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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 LAKE ISLAND 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 LAKE ISLAND PLAT 1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this November 21, 2017, by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company (as successors-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 ISLAND PLAT 1, AMENDING LOTS A-4 & A-6 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT" (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 November 21, 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

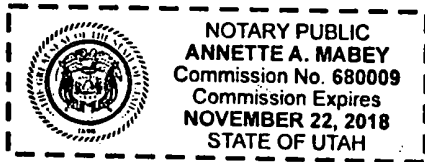
By: *Ty McCutcheon*
Ty McCutcheon, President & CEO

ACKNOWLEDGEMENT

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

On Nov 21, 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 ISLAND PLAT 1, AMENDING LOTS A-4 & A-6 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT", recorded on January 5, 2018, as Entry No. 12693190, Book 2010 P, at Page 7 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON RECORDATION OF PLAT]

Daybreak Lake Island Plat 1 Subdivision:

Beginning at the Point of Beginning of Parcel A-6, Kennecott Daybreak Oquirrh Lake Plat said point lies North 89°57'12" East 1696.281 feet along the Section Line and South 4539.207 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along the boundary of said Parcel A-6 the following (8) courses: 1) South 29°32'09" East 57.931 feet to a point on a 305.000 foot radius non tangent curve to the right, (radius bears North 28°19'08" West); 2) along the arc of said curve 55.941 feet through a central angle of 10°30'31" to a point of compound curvature with a 449.606 foot radius tangent curve to the right, (radius bears North 17°48'36" West); 3) along the arc of said curve 54.183 feet through a central angle of 06°54'18" to a point of reverse curvature with a 100.000 foot radius tangent curve to the left, (radius bears South 10°54'19" East); 4) along the arc of said curve 9.788 feet through a central angle of 05°36'29" to a point of compound curvature with a 278.500 foot radius tangent curve to the left, (radius bears South 16°30'48" East); 5) along the arc of said curve 154.180 feet through a central angle of 31°43'10"; 6) South 41°46'02" West 125.438 feet; 7) South 48°34'32" East 5.401 feet to a point on a 79.360 foot radius tangent curve to the right, (radius bears South 41°25'28" West); 8) along the arc of said curve 2.100 feet through a central angle of 01°30'57"; thence South 41°46'02" West 282.352 feet to a point on a 729.000 foot radius tangent curve to the right, (radius bears North 48°13'58" West); thence along the arc of said curve 165.089 feet through a central angle of 12°58'31"; thence South 55°13'35" West 161.972 feet to a point on a 471.000 foot radius tangent curve to the left, (radius bears South 34°46'25" East); thence along the arc of said curve 240.123 feet through a central angle of 29°12'37"; thence South 26°00'58" West 103.243 feet to a point on a 329.000 foot radius tangent curve to the right, (radius bears North 63°59'02" West); thence along the arc of said curve 260.216 feet through a central angle of 45°19'01"; thence South 71°19'59" West 32.263 feet to a point on the Westerly Line of said Parcel A-6; thence along the boundary of said Parcel A-6 the following (2) courses: 1) North 18°52'46" West 7.500 feet; 2) South 71°19'59" West 83.356 feet to a point on the Easterly Line of Parcel A-4, Kennecott Daybreak Oquirrh Lake Plat; thence along the boundary of said Parcel A-4 the following (2) courses: 1) South 18°30'36" East 2.369 feet to a point on a 121.545 foot radius tangent curve to the right, (radius bears South 71°29'23" West); 2) along the arc of said curve 1.131 feet through a central angle of 00°32'00"; thence South 71°19'59" West 101.859 feet to a point on a 825.000 foot radius tangent curve to the right, (radius bears North 18°40'01" West); thence along the arc of said curve 106.558 feet through a

