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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: DKA, DEPUTY - MI 5 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
Attn: Gary Langston
4700 West Daybreak Parkway
South Jordan, UT 84009

SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,

AND

**SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR DAYBREAK COMMERCE PARK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK COMMERCE PARK PLAT 4)**

AND

NOTICE OF REINVESTMENT FEE COVENANT

THIS SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK COMMERCE PARK, SUBMITTING ADDITIONAL PROPERTY (DAYBREAK COMMERCE PARK PLAT 4) (this “Supplement”) is made this 13 day of December, 2016, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation), as founder (“**Founder**”), under the Covenant for Community for Daybreak, recorded February 27, 2004, as Entry No. 8989517, in Book 8950, beginning at Page 7722 (as amended and supplemented from time to time, the “**Covenant**”), and (as successor-in-interest to Daybreak Development LLC, a Delaware limited liability company, formerly known as Daybreak Development Company, a Delaware corporation, formerly known as Kennecott Land Residential Development Company, a Delaware corporation, successor by merger to Daybreak Commerce Park, LLC, a Utah limited liability company), as declarant (“**Declarant**”) under the Declaration of Covenants, Conditions and Restrictions for Daybreak Commerce Park, recorded on December 12, 2008, as Entry No. 10578186, in Book 9664, beginning at Page 7696 (as amended and/or supplemented from time to time, the “**Declaration**”).

RECITALS:

- A. Founder’s predecessor executed and recorded each of the Covenant and the Declaration, which documents collectively govern certain aspects and uses of a portion of the master

planned community development commonly known as “*Daybreak*” located in South Jordan, Utah.

- B. Founder has previously recorded or is concurrently herewith recording that certain subdivision map entitled “DAYBREAK COMMERCE PARK PLAT 4 AMENDING PARCEL A OF THE KENNECOTT DAYBREAK COMMERCE PARK PLAT 2 AND LOT B1 AND DRGRR PARCEL OF THE KENNECOTT MASTER SUBDIVISION #1”, which relates to the real property more particularly described on Exhibit A attached hereto (collectively, the “**Property**”). Founder is the owner of the Property.
- C. Founder desires to submit and subject the Property to the Covenant and the Declaration, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended or supplemented.

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 Declaration.
- 2. **Submission to Declaration and Covenant.** Pursuant to Section 5.2 of the Covenant and Section 15.1 of the Declaration, Founder (as successor Founder under the Covenant and as successor Declarant under the Declaration), hereby submits and subjects the Property to the Covenant and the Declaration, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration. In addition, the Property shall be subject to the governance of the Daybreak Commerce Park Association, Inc., a Utah nonprofit corporation (the “**Association**”), as more particularly described in the Declaration.
- 3. **Notice of Reinvestment Fee Covenant and Assessments.** Notice is hereby given that the Covenant and the Declaration provide, among other things, that certain assessments and fees will be charged against portions of the Property (and their respective owners), as further described in the Covenant and the Declaration, including a “Community Enhancement Fee” as more particularly defined and set forth in the Covenant and the Declaration. 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. **Full Force and Effect.** The Covenant and the Declaration, as supplemented hereby, shall remain in full force and effect.
- 5. **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 13 day of December, 2016, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

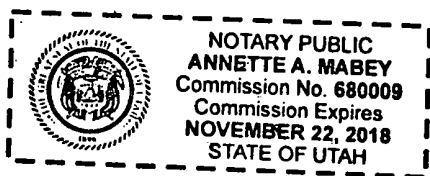
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager


By: 
Ty McCutcheon its President & CEO

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

On December 13, 2016, personally appeared before me, a Notary Public, Ty McCutcheon the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK OPERATIONS LLC, a Delaware 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 VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.




