

WHEN RECORDED, RETURN TO:

Kennecott Land Company
Attn: Financial Analyst
4700 West Daybreak Parkway
South Jordan, UT 84009

12206273
01/15/2016 11:57 AM \$84.00
Book - 10395 Pg - 8941-8946
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: TJA, DEPUTY - WI 6 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(KENNECOTT DAYBREAK VILLAGE 5 PLAT 5)**
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 VILLAGE 5 PLAT 5) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this January 9, 2016, by **KENNECOTT LAND COMPANY**, a Delaware corporation, 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**").

RECITALS:

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "*Daybreak*" located in South Jordan, Utah.

- B. Founder has recorded or is concurrently recording that certain subdivision map entitled “KENNECOTT DAYBREAK VILLAGE 5 PLAT 5 SUBDIVISION AMENDING LOT 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**”). Founder 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.

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.
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. **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 the Following Page]

IN WITNESS WHEREOF, as of this January 8, 2016, Founder has executed this Supplement.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

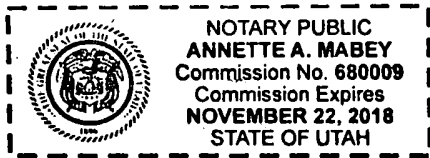
By: 
Name: Ty McCutcheon
Its: Vice President Daybreak

ACKNOWLEDGMENT

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

On January 8th, 2016 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. Mabe
Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "KENNECOTT DAYBREAK VILLAGE 5 PLAT 5 SUBDIVISION AMENDING LOT V3 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on January 15, 2016, as Entry No. 12206272, Book 2016P, at Page 8 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

BOUNDARY DESCRIPTION

Commencing at the Northeast Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing South 89°57'36" West – 2699.551 feet between the Northeast corner and the North Quarter corner of said Section 13) and running South 89°57'36" West along the north line of said Section 13 for 2525.813 feet; thence South 00°02'24" East perpendicular to said north line for 2599.657 feet to a point lying South 36°32'54" East 247.000 feet from the northwest corner of Kennecott Daybreak Plat 10E Subdivision recorded in Book 2013P at Page 204 in the office of the Salt Lake County Recorder, said point being the POINT OF BEGINNING; thence South 36°32'54" East along the west boundary of said Kennecott Daybreak Plat 10E Subdivision for 1381.399 feet; thence South 53°27'06" West for 585.000 feet; thence North 36°32'54" West for 883.871 feet; thence South 50°02'47" West for 284.502 feet; thence North 36°32'54" West for 384.926 feet; thence North 53°27'06" East for 9.562 feet; thence with a curve to the left having a radius of 172.000 feet with a central angle of 09°57'57" (chord bearing and distance of North 48°28'07" East – 29.879 feet) for an arc of 29.917 feet; thence North 43°29'09" East for 704.697 feet; thence with a curve to the right having a radius of 328.000 feet with a central angle of 09°57'57" (chord bearing and distance of North 48°28'07" East – 56.979 feet) for an arc distance of 57.051 feet; thence North 53°27'06" East for 78.843 feet to the POINT OF BEGINNING.

Containing 900,898 square feet or 20.6818 acres.