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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: DKA, DEPUTY - WI 6 P.

WHEN RECORDED, RETURN TO:

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

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**  
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 8 PLAT 2)**  
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 (DAYBREAK VILLAGE 8 PLAT 2) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this "**Supplement**") is made this DECEMBER 13, 2016, by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company (as successor-in-interest to 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**").

**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 “DAYBREAK VILLAGE 8 PLAT 2 SUBDIVISION AMENDING LOTS V7, V8 AND T6 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 December<sup>13</sup>, 2016, Founder has executed this Supplement.

Founder:

**VP DAYBREAK OPERATIONS LLC,**  
a Delaware limited liability company

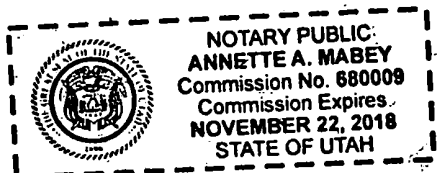
By: Daybreak Communities LLC,  
a Delaware limited liability company  
Its: Project Manager

By: *[Signature]*  
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On December 13, 2016, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, 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.

*Annette A. Mabey*  
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 VILLAGE 8 PLAT 2 SUBDIVISION AMENDING LOTS V7, V8 AND T6 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on DECEMBER 23, 2016, as Entry No. 12440470, Book 2016P, at Page 342 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Commencing at the South Quarter corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearings being South 89°56'14" West - 2647.894 feet between the South Quarter corner and the Southwest corner of said Section 23) and running South 89°56'14" West along the south line of said section for 1326.198 feet; thence North 00°03'46" West perpendicular to said south line for 2131.459 feet to the POINT OF BEGINNING; thence North 30°37'55" West for 106.004 feet; thence South 59°50'14" West for 144.839 feet; thence North 30°09'46" West for 20.000 feet; thence North 59°50'14" East for 24.359 feet; thence North 35°59'22" West for 348.463 feet; thence South 62°40'49" West for 6.158 feet; thence North 29°32'01" West for 388.305 feet; thence North 73°12'50" East for 466.472 feet; thence with a curve to the left having a radius of 173.000 feet with a central angle of 25°55'39" (chord bearing and distance of North 60°15'01" East - 77.620 feet) for an arc distance of 78.286 feet; thence North 47°17'11" East for 56.891 feet; thence South 42°42'49" East for 54.000 feet; thence South 42°39'10" East for 68.000 feet; thence North 47°17'11" East for 332.085 feet; thence North 33°33'29" West for 28.580 feet; thence South 56°29'19" West for 5.000 feet; thence North 33°33'29" West for 37.780 feet; thence with a non-tangent curve to the left having a radius of 173.000 feet whose center bears South 34°42'32" East with a central angle of 08°00'17" (chord bearing and distance of South 51°17'20" West - 24.150 feet) for an arc distance of 24.170 feet; thence South 47°17'11" West for 27.553 feet; thence North 42°42'49" West for 54.000 feet; thence North 40°23'14" West for 90.416 feet; thence North 41°07'30" West for 94.552 feet; thence North 48°51'39" East for 73.381 feet; thence South 40°23'14" East for 57.906 feet; thence North 56°26'31" East for 96.424 feet; thence North 33°33'29" West for 144.309 feet; thence North 48°51'39" East for 60.529 feet; thence North 33°33'29" West for 13.033 feet; thence North 54°38'21" East for 700.347 feet; thence South 33°33'29" East for 1044.084 feet; thence with a curve to the right having a radius of 1033.000 feet with a central angle of 18°44'53" (chord bearing and distance of South 24°11'02" East - 336.507 feet) for an arc distance of 338.013 feet; thence South 84°43'47" West for 64.958 feet; thence with a non-tangent curve to the right having a radius of 969.000 feet whose center bears South 74°33'12" West with a central angle of 01°17'21" (chord bearing and distance of South 14°48'07" East - 21.801 feet) for an arc distance of 21.801 feet; thence South 84°43'47" West for 293.279 feet; thence with a curve to the left having a radius of 3225.500 feet with a central angle of 01°49'43"

(chord bearing and distance of South 83°48'55" West – 102.937 feet) for an arc distance of 102.942 feet; thence with a compound curve to the left having a radius of 516.500 feet with a central angle of 13°20'49" (chord bearing and distance of South 76°13'40" West – 120.046 feet) for an arc distance of 120.318 feet; thence South 69°33'15" West for 207.240 feet; thence North 22°43'21" West for 12.510 feet; thence South 69°33'15" West for 169.098 feet; thence with a curve to the left having a radius of 529.000 feet with a central angle of 15°18'45" (chord bearing and distance of South 61°53'52" West – 140.957 feet) for an arc distance of 141.378 feet; thence South 54°14'30" West for 207.076 feet; thence South 02°00'42" West for 8.037 feet; thence North 42°42'49" West for 68.836 feet; South 59°21'58" West for 197.511 feet; thence South 35°59'22" East for 6.260 feet; thence South 54°00'41" West for 8.661 feet; thence with a non-tangent curve to the right having a radius of 18.000 feet whose center bears North 67°14'32" West with a central angle of 10°32'56" (chord bearing and distance of South 28°01'56" West – 3.309 feet) for an arc distance of 3.314 feet; thence with a reverse curve to the left having a radius of 44.000 feet with a central angle of 63°56'19" (chord bearing and distance of South 01°20'15" West – 46.593 feet) for an arc distance of 49.101 feet; thence South 30°37'55" East for 105.142 feet; thence South 59°22'05" West for 6.371 feet; thence with a curve to the right having a radius of 4973.000 feet with a central angle of 00°28'08" (chord bearing and distance of South 59°36'09" West – 40.707 feet) for an arc distance of 40.707 feet; thence South 59°50'14" West for 18.066 feet; thence North 30°37'55" West for 2.000 feet; thence South 59°50'14" West for 54.002 feet to the POINT OF BEGINNING.

Containing 1,631,328 square feet or 37.4501 acres.