURN TO:

VP Daybreak Devco LLC
9350 South 150 East, Suite 900
Sandy, Utah 84070
Attention: John Warnick

13964647 B: 11345 P: 7652 Total Pages: 8
06/06/2022 11:38 AM By: bmeans Fees: \$114.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: VP DAYBREAK DEVCO LLC
9350 S 150 E SUITE 900 SANDY, UT 84070



SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 9 PLAT 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 VILLAGE 9 PLAT 1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “Supplement”) is made this ~~March~~ ^{new} 31, 2022, 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 in the Salt Lake County Recorder’s Office, as amended by that certain Amendment No. 1 to Community Charter for Daybreak, recorded August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded October 19, 2005, as Entry No. 9528104, in Book 9205, beginning at Page 4743 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded March 13, 2007, as Entry No. 10031889, in Book 9434, beginning at Page 6467 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 4 to Community Charter for Daybreak, recorded March 2, 2010, as Entry No. 10907211, in Book 9807, beginning at Page 7337 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 5 to Community Charter for Daybreak, recorded November 24, 2010, as Entry No. 11082445, in Book 9882, beginning at Page 1049 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 6 to Community Charter for Daybreak, recorded July

1, 2016, as Entry No. 12312667, in Book 10448, beginning at Page 4380 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 7 to Community Charter for Daybreak, recorded July 3, 2018, as Entry No. 12804618, in Book 10690, beginning at Page 7505 in the Salt Lake County Recorder's Office, as further amended by that certain Amendment No. 8 to Community Charter for Daybreak, recorded June 29, 2021, as Entry No. 13702903, in Book 11198, beginning at Page 2431 in the Salt Lake County Recorder's Office, and as further amended by that certain Amendment No. 9 to Community Charter for Daybreak, recorded March 9, 2022, as Entry No. 13907339, in Book 11314, beginning at Page 7633 in the Salt Lake County Recorder's Office (as further amended and/or supplemented 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 in the Salt Lake County Recorder's Office (as amended and/or supplemented from time to time, the "**Covenant**"), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company ("**Devco**").

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 and/or Devco have recorded or are concurrently recording herewith that certain subdivision map entitled "DAYBREAK VILLAGE 9 PLAT 1 AMENDING LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Devco is the fee simple 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 in the Salt Lake County Recorder's Office (the "**Telecommunications Service Area Supplement**"), Founder created the Telecommunications Service Area No. 1 (the "**Telecommunications Service Area**").
- D. Founder and Devco 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. Devco, as the

fee simple owner of the Property, hereby consents to the subjection of the Property to the Covenant and Declaration, as herein provided.

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]

Devco: VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,
a Utah limited liability company
Its: Authorized Manager

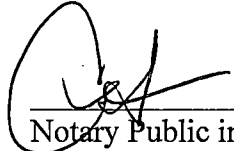
By: 
Bart Sharp, Chief Operating Officer

ACKNOWLEDGMENT

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

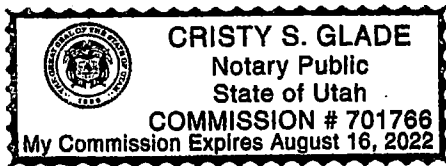
On May 3/, 2022, personally appeared before me, a Notary Public, Bart Sharp, the Chief Operating Officer of Miller Family Real Estate L.L.C., the Authorized Manager of VP DAYBREAK DEVCO LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of DAYBREAK DEVCO LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.


Notary Public in and for said State

My commission expires: August 16, 2022

[SEAL]



IN WITNESS WHEREOF, as of this May 31, 2022, Founder has executed this Supplement, and Devco has consented to the same.

Founder: VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.,
a Utah limited liability company
Its: Authorized Manager

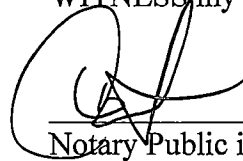
By: 
Bart Sharp, Chief Operating Officer

ACKNOWLEDGMENT

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

On May 31, 2022, personally appeared before me, a Notary Public, Bart Sharp, the Chief Operating Officer of Miller Family Real Estate, L.L.C., a Utah limited liability company, the Authorized 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.


