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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: RMP, DEPUTY - WI 8 P.

WHEN RECORDED RETURN TO:

VP Daybreak Operations LLC
Attn: Gary Langston
11248 Kestrel Rise Road, Suite 201
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 3)**
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 3) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "**Supplement**") is made this September 6, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company and **VP DAYBREAK INVESTMENTS LLC**, a Delaware limited liability company (as successors-in-interest to Kennecott Land Company, a Delaware corporation) collectively, as successor Founder (collectively, "**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 VILLAGE 8 PLAT 3 AMENDING LOTS Z101, Z102, Z103 & Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1, ALSO AMENDING A PORTION OF DAYBREAK VILLAGE 8 PLAT 2 SUBDIVISION, ALSO AMENDING A PORTION OF KENNECOTT DAYBREAK VILLAGE 7 SUBDIVISION" (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 September 6, 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: 

Ty McCutcheon, President & CEO

VP DAYBREAK INVESTMENTS LLC,
a Delaware limited liability company

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

By: 

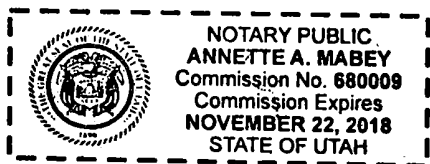
Ty McCutcheon, President & CEO

ACKNOWLEDGEMENT

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

On Sept. 6, 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. Mabe
Notary Public in and for said State

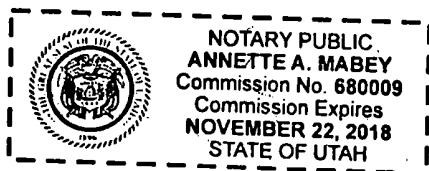
My commission expires: 11/22/2018

[SEAL]

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

On Sept 6, 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 INVESTMENTS 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 INVESTMENTS LLC, a Delaware limited liability company.

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 "DAYBREAK VILLAGE 8 PLAT 3 AMENDING LOTS Z101, Z102, Z103 & Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1, ALSO AMENDING A PORTION OF DAYBREAK VILLAGE 8 PLAT 2 SUBDIVISION, ALSO AMENDING A PORTION OF KENNECOTT DAYBREAK VILLAGE 7 SUBDIVISION", recorded on Oct 10, 2017, as Entry No. 12633398 Book 2017 P, at Page 297 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Daybreak Village 8 Plat 3 Subdivision:

Beginning at the Point of Beginning of Daybreak Village 8 Plat 2 Subdivision, Amending Lots V7, V8 and T6 of the Kennecott Master Subdivision #1 Amended also being on the North Line of Kennecott Daybreak Village 7 Subdivision, Amending Lots V7 and T6 of the Kennecott Master Subdivision #1 Amended said point lies South 89°56'14" West 1326.198 feet along the Section Line and North 00°03'46" West 2131.459 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said North boundary the following (2) courses: 1) South 59°50'14" West 427.953 feet to a point on a 271.000 foot radius tangent curve to the right, (radius bears North 30°09'46" West); 2) along the arc of said curve 77.499 feet through a central angle of 16°23'06" to a point of compound curvature with a 720.000 foot radius non tangent curve to the right, (radius bears South 56°37'17" West); thence along the arc of said curve 1.314 feet through a central angle of 00°06'17"; thence South 78°31'48" West 37.492 feet to the Westerly boundary of said Kennecott Daybreak Village 7 Subdivision; thence along said Westerly boundary South 26°31'34" East 115.529 feet; thence North 75°58'47" East 33.848 feet; thence South 14°01'13" East 1.000 feet to a boundary line of said Kennecott Daybreak Village 7 Subdivision; thence along the boundary of said Kennecott Daybreak Village 7 Subdivision the following (3) courses: 1) North 75°58'47" East 19.550 feet to a point on a 731.500 foot radius non tangent curve to the right, (radius bears South 66°07'00" West); 2) along the arc of said curve 77.397 feet through a central angle of 06°03'44"; 3) South 17°49'16" East 43.284 feet; thence South 75°58'47" West 241.980 feet; thence South 17°50'03" East 5.752 feet; thence South 72°09'57" West 54.000 feet; thence North 17°50'03" West 8.648 feet; thence South 73°56'28" West 192.092 feet; thence South 17°50'03" East 5.879 feet; thence South 72°09'57" West 54.000 feet; thence North 17°50'03" West 7.553 feet; thence South 73°56'28" West 185.267 feet to a point on a 458.000 foot radius tangent curve to the right, (radius bears North 16°03'32" West); thence along the arc of said curve 127.000 feet through a central angle of 15°53'16"; thence South 89°49'44" West 56.735 feet; thence North 00°03'23" West 121.000 feet; thence South 89°49'44" West 326.693 feet; thence South 00°10'16" East 5.000 feet; thence South 89°49'44" West 54.000 feet; thence North 00°10'16" West 5.000 feet; thence South 89°49'44" West 300.185 feet; thence North 121.703 feet; thence

