

WHEN RECORDED, RETURN TO:

Kennecott Land Company
 Attn: Senior Advisor, Contracts & Risk
 4700 West Daybreak Parkway
 South Jordan, UT 84095

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
 and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
 SUBMITTING ADDITIONAL PROPERTY
 (KENNECOTT DAYBREAK PLAT 10A SUBDIVISION)**

and

NOTICE OF TRANSFER FEE

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 (KENNECOTT DAYBREAK PLAT 10A SUBDIVISION) AND NOTICE OF TRANSFER FEE AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this April 16, 2010, by **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**"), and is consented to by Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**"), Holmes Homes, Inc., a Utah corporation ("**Holmes Homes**"), and M&T Bank ("**M&T**").

RECITALS

- A. Pursuant to the Charter, Founder is the "Founder" of 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 PLAT 10A SUBDIVISION AMENDING LOTS T1, V2 & V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" (the "Plat") which relates to the real property more particularly described on Exhibit A attached hereto (the "Property"). KLRDC is the owner of the Property.
- C. Holmes Homes ("Builder") owns certain lots within the Property (the "Builder Lots") and M&T Bank has a recorded security interest encumbering such Builder Lots. KLRDC is the owner of the Property, except the Builder Lots.
- D. 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").
- E. Founder desires, and Builder and M&T desire to consent 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:

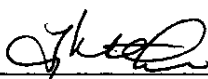
1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Covenant and/or Charter.
2. **Submission to Charter and Covenant.** Pursuant to Section 16.1 of the Charter and Section 5.2 of the Covenant, Founder hereby submits and subjects the Property to the Charter and the Covenant, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. KLRDC, Holmes Homes and M&T hereby consent to the submission and subjection of the Property to the Charter and the Covenant.
3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units, which comprise portions of the Property, as further described in the Charter and the Covenant, including a "Community Enhancement Fee" as more particularly set forth in the Covenant.
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 Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this April 16, 2010, Founder has executed this Supplement, and KLRDC, Holmes Homes, and M&T have consented to the same.


Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

KLRDC:

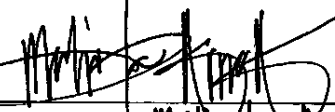
**KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,**
a Delaware corporation

By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

[continue signatures on following page]

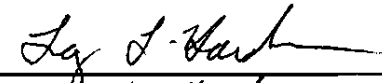
Holmes Homes:

HOLMES HOMES, INC., a Utah
corporation

By: 
Name: Melinda Arnell
Its: Treasurer

M&T:

M&T Bank

By: 
Name: Larry L. Harfman
Title: Vice President

ACKNOWLEDGMENTS

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

On April 16, 2012, 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.



Carolyn Mirabile
Notary Public in and for said State

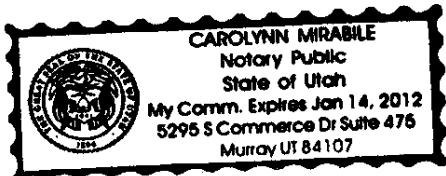
My commission expires: 1-14-12

[SEAL]

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

On April 16, 2012, 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.



Carolyn Mirabile
Notary Public in and for said State

My commission expires: 1-14-12

[SEAL]

ACKNOWLEDGMENTS

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

On 4/19/10, personally appeared before me, a Notary Public,
Melinda Arnett, the Treasurer of **HOLMES HOMES, INC.**, a Utah 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 **HOLMES HOMES, INC.**

WITNESS my hand and official Seal.



[Signature]
Notary Public in and for said State

My commission expires: 2/23/13

[SEAL]

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

On 5/9th, personally appeared before me, a Notary Public,
Larry L. Hardman, the vice President of **M&T BANK**, 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 **M&T BANK**.

WITNESS my hand and official Seal.

[Signature]
Notary Public in and for said State

My commission expires: 10/17/13

[SEAL]

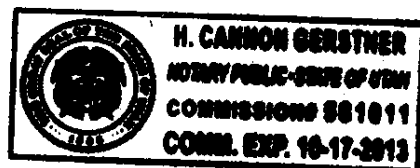


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property, described on the "Kennecott Daybreak Plat 10A Subdivision Amending Lots T1, V2 & V3 of the Kennecott Master Subdivision #1 Amended" recorded on March 18, 2010, as Entry No. 10917151, Book 2010P, at Page 52 of the Official Records of Salt Lake County, Utah.

TAX PARCEL NUMBERS:

L	101	26-13-279-001-0000			
L	102	26-13-279-002-0000	L	137	26-13-276-019-0000
L	103	26-13-279-003-0000	L	138	26-13-276-021-0000
L	104	26-13-279-004-0000	L	139	26-13-276-022-0000
L	105	26-13-279-005-0000	L	140	26-13-276-023-0000
L	106	26-13-279-008-0000	L	141	26-13-276-024-0000
L	107	26-13-279-007-0000	L	142	26-13-276-017-0000
L	108	26-13-279-006-0000	L	143	26-13-276-016-0000
L	109	26-13-278-005-0000	L	144	26-13-276-015-0000
L	110	26-13-278-004-0000	L	145	26-13-276-014-0000
L	111	26-13-278-003-0000	L	146	26-13-276-010-0000
L	112	26-13-278-002-0000	L	147	26-13-276-011-0000
L	113	26-13-278-001-0000	L	148	26-13-276-012-0000
L	114	26-13-277-001-0000	L	149	26-13-276-013-0000
L	115	26-13-277-002-0000	L	150	26-13-276-008-0000
L	116	26-13-277-003-0000	L	151	26-13-276-007-0000
L	117	26-13-277-004-0000	L	152	26-13-276-006-0000
L	118	26-13-277-005-0000	L	153	26-13-276-005-0000
L	119	26-13-277-006-0000	L	154	26-13-276-032-0000
L	120	26-13-277-007-0000	L	155	26-13-276-031-0000
L	121	26-13-277-008-0000	L	156	26-13-276-030-0000
L	122	26-13-277-009-0000	L	157	26-13-276-002-0000
L	123	26-13-277-011-0000	L	158	26-13-276-003-0000
L	124	26-13-277-012-0000	L	159	26-13-276-004-0000
L	125	26-13-276-038-0000	L	P101	26-13-276-001-0000
L	126	26-13-276-037-0000	L	P102	26-13-276-009-0000
L	127	26-13-276-036-0000	L	P103	26-13-276-018-0000
L	128	26-13-276-035-0000	L	P104	26-13-277-010-0000
L	129	26-13-276-034-0000	L	P105	26-13-279-009-0000
L	130	26-13-276-033-0000			
L	131	26-13-276-029-0000			
L	132	26-13-276-028-0000			
L	133	26-13-276-027-0000			
L	134	26-13-276-026-0000			
L	135	26-13-276-025-0000			
L	136	26-13-276-020-0000			