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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: RMP, DEPUTY - WI 6 P.

WHEN RECORDED RETURN TO:

VP Daybreak Operations LLC
Attn: 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 LAKE AVENUE EAST)**
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 LAKE AVENUE EAST) 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 (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 LAKE AVENUE EAST AMENDING LOTS T3, T4, V2, V3 & WTC2 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 SEP 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

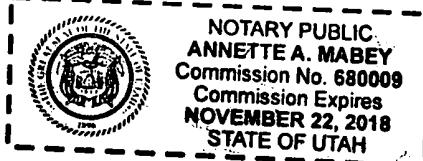
By: Ty McCutcheon
Ty McCutcheon, President & CEO

ACKNOWLEDGEMENT

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

On Sept. 06, 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 LAKE AVENUE EAST AMENDING LOTS T3, T4, V2, V3 & WTC2 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on Oct 10, 2017, as Entry No. 12633403, Book 2017P, at Page 278 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Boundary Description:

Beginning at a point that lies North 00°00'12" East 443.518 feet along the Section Line and East 507.138 feet from the West Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 64.038 feet; thence South 37°29'42" East 142.019 feet; thence South 53°27'06" West 53.859 feet; thence North 08°01'46" East 54.384 feet; thence North 41°07'05" West 58.050 feet; thence North 81°58'15" West 64.679 feet to the point of beginning.

Property contains 0.096 acres, 4190 square feet.

Also and together with the following described tract of land:

Beginning at a point that lies North 00°00'12" East 630.545 feet along the Section Line and East 759.433 feet from the West Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 1258.834 feet; thence South 36°32'54" East 142.000 feet; thence South 53°27'06" West 1256.488 feet; thence North 37°29'42" West 142.019 feet to the point of beginning.

Property contains 4.100 acres.

Also and together with the following described tract of land:

Beginning at a point that lies North 00°00'12" East 1454.607 feet along the Section Line and East 1873.593 feet from the West Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 853.895 feet; thence South 36°32'54" East 12.500 feet; thence North 53°27'06" East 40.785 feet to a point on a 1012.500 foot radius tangent curve to the right, (radius bears South 36°32'54" East); thence along the arc of said curve 315.595 feet through a central angle of 17°51'32"; thence North 65°09'14" East 71.297 feet to a point on a 1369.000 foot radius tangent curve to the left, (radius bears North 24°50'46" West); thence along the arc of said curve 248.990 feet through a central angle of 10°25'15" to a point of compound curvature with a 4969.000 foot radius tangent curve to the left, (radius bears North 35°16'00" West); thence along the arc of said curve 505.356 feet through a central angle of 05°49'37"; thence North 48°54'22" East 463.439 feet to a point on a 4531.000

foot radius tangent curve to the right, (radius bears South 41°05'38" East); thence along the arc of said curve 102.551 feet through a central angle of 01°17'48" to a point of reverse curvature with a 145.500 foot radius tangent curve to the left, (radius bears North 39°47'49" West); thence along the arc of said curve 270.838 feet through a central angle of 106°39'08"; thence North 33°33'03" East 56.000 feet; thence South 56°26'57" East 15.557 feet to a point on a 291.000 foot radius tangent curve to the left, (radius bears North 33°33'03" East); thence along the arc of said curve 356.027 feet through a central angle of 70°05'57"; thence North 53°27'06" East 74.471 feet; thence South 36°32'54" East 213.080 feet; thence South 53°27'06" West 858.998 feet; thence North 36°32'54" West 3.985 feet; thence South 53°27'06" West 316.002 feet; thence South 36°32'54" East 3.985 feet; thence South 53°27'06" West 1097.000 feet; thence North 36°32'54" West 136.580 feet; thence South 53°27'06" West 74.000 feet; thence South 36°32'54" East 24.000 feet; thence South 53°27'06" West 779.895 feet; thence North 36°32'54" West 139.000 feet to the point of beginning.

Property contains 13.045 acres.