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 "DAYBREAK COMMERCE PARK PLAT 4 AMENDING PARCEL A OF THE KENNECOTT DAYBREAK COMMERCE PARK PLAT 2 AND LOT B1 AND DRGRR PARCEL OF THE KENNECOTT MASTER SUBDIVISION #1", recorded on December 23, 2016, as Entry No. 12440459, Book 2016P, at Page 340 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON NEW PLAT RECORDATION]

Boundary Description:

BEGINNING AT THE NORTHWEST CORNER OF KENNECOTT DAYBREAK COMMERCE PARK PLAT 2 AMENDING LOTS B1 & B2 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED, SAID POINT BEING NORTH 89°56'42" WEST 321.503 FEET ALONG THE SECTION LINE AND SOUTH 133.473 FEET FROM THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID COMMERCE PARK PLAT 2 THE FOLLOWING (6) COURSES: SOUTH 1118.18 FEET TO A POINT ON A 468.000 FOOT RADIUS TANGENT CURVE TO THE RIGHT, (RADIUS BEARS WEST); THENCE ALONG THE ARC OF SAID CURVE 103.050 FEET THROUGH A CENTRAL ANGLE OF 12°36'58"; THENCE SOUTH 12°36'58" WEST 56.44 FEET; THENCE NORTH 77°23'02" WEST 18.00 FEET; THENCE SOUTH 12°36'58" WEST 64.00 FEET; THENCE SOUTH 77°23'02" EAST 389.735 FEET ALONG THE SOUTH LINE OF CRIMSON VIEW DRIVE; THENCE SOUTH 00°08'05" EAST 124.839 FEET; THENCE NORTH 71°11'16" WEST 2285.112 FEET; THENCE WEST 513.107 FEET; THENCE NORTH 06°31'26" WEST 232.343 FEET TO A POINT ON A 5654.580 FOOT RADIUS TANGENT CURVE TO THE RIGHT, (RADIUS BEARS NORTH 83°28'34" EAST); THENCE ALONG THE ARC OF SAID CURVE 557.218 FEET THROUGH A CENTRAL ANGLE OF 05°38'46"; THENCE NORTH 87°56'32" EAST 525.106 FEET TO A POINT ON A 5679.650 FOOT RADIUS TANGENT CURVE TO THE RIGHT, (RADIUS BEARS SOUTH 02°03'28" EAST); THENCE ALONG THE ARC OF SAID CURVE 211.061 FEET THROUGH A CENTRAL ANGLE OF 02°07'45"; THENCE SOUTH 89°55'43" EAST 1677.269 FEET TO THE POINT OF BEGINNING.

PROPERTY CONTAINS 58.079 ACRES.

ALSO AND TOGETHER WITH THE FOLLOWING TRACT OF LAND:

BEGINNING AT A POINT ON THE EAST LINE OF WIREGRASS DRIVE AND THE NORTH LINE OF LOT B1, AMENDED LOTS B2, B3, OS2, T4, V4, V7, & WTC2 KENNECOTT MASTER SUBDIVISION #1, SAID POINT LIES NORTH 89°56'42" WEST

257.503 FEET ALONG THE SECTION LINE AND SOUTH 133.491 FEET FROM THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°55'43" EAST 368.11 FEET ALONG THE NORTH LINE OF SAID LOT B1 TO THE NORTHWEST CORNER OF LOT C-102, KENNECOTT DAYBREAK COMMERCE PARK PLAT 2 AMENDING LOTS B1 & B2 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED; THENCE ALONG SAID LOT C-102 THE FOLLOWING (2) COURSES: 1) SOUTH 327.51 FEET; 2) EAST 292.00 FEET TO THE NORTHEAST CORNER OF PARCEL A OF SAID COMMERCE PARK PLAT 2; THENCE ALONG SAID PARCEL A THE FOLLOWING (6) COURSES: 1) SOUTH 1095.94 FEET TO A POINT ON A 1436.000 FOOT RADIUS NON TANGENT CURVE TO THE RIGHT, (RADIUS BEARS NORTH 03°26'09" EAST); 2) ALONG THE ARC OF SAID CURVE 230.087 FEET THROUGH A CENTRAL ANGLE OF 09°10'49"; 3) NORTH 77°23'02" WEST 469.01 FEET; 4) NORTH 12°36'58" EAST 56.44 FEET TO A POINT ON A 532.000 FOOT RADIUS TANGENT CURVE TO THE LEFT, (RADIUS BEARS NORTH 77°23'02" WEST); 5) ALONG THE ARC OF SAID CURVE 117.143 FEET THROUGH A CENTRAL ANGLE OF 12°36'58"; 6) NORTH 1118.10 FEET EXTENDING BEYOND PARCEL A TO THE POINT OF BEGINNING.

PROPERTY CONTAINS 18.548 ACRES.