North 89°37'03" East 299.823 feet; thence North 00°10'16" West 9.619 feet; thence North 89°49'44" East 54.000 feet; thence South 00°10'16" East 6.804 feet to a point on a 272.000 foot radius non tangent curve to the left, (radius bears North 08°20'05" West); thence along the arc of said curve 0.677 feet through a central angle of 00°08'33"; thence North 81°31'22" East 290.603 feet; thence North 00°04'48" West 87.626 feet to a point on a 44.000 foot radius non tangent curve to the right, (radius bears North 18°36'41" West); thence along the arc of said curve 7.782 feet through a central angle of 10°08'03"; thence North 08°28'38" West 20.000 feet to a point on a 24.000 foot radius non tangent curve to the left, (radius bears North 08°28'38" West); thence along the arc of said curve 34.171 feet through a central angle of 81°34'41"; thence North 00°03'19" West 66.229 feet; thence South 81°31'22" West 5.473 feet; thence North 08°28'38" West 54.000 feet; thence North 81°31'22" East 213.145 feet; thence North 04°32'21" West 162.061 feet; thence North 34.072 feet to a point on a 527.000 foot radius non tangent curve to the right, (radius bears North 01°59'12" West); thence along the arc of said curve 18.273 feet through a central angle of 01°59'12"; thence West 174.863 feet; thence North 54.000 feet; thence East 5.993 feet; thence North 00°06'04" West 105.304 feet; thence North 10°41'20" West 27.213 feet; thence North 00°06'04" West 24.690 feet; thence North 10°29'11" East 27.213 feet; thence North 00°06'04" West 49.755 feet; thence North 07°38'35" West 11.895 feet to a point on a 227.000 foot radius non tangent curve to the right, (radius bears North 04°36'46" West); thence along the arc of said curve 18.275 feet through a central angle of 04°36'46"; thence West 1.311 feet; thence North 54.000 feet; thence East 1.311 feet to a point on a 173.000 foot radius tangent curve to the left, (radius bears North); thence along the arc of said curve 4.685 feet through a central angle of 01°33'06"; thence North 00°03'54" West 308.025 feet to a point on a 22.000 foot radius tangent curve to the left, (radius bears South 89°56'06" West); thence along the arc of said curve 11.315 feet through a central angle of 29°28'07"; thence North 29°32'01" West 144.273 feet; thence North 29°32'01" West 68.000 feet; thence North 60°27'59" East 174.121 feet; thence North 69°30'52" East 60.000 feet to a point on a 720.000 foot radius non tangent curve to the left, (radius bears North 69°30'52" East); thence along the arc of said curve 63.964 feet through a central angle of 05°05'24"; thence North 60°29'14" East 79.757 feet; thence South 79°54'04" East 105.238 feet; thence South 10°05'56" West 11.861 feet to a point on a 213.000 foot radius tangent curve to the left, (radius bears South 79°54'04" East); thence along the arc of said curve 24.244 feet through a central angle of 06°31'17"; thence South 79°54'04" East 86.947 feet to a point on a 127.000 foot radius non tangent curve to the right, (radius bears North 89°07'05" East); thence along the arc of said curve 24.340 feet through a central angle of 10°58'51"; thence South 79°54'04" East 54.000 feet to a point on a 73.000 foot radius non tangent curve to the left, (radius bears South 79°54'04" East); thence along the arc of said curve 9.610 feet through a central angle of 07°32'34"; thence South 79°54'04" East 103.404 feet to a point on a 42.000 foot radius tangent curve to the right, (radius bears South 10°05'56" West); thence along the arc of said curve 36.921 feet through a central angle of 50°22'03"; thence South 29°32'01" East 48.105 feet; thence North 81°08'18" East 116.689 feet to a point on a 127.000 foot radius non tangent curve to the right, (radius bears North 81°08'18" East); thence along the arc of said curve 28.579 feet through a central angle of 12°53'36"; thence South 85°58'06" East 54.000 feet to a point on a 73.000 foot radius non tangent curve to the left, (radius bears South 85°58'06" East); thence along the arc of said curve 6.857 feet through a central angle of 05°22'56" to a point of compound curvature with a 637.000 foot radius non tangent curve to the left, (radius bears North 01°34'24" East); thence along the arc of said curve 124.670 feet through a central angle of 11°12'49"; thence South 29°32'01" East 21.227 feet to a point on a 657.000 foot radius non