central angle of 07°24'02" to a point of reverse curvature with a 575.000 foot radius tangent curve to the left, (radius bears South 11°15'59" East); thence along the arc of said curve 253.720 feet through a central angle of 25°16'55"; thence South 53°27'06" West 46.909 feet to a point on the Westerly Line of said Parcel A-4; thence along the boundary of said Parcel A-4 the following (6) courses: 1) North 36°32'54" West 51.781 feet; 2) North 53°31'50" East 39.538 feet to a point on a 671.451 foot radius non tangent curve to the right, (radius bears South 35°45'34" East); 3) along the arc of said curve 86.517 feet through a central angle of 07°22'57"; 4) North 62°30'41" East 50.907 feet; 5) North 60°09'20" East 22.192 feet to a point on a 282.887 foot radius tangent curve to the left, (radius bears North 29°50'40" West); 6) along the arc of said curve 1.319 feet through a central angle of 00°16'02"; thence North 71°55'00" East 39.128 feet to a point on a 625.000 foot radius tangent curve to the right, (radius bears South 18°05'00" East); thence along the arc of said curve 78.511 feet through a central angle of 07°11'50" to a point of reverse curvature with a 775.000 foot radius tangent curve to the left, (radius bears North 10°53'09" West); thence along the arc of said curve 105.249 feet through a central angle of 07°46'52"; thence North 71°19'59" East 101.933 feet to a point on a 67.312 foot radius non tangent curve to the right, (radius bears South 60°55'22" West) also being a point on the Easterly Line of said Parcel A-4; thence along said Easterly Line the following (2) courses: 1) along the arc of said curve 0.376 feet through a central angle of 00°19'12"; 2) South 18°30'36" East 3.130 feet to a Southwesterly Corner of said Parcel A-6; thence along the boundary of said Parcel A-6 the following (56) courses: 1) North 71°19'59" East 83.078 feet; 2) North 18°52'46" West 6.545 feet; 3) North 14°31'07" West 27.547 feet; 4) North 39°58'03" East 49.401 feet to a point on a 94.332 foot radius non tangent curve to the right, (radius bears South 55°32'32" East); 5) along the arc of said curve 34.817 feet through a central angle of 21°08'50"; 6) North 55°36'18" East 37.019 feet to a point on a 107.184 foot radius tangent curve to the left, (radius bears North 34°23'42" West); 7) along the arc of said curve 116.209 feet through a central angle of 62°07'12" to a point of compound curvature with a 137.802 foot radius tangent curve to the left, (radius bears South 83°29'06" West); 8) along the arc of said curve 114.984 feet through a central angle of 47°48'30"; 9) North 54°19'24" West 100.365 feet to a point on a 93.563 foot radius tangent curve to the right, (radius bears North 35°40'36" East); 10) along the arc of said curve 44.520 feet through a central angle of 27°15'46"; 11) North 27°03'38" West 58.054 feet to a point on a 126.907 foot radius non tangent curve to the left, (radius bears South 72°04'52" West); 12) along the arc of said curve 108.443 feet through a central angle of 48°57'35"; 13) North 74°21'55" West 27.127 feet to a point on a 167.202 foot radius non tangent curve to the right, (radius bears North 15°32'09" East); 14) along the arc of said curve 78.604 feet through a central angle of 26°56'08" to a point of compound curvature with a 58.098 foot radius tangent curve to the right, (radius bears North 42°28'17" East); 15) along the arc of said curve 42.078 feet through a central angle of 41°29'48"; 16) North 06°01'55" West 22.840 feet to a point on a 354.338 foot radius tangent curve to the left, (radius bears South 83°58'05" West); 17) along the arc of said curve 367.513 feet through a central angle of 59°25'34" to a point of reverse curvature with a 82.789 foot radius tangent curve to the right, (radius bears North 24°32'31" East); 18) along the arc of said curve 13.677 feet through a central angle of 09°27'56"; 19) North 33°56'17" East 4.135 feet; 20) North 50°33'09" West 19.238 feet to a point on a 71.999 foot radius non tangent curve to the right, (radius bears North 46°27'55" East); 21) along the arc of said curve 32.457 feet through a central angle of 25°49'43"; 22) North 28°54'14" East 31.787 feet; 23) North 31°10'17" West 29.317 feet to a point on a 88.106 foot radius non tangent curve to the right, (radius bears South 67°06'17" East); 24) along the arc of said curve 52.979 feet through a central angle of 34°27'09";

