

11325357  
2/1/2012 1:04:00 PM \$36.00  
Book - 9987 Pg - 9857-9863  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN TITLE  
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company  
Attn: Financial Analyst  
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  
(AMENDED KENNECOTT DAYBREAK PLAT 3E 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 (AMENDED KENNECOTT DAYBREAK  
PLAT 3E SUBDIVISION) AND NOTICE OF TRANSFER FEE AND EXPANSION OF  
TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this**  
January 31, 2012, 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 **DAYBREAK DEVELOPMENT COMPANY**, a  
Delaware corporation, formerly known as Kennecott Land Residential Development Company, a  
Delaware corporation, and **COTLAND INVESTMENTS, LC.**, a Utah limited liability company  
(collectively, "**Owners**").

**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.

## RECITALS:

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "Daybreak" located in South Jordan, Utah.
- B. DDC has recorded that certain subdivision map entitled "AMENDED KENNECOTT DAYBREAK PLAT 3E SUBDIVISION AMENDING LOTS 101 THRU 104, LOTS 115 THRU 125 AND VACATING LOTS 126 AND 127 OF THE KENNECOTT DAYBREAK PLAT 3E SUBDIVISION" (the "Plat") which relates to the real property more particularly described on Exhibit A attached hereto (the "Property"). Owners are the owners 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 created the Telecommunications Service Area No. 1 (the "Telecommunications Service Area").
- D. Founder desires 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; and Owners desire to evidence their consent to the same.

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. Owners 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 Exhibit to this Supplement are hereby incorporated herein by this reference.

[Signatures on Following Page]

IN WITNESS WHEREOF, Founder has executed this Supplement, and Owners have consented to the same, as of the date first above written.

**Founder:**


**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By:   
Name: Ty McCutcheon  
Its: VICE PRESIDENT

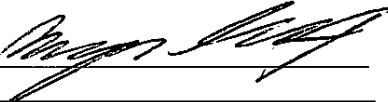
**Owners:**

**DAYBREAK DEVELOPMENT  
COMPANY,**  
a Delaware corporation

(formerly known as Kennecott Land  
Residential Development Company, a  
Delaware corporation)

By:   
Name: Ty McCutcheon  
Its: VICE PRESIDENT

**COTLAND INVESTMENTS, LC,**  
a Utah limited liability company

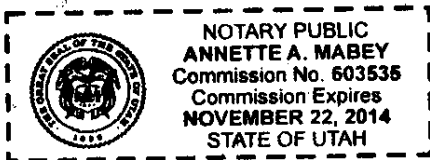
By:   
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

ACKNOWLEDGMENTS

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

On 02/01/12, personally appeared before me, a Notary Public, Ty 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.



*Annette A. Mabe*  
Notary Public in and for said State

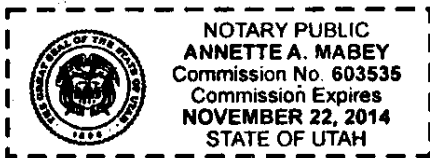
My commission expires: 11/22/2014

[SEAL]

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

On 02/01/2012, personally appeared before me, a Notary Public, Ty 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.



*Annette A. Mabe*  
Notary Public in and for said State

My commission expires: 11/22/2014

[SEAL]

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

On Jan. 31 2012, personally appeared before me, a Notary Public,  
Bryson Garbett, the President of **COTLAND INVESTMENTS, LC**, 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 **COTLAND INVESTMENTS, LC**, a Utah limited liability company.

WITNESS my hand and official Seal.

Sheila M. Bryson  
Notary Public in and for said State

My commission expires: 02-16-2014

[SEAL]



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

All of the real property described on that certain plat entitled "AMENDED KENNECOTT DAYBREAK PLAT 3E SUBDIVISION AMENDING LOTS 101 THRU 104, LOTS 115 THRU 125 AND VACATING LOTS 126 AND 127 OF THE KENNECOTT DAYBREAK PLATE 3E SUBDIVISION" recorded on April 29, 2011, as Entry No. 11174843, Book 2011p, at Page 52 of the Official Records of Salt Lake County, Utah.

<b>Lot / Quarter</b>	<b>Parcel Number</b>
101	26-24-458-013-0000
102	26-24-458-012-0000
103	26-24-458-011-0000
104	26-24-458-010-0000
115	26-24-459-010-0000
116	26-24-459-011-0000
117	26-24-459-012-0000
118	26-24-459-013-0000
119	26-24-460-023-0000
120	26-24-460-022-0000
121	26-24-460-021-0000
122	26-24-460-020-0000
123	26-24-460-019-0000
124	26-24-460-018-0000
125	26-24-460-017-0000