tangent curve to the left, (radius bears North 10°16'13" West); thence along the arc of said curve 160.100 feet through a central angle of 13°57'43"; thence North 63°57'23" East 62.000 feet; thence North 26°02'37" West 0.967 feet; thence North 58°51'55" East 63.25 feet; thence North 26°02'37" West 23.705 feet to a point on a 635.000 foot radius non tangent curve to the left, (radius bears North 35°29'28" West); thence along the arc of said curve 62.596 feet through a central angle of 05°38'53"; thence North 48°51'39" East 83.804 feet; thence South 41°08'21" East 22.000 feet; thence North 48°51'39" East 43.000 feet; thence North 41°08'21" West 15.842 feet; thence North 48°52'30" East 65.764 feet; thence North 41°07'30" West 23.749 feet; thence North 48°51'39" East 89.803 feet to a point on a 200.000 foot radius tangent curve to the right, (radius bears South 41°08'21" East); thence along the arc of said curve 22.268 feet through a central angle of 06°22'46"; thence North 33°33'29" West 50.102 feet; thence North 48°51'39" East 68.600 feet to a Easterly boundary line of said Daybreak Village 8 Plat 2 Subdivision; thence along the boundary of said Daybreak Village 8 Plat 2 Subdivision the following (20) courses: 1) South 33°33'29" East 144.309 feet; 2) South 56°26'31" West 96.424 feet; 3) North 40°23'14" West 57.906 feet; 4) South 48°51'39" West 73.381 feet; 5) South 41°07'30" East 94.552 feet; 6) South 40°23'14" East 90.416 feet; 7) South 42°42'49" East 54.000 feet; 8) North 47°17'11" East 27.553 feet to a point on a 173.000 foot radius tangent curve to the right, (radius bears South 42°42'49" East); 9) along the arc of said curve 24.170 feet through a central angle of 08°00'17"; 10) South 33°33'29" East 37.780 feet; 11) North 56°29'19" East 5.000 feet; 12) South 33°33'29" East 28.580 feet; 13) South 47°17'11" West 332.085 feet; 14) North 42°39'10" West 68.000 feet; 15) North 42°42'49" West 54.000 feet; 16) South 47°17'11" West 56.891 feet to a point on a 173.000 foot radius tangent curve to the right, (radius bears North 42°42'49" West); 17) along the arc of said curve 78.286 feet through a central angle of 25°55'39"; 18) South 73°12'50" West 466.472 feet; 19) South 29°32'01" East 388.305 feet; 20) North 62°40'49" East 6.158 feet; thence along a Westerly boundary line of said Daybreak Village 8 Plat 2 Subdivision and Westerly line extended South 35°59'22" East 351.226 feet; thence South 27°53'39" West 5.569 feet; thence South 54°00'38" West 6.678 feet; thence South 30°09'46" East 13.628 feet to a Southerly boundary line of said Daybreak Village 8 Plat 2 Subdivision; thence along the boundary of said Daybreak Village 8 Plat 2 Subdivision the following (2) courses: 1) North 59°50'14" East 131.568 feet; 2) South 30°37'55" East 106.004 feet to the point of beginning.

Property contains 37.648 acres.