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Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 10 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 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 (AMENDED KENNECOTT DAYBREAK
PLAT 10A SUBDIVISION) AND NOTICE OF TRANSFER FEE AND EXPANSION OF
TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement")** is made this

February 20th, 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 ("**DDC**"), **COTLAND DEVELOPMENT INC.**, a Utah corporation, **IVORY HOMES LTD.**, a Utah limited partnership, **BANGERTER HOMES L.L.C.**, a Utah limited liability company, and **RICHMOND AMERICAN HOMES OF UTAH, INC.**, a Colorado corporation (collectively, the "**Owners**").

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accomodation 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 10A SUBDIVISION AMENDING LOTS 112, 113, 117, 118, 119, 123, 124, 142, 149 AND 150 AND ADDING LOTS 160 THRU 165" (the "Plat") which relates to the real property more particularly described on Exhibit A attached hereto (the "Property"). The Owners, respectively, each own a certain portion 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 the 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. DDC and the other Owners 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 the 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 DAYBREAK


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

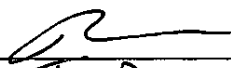
COTLAND DEVELOPMENT INC.,
a Utah corporation

By 
Name: BRYSON GARRETT
Its: PLCS

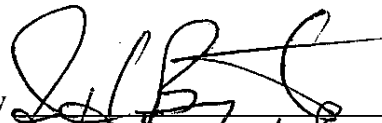
IVORY HOMES LTD.,
a Utah limited partnership

By 
Names: CLARK B. IVORY
Its: CEO

**RICHMOND AMERICAN HOMES OF
UTAH, INC,**
a Colorado corporation

By 
Name: Todd Demarets
Its: Division President

BANGERTER HOMES L.L.C.,
a Utah limited liability company

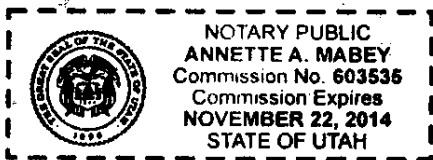
By 
Name: NORBALT H. BANGERTER
Its: MANAGER

ACKNOWLEDGMENTS

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

On Feb 20, 2012, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice Pres 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

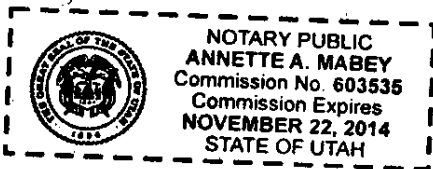
My commission expires: 11/22/2014

[SEAL]

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

On Feb 20, 2012, personally appeared before me, a Notary Public, Ty McCutcheon, the VICE PRES 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

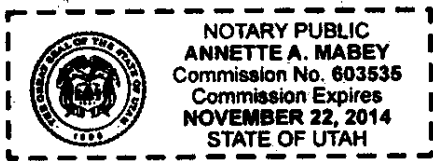
My commission expires: 11/22/2014

[SEAL]

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

On Feb 20, 2012, personally appeared before me, a Notary Public, Bryson Garbett, the pres. of **COTLAND DEVELOPMENT 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 **COTLAND DEVELOPMENT INC.**, a Utah corporation.

WITNESS my hand and official Seal.



Annette A. Mabey
Notary Public in and for said State

My commission expires: 11/22/2014

[SEAL]

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

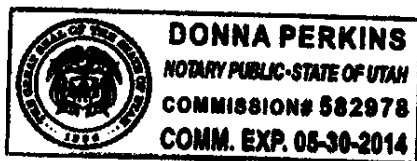
On 2/21/12, personally appeared before me, a Notary Public, Clark D. Ivory, the CEO of **IVORY HOMES LTD.**, a Utah limited partnership, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **IVORY HOMES LTD.**, a Utah limited partnership.

WITNESS my hand and official Seal.

Donna Perkins
Notary Public in and for said State

My commission expires: 5/30/2014

[SEAL]



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

On Feb. 21, 2012, personally appeared before me, a Notary Public, Jordan H. Bangerter, the Manager of **BANGERTER HOMES L.L.C.**, 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 executed the above instrument on behalf of **BANGERTER HOMES L.L.C.**, a Utah limited liability company.

WITNESS my hand and official Seal.



Sally Merryweather, UT
Notary Public in and for said State

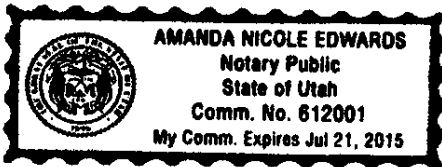
My commission expires: 6-3-13

[SEAL]

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

On Feb 27, 2012, personally appeared before me, a Notary Public, Todd Demarets, the Division President of **RICHMOND AMERICAN HOMES OF UTAH, INC.**, a Colorado 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 **RICHMOND AMERICAN HOMES OF UTAH, INC.**, a Colorado corporation.

WITNESS my hand and official Seal.



Amanda Edwards, UT
Notary Public in and for said State

My commission expires: 7-21-15

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "AMENDED KENNECOTT DAYBREAK PLAT 10A SUBDIVISION AMENDING LOTS 112, 113, 117, 118, 119, 123, 124, 142, 149 AND 150 AND ADDING LOTS 160 THRU 165" recorded on June 17, 2010, as Entry No. 10972752, Book 2010p, at Page 106 of the Official Records of Salt Lake County, Utah.

Tax parcel nos. 26-13-278-007-0000, 26-13-278-006-0000, 26-13-277-025-0000, 26-13-277-026-0000, 26-13-277-020-0000, 26-13-277-021-0000, 26-13-277-022-0000, 26-13-277-023-0000, 26-13-276-045-0000, 26-13-276-043-0000, 26-13-276-039-0000, 26-13-276-040-0000, 26-13-276-041-0000, 26-13-276-042-0000, 26-13-276-044-0000, 26-13-276-046-0000, 26-13-276-047-0000