Notary Public in and for said State

My commission expires: August 16, 2022

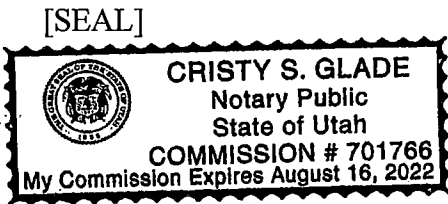


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 9 PLAT 1 AMENDING LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on June 6, 2022 as Entry No. 13964637, Book 2022 P, at Page 133 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Being a portion of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, according to the official plat thereof, recorded as Entry No. 12571292 in Book 2017P at Page 176 in the Office of the Salt Lake County Recorder, more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way Line of Watercourse Road, said point also being a point on a 147.529 foot radius non tangent curve to the right (radius bears North 21°38'14" West, Chord: South 80°03'38" West 59.823 feet), said point lies South 89°56'37" East 3368.297 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 1881.794 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the arc of said curve 60.240 feet through a central angle of 23°23'43" to a point of reverse curvature with a 144.145 foot radius tangent curve to the left, (radius bears South 01°45'29" West, Chord: South 84°51'23" West 34.644 feet); thence along the arc of said curve 34.728 feet through a central angle of 13°48'13" to a point of reverse curvature with a 116.375 foot radius tangent curve to the right, (radius bears North 12°02'44" West, Chord: North 83°49'49" West 72.755 feet); thence along the arc of said curve 73.995 feet through a central angle of 36°25'50" to a point of reverse curvature with a 258.380 foot radius tangent curve to the left, (radius bears South 24°23'06" West, Chord: North 78°14'46" West 113.001 feet); thence along the arc of said curve 113.922 feet through a central angle of 25°15'44" to a point of reverse curvature with a 49.625 foot radius tangent curve to the right, (radius bears North 00°52'37" West, Chord: North 56°35'19" West 55.913 feet); thence along the arc of said curve 59.396 feet through a central angle of 68°34'36" to a point of reverse curvature with a 94.247 foot radius tangent curve to the left, (radius bears South 67°41'59" West, Chord: North 55°24'55" West 102.978 feet); thence along the arc of said curve 108.943 feet through a central angle of 66°13'48" to a point of reverse curvature with a 59.070 foot radius tangent curve to the right, (radius bears North 01°28'11" East, Chord: North 54°01'05" West 66.936 feet); thence along the arc of said curve 71.162 feet through a central angle of 69°01'28" to a point of reverse curvature with a 52.210 foot radius tangent curve to the left, (radius bears South 70°29'39" West, Chord: North 42°40'47" West 41.092 feet); thence along the arc of said curve 42.234 feet through a central angle of 46°20'53" to a point of reverse curvature with a 966.169 foot radius tangent curve to the right, (radius bears North 24°08'47" East, Chord: North 63°53'06" West 66.378 feet); thence along the arc of said curve 66.391 feet through a central angle of 03°56'14" to the Easterly Right-of-Way

Line of Silver Pond Drive; thence along said Silver Pond Drive North 21°52'37" East 692.683 feet to the Southwesterly Right-of-Way Line of Dockside Drive; thence along said Dockside Drive South 55°43'37" East 480.606 feet to said Westerly Right-of-Way Line of Watercourse Road; thence along said Watercourse Road the following (7) courses: 1) South 34°16'23" West 7.284 feet to a point on a 230.000 foot radius tangent curve to the left, (radius bears South 55°43'37" East, Chord: South 32°08'11" West 17.149 feet); 2) along the arc of said curve 17.153 feet through a central angle of 04°16'23"; 3) South 30°00'00" West 190.352 feet to a point on a 230.000 foot radius tangent curve to the left, (radius bears South 60°00'00" East, Chord: South 18°10'15" West 94.297 feet); 4) along the arc of said curve 94.971 feet through a central angle of 23°39'30"; 5) South 06°20'30" West 99.201 feet to a point on a 230.000 foot radius tangent curve to the left, (radius bears South 83°39'30" East, Chord: South 05°23'58" East 93.606 feet); 6) along the arc of said curve 94.264 feet through a central angle of 23°28'56"; 7) South 17°08'27" East 115.936 feet to the point of beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at a point on the Easterly Right-of-Way Line of Watercourse Road, said point also being a point on a 170.000 foot radius non tangent curve to the right, (radius bears South 74°14'19" East, Chord: North 22°52'50" East 42.138 feet), said point lies South 89°56'37" East 3401.262 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 2205.170 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Watercourse Road the following (4) courses: 1) along the arc of said curve 42.247 feet through a central angle of 14°14'19"; 2) North 30°00'00" East 190.352 feet to a point on a 170.000 foot radius tangent curve to the right, (radius bears South 60°00'00" East, Chord: North 32°08'11" East 12.675 feet); 3) along the arc of said curve 12.678 feet through a central angle of 04°16'23"; 4) North 34°16'23" East 7.284 feet; thence South 55°43'37" East 172.332 feet to a point on a 5.000 foot radius tangent curve to the right, (radius bears South 34°16'23" West, Chord: South 00°59'29" East 8.165 feet); thence along the arc of said curve 9.553 feet through a central angle of 109°28'16" to a point of reverse curvature with a 17.500 foot radius tangent curve to the left, (radius bears South 36°15'21" East, Chord: South 23°01'58" West 17.875 feet); thence along the arc of said curve 18.761 feet through a central angle of 61°25'22" to a point of reverse curvature with a 75.489 foot radius tangent curve to the right, (radius bears South 82°19'17" West, Chord: South 19°31'07" West 69.005 feet); thence along the arc of said curve 71.667 feet through a central angle of 54°23'41" to a point of reverse curvature with a 74.598 foot radius non tangent curve to the left, (radius bears South 38°39'57" East, Chord: South 30°33'29" West 52.923 feet); thence along the arc of said curve 54.100 feet through a central angle of 41°33'08" to a point of reverse curvature with a 55.056 foot radius non tangent curve to the right, (radius bears North 84°06'51" West, Chord: South 69°37'26" West 98.747 feet); thence along the arc of said curve 122.494 feet through a central angle of 127°28'35" to a point of reverse curvature with a 65.757 foot radius non tangent curve to the left, (radius bears South 42°26'26" West, Chord: North 70°48'09" West 51.900 feet); thence along the arc of said curve 53.351 feet through a central angle of 46°29'09" to a point of reverse curvature with a 40.101 foot radius non tangent curve to the right, (radius bears North 05°02'33" West, Chord: North 69°17'13" West 34.850 feet); thence along the arc of said curve 36.052 feet through a central

angle of $51^{\circ}30'40''$ to a point of reverse curvature with a 54.848 foot radius tangent curve to the left, (radius bears South $46^{\circ}28'07''$ West, Chord: North $62^{\circ}20'04''$ West 35.358 feet); thence along the arc of said curve 36.000 feet through a central angle of $37^{\circ}36'24''$ to a point of reverse curvature with a 94.000 foot radius non tangent curve to the right, (radius bears North $08^{\circ}45'45''$ East, Chord: North $80^{\circ}27'50''$ West 2.538 feet); thence along the arc of said curve 2.539 feet through a central angle of $01^{\circ}32'50''$ to the point of beginning.