

11871620  
WHEN RECORDED, RETURN TO:

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

06/25/2014 11:37 AM \$72.00  
Book - 10240 Pg - 8700-8705  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: EEA, DEPUTY - WI 6 P.

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**  
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY**  
(KENNECOTT DAYBREAK VC1 MULTI FAMILY #6)  
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 (KENNECOTT DAYBREAK VC1 MULTI  
FAMILY #6) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION  
OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this "Supplement") is made this  
June 10, 2014, 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").

## 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 “KENNECOTT DAYBREAK VC1 MULTI FAMILY #6 AMENDING PARCEL D OF AMENDED KENNECOTT DAYBREAK PHASE 1 SUBDIVISION AND LOTS 4-7 AND 126-134 OF KENNECOTT DAYBREAK COUPLET LINER PRODUCT #1” (the “**Plat**”) which relates to the real property more particularly described on Exhibit A attached hereto (the “**Property**”). DDC is the 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 (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 DDC desires to evidence its consent to the same.

NOW, THEREFORE, Founder hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning ascribed 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 consents to the submission and subjection of the Property to the Charter and the Covenant.
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. **Governing Association.** Notice is hereby given that the Property shall be initially subject to, and governed by, the SoDa Row Townhome Association, Inc. Declarant and DDC hereby reserve the right to change the governing association of the Property, as needed, pursuant to the Charter and/or Covenant, as applicable.
6. **Full Force and Effect.** The Charter and the Covenant, as supplemented hereby, shall remain in full force and effect.
7. **Incorporation by Reference.** The Recitals and Exhibit to this Supplement are hereby incorporated herein by this reference.

*[Signatures on the Following Page]*

IN WITNESS WHEREOF, as of this June 10, 2014, Founder has executed this Supplement, and DDC has consented to the same.

**Founder:**

**KENNECOTT LAND COMPANY,**  
a Delaware corporation

By: Ty  
Name: Ty McCutcheon  
Its: Vice President Daybreak

**DDC:**

**DAYBREAK DEVELOPMENT  
COMPANY, a Delaware corporation**

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

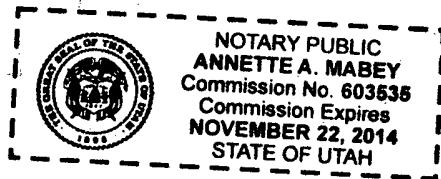
By: Ty  
Name: Ty McCutcheon  
Its: Vice President Daybreak

## ACKNOWLEDGMENTS

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

On June 10, 2014, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak 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. Mabey  
Notary Public in and for said State

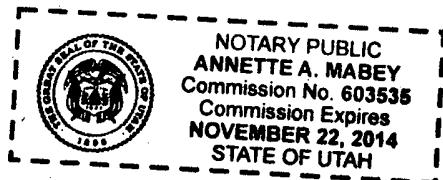
My commission expires: 11/22/2014

[SEAL]

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

On June 10, 2014, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential 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 (formerly known as Kennecott Land Residential Development Company, a Delaware corporation).

WITNESS my hand and official Seal.



Annette A. Mabey  
Notary Public in and for said State

My commission expires: 11/22/2014

[SEAL]

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VC1 MULTI FAMILY #6 AMENDING PARCEL D OF AMENDED KENNECOTT DAYBREAK PHASE 1 SUBDIVISION AND LOTS 4-7 AND 126-134 OF KENNECOTT DAYBREAK COUPLETT LINER PRODUCT #1" recorded on June 25, 2014, as Entry No. 118 716 15, Book 2014 P, at Page 163 of the Official Records of Salt Lake County, Utah.