25) North 31°27'08" West 3.562 feet to a point on a 82.789 foot radius non tangent curve to the right, (radius bears South 31°31'17" East); 26) along the arc of said curve 19.920 feet through a central angle of 13°47'10"; 27) North 72°15'52" East 53.638 feet to a point on a 239.686 foot radius tangent curve to the left, (radius bears North 17°44'08" West); 28) along the arc of said curve 66.145 feet through a central angle of 15°48'42"; 29) North 56°27'10" East 33.546 feet to a point on a 348.377 foot radius tangent curve to the left, (radius bears North 33°32'50" West); 30) along the arc of said curve 45.689 feet through a central angle of 07°30'51"; 31) North 48°56'19" East 19.968 feet; 32) North 39°11'39" East 118.288 feet; 33) North 35°55'01" East 148.265 feet; 34) North 37°01'47" East 72.600 feet to a point on a 208.685 foot radius tangent curve to the right, (radius bears South 52°58'13" East); 35) along the arc of said curve 267.425 feet through a central angle of 73°25'24" to a point of compound curvature with a 113.788 foot radius non tangent curve to the right, (radius bears South 17°48'26" West); 36) along the arc of said curve 101.026 feet through a central angle of 50°52'12"; 37) South 21°19'21" East 25.029 feet; 38) South 16°20'57" East 58.505 feet to a point on a 269.432 foot radius tangent curve to the left, (radius bears North 73°39'03" East); 39) along the arc of said curve 120.516 feet through a central angle of 25°37'41"; 40) South 41°58'38" East 35.488 feet to a point on a 3317.440 foot radius tangent curve to the right, (radius bears South 48°01'22" West); 41) along the arc of said curve 124.485 feet through a central angle of 02°09'00" to a point of compound curvature with a 246.804 foot radius tangent curve to the right, (radius bears South 50°10'22" West); 42) along the arc of said curve 69.371 feet through a central angle of 16°06'16"; 43) South 23°43'22" East 33.083 feet to a point on a 167.899 foot radius tangent curve to the left, (radius bears North 66°16'38" East); 44) along the arc of said curve 76.982 feet through a central angle of 26°16'13"; 45) South 49°59'35" East 46.280 feet; 46) South 52°26'22" East 37.719 feet to a point on a 237.316 foot radius tangent curve to the left, (radius bears North 37°33'38" East); 47) along the arc of said curve 111.578 feet through a central angle of 26°56'18"; 48) South 85°41'18" East 45.615 feet to a point on a 86.545 foot radius non tangent curve to the right, (radius bears South 01°27'16" East); 49) along the arc of said curve 63.158 feet through a central angle of 41°48'47"; 50) South 49°38'29" East 35.226 feet; 51) South 48°34'32" East 10.200 feet; 52) North 41°46'02" East 125.695 feet to a point on a 321.500 foot radius tangent curve to the right, (radius bears South 48°13'58" East); 53) along the arc of said curve 184.560 feet through a central angle of 32°53'28" to a point of reverse curvature with a 276.430 foot radius non tangent curve to the left, (radius bears North 17°14'46" West); 54) along the arc of said curve 73.581 feet through a central angle of 15°15'05" to a point of reverse curvature with a 305.000 foot radius tangent curve to the right, (radius bears South 32°29'50" East); 55) along the arc of said curve 15.764 feet through a central angle of 02°57'41"; 56) North 60°27'51" East 12.223 feet to the point of beginning.

Property contains 23.441 acres.