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 Book - 9752 Pg - 6949-6952
 Gary W. Ott
 Recorder, Salt Lake County, UT
 FIRST AMERICAN TITLE
 BY: eCASH, DEPUTY - EF 4 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company
 4700 Daybreak Parkway
 South Jordan, UT 84092
 Attention: Senior Associate,
 Contracts and Risk Management

**SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF
 COVENANTS, CONDITIONS AND RESTRICTIONS FOR
 DAYBREAK TOWNHOME 1 PROJECT**

THIS SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK TOWNHOME 1 PROJECT (this "Supplement") is made this August 5, 2009 by **KENNECOTT LAND COMPANY**, as declarant ("**Declarant**") under the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Townhome 1 Project, recorded on October 19, 2005, as Entry No. 9528106, in Book 9205, beginning at Page 4779, as amended by that certain Amendment No. 1 to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Townhome 1 Project, recorded on June 7, 2007, as Entry No. 10125269, in Book 9475, beginning at Page 2842 (as amended from time to time, the "**Declaration**"), and is consented to by Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**").

RECITALS

- A. Pursuant to the Declaration, Declarant has established the Daybreak Townhome 1 Project (the "**Project**") initially consisting of 64 lots as shown on the plat entitled "DAYBREAK TOWNHOME 1 SUBDIVISION", which lots are 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. KLRDC has previously recorded or is concurrently herewith recording that certain subdivision map entitled, "KENNECOTT DAYBREAK COUPLET LINER PRODUCT #1 AMENDING PARCEL C OF THE AMENDED KENNECOTT DAYBREAK PHASE I SUBDIVISION, PARCEL "I" & "J" OF THE KENNECOTT DAYBREAK PHASE II SUBDIVISION AND LOTS 4 THRU 7 OF THE AMENDED LOT M-104 KENNECOTT DAYBREAK PHASE I SUBDIVISION" (the "**Plat**"). It is anticipated that townhomes will be constructed on certain of the lots located within the Plat, which lots are more particularly described on Exhibit A (the "**Property**").
- C. KLRDC is the owner of the Property.

- D. Declarant desires to add the Property to the Project and submit and subject the Property to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Submission to Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Property 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. KLRDC 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.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, shall remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this August 5, 2009, Declarant has executed this Supplement, and KLRDC has consented to the same.


Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Ty McCutcheon
Its: Vice President Daybreak

KLRDC:

**KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,** a Delaware
corporation

By: 
Ty McCutcheon
Its: Vice President Daybreak

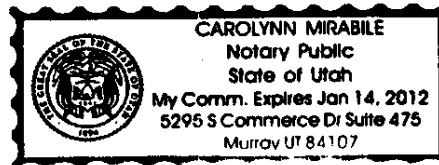
STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

On August 5, 2009, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND 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 **KENNECOTT LAND COMPANY**.

WITNESS my hand and official Seal.

Carolynn Mirabile / Utah
Notary Public in and for said State

My commission expires: 1-14-12



[SEAL]

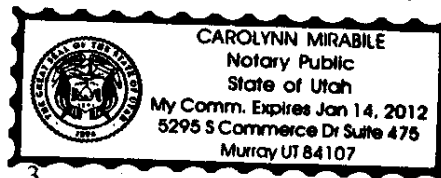
STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

On August 5, 2009, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.

Carolynn Mirabile / Utah
Notary Public in and for said State

My commission expires: 1-14-12



[SEAL]

LA3:1131990.4

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

TOWNHOME LINER LOTS:

Lots 4, 5, 6, 7, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134 inclusive of that certain map plat entitled "KENNECOTT DAYBREAK COUPLET LINER PRODUCT #1 amending Parcel C of the Amended Kennecott Daybreak Phase 1 Subdivision, Parcel "I" and "J" of the Kennecott Daybreak Phase II subdivision and Lots 4 thru 7 of the Amended Lot M-104 Kennecott Daybreak Phase 1 Subdivision of the Kennecott Master Subdivision #1 according to the official plat recorded July 2, 2009, as Entry No. 10745550 in Book 2009P beginning at Page 88 in the Official Records of Salt Lake County, Utah.