

5-16

WHEN RECORDED, RETURN TO:

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

12524385
04/28/2017 11:40 AM \$34.00
Book - 10552 Pg - 2035-2039
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: DDA, DEPUTY - WI 5 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK SOUTH STATION PLAT 1)**
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 SOUTH STATION PLAT 1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this MARCH 24, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation) as successor 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 successor "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 SOUTH STATION PLAT 1 SUBDIVISION AMENDING LOT T4 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's predecessor 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 MARCH 24, 2017, Founder has executed this Supplement.

Founder:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

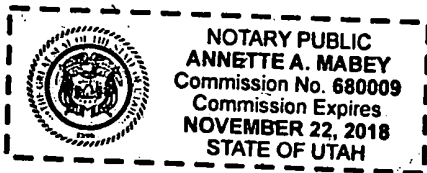
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

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

ACKNOWLEDGEMENT

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

On March 24, 2017, personally appeared before me, a Notary Public, Ty McCutcheon, President and 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.

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 SOUTH STATION PLAT 1 SUBDIVISION AMENDING LOT T4 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on APRIL 28, 2017, as Entry No. 12524384, Book 2017 P, at Page 92 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Boundary Description:

Beginning at a point that lies South 89°58'42" East 877.314 feet along the Section Line and North 1965.100 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°43'14" West 65.424 feet to a point on a 622.500 foot radius tangent curve to the left, (radius bears South 53°16'46" West); thence along the arc of said curve 115.455 feet through a central angle of 10°37'36"; thence North 47°20'50" West 300.332 feet to a point on a 375.500 foot radius tangent curve to the right, (radius bears North 42°39'10" East); thence along the arc of said curve 69.644 feet through a central angle of 10°37'36"; thence North 36°43'14" West 1359.095 feet; thence North 53°16'46" East 159.212 feet to a point on a 467.500 foot radius tangent curve to the right, (radius bears South 36°43'14" East); thence along the arc of said curve 116.275 feet through a central angle of 14°15'01"; thence North 67°31'47" East 519.457 feet; thence South 36°32'54" East 1134.095 feet; thence South 53°27'06" West 7.500 feet; thence South 36°32'54" East 9.500 feet; thence South 53°27'06" West 22.536 feet; thence South 36°32'54" East 62.000 feet; thence North 53°27'06" East 22.536 feet; thence South 36°32'54" East 384.067 feet; thence South 32°44'06" East 75.177 feet; thence South 36°32'54" East 98.922 feet; thence South 53°27'06" West 687.471 feet to the point of beginning.

Property contains 32.302 acres.