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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
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BY: BAP, DEPUTY - MI 6 P.

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009
Attn: Gary Langston

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and**

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK SOUTH STATION MULTI FAMILY #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 SOUTH STATION MULTI
FAMILY #2) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION
OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this
December 13, 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 MULTI FAMILY #2 SUBDIVISION, AMENDING LOTS C-101, C-102, C-103, C-111, C-112, C-113, C-114, M-101 & M-102 OF THE DAYBREAK SOUTH STATION PLAT 1 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]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK SOUTH STATION MULTI FAMILY #2 SUBDIVISION, AMENDING LOTS C-101, C-102, C-103, C-111, C-112, C-113, C-114, M-101 & M-102 OF THE DAYBREAK SOUTH STATION PLAT 1 SUBDIVISION", recorded on JANUARY 26, 2018, as Entry No. 12708641, Book 2018 P, at Page 42 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDATION]

Boundary Description:

Beginning at a Northwesternly Corner of Lot M-102 of the Daybreak South Station Plat 1 Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended, also being on the Southerly right-of-way line of Rambutan Way, said point being on a 467.500 foot radius non tangent curve to the right, (radius bears South 27°02'50" East), said point lies South 89°58'42" East 317.666 feet along the Section Line and North 3004.467 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said South right-of-way line the following (3) courses: 1) along the arc of said curve 26.095 feet through a central angle of 03°11'54"; 2) North 66°09'04" East 209.272 feet to a point on a 532.500 foot radius tangent curve to the left, (radius bears North 23°50'56" West); 3) along the arc of said curve 55.850 feet through a central angle of 06°00'34"; thence South 36°31'38" East 93.637 feet; thence South 53°27'06" West 12.500 feet; thence South 64°09'02" West 36.636 feet; thence South 66°49'07" West 144.381 feet; thence South 53°27'06" West 95.780 feet to the Westerly line of said Lot M-102; thence North 36°32'54" West 113.886 feet along said Westerly line to the point of beginning.

Property contains 0.637 acres.

Also and together with the following described tract of land:

Beginning at a Southwesterly Corner of Lot M-102 of the Daybreak South Station Plat 1 Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended, also being on the Northerly right-of-way line of Duckhorn Drive said point lies South 89°58'42" East 643.360 feet along the Section Line and North 2565.219 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°32'54" West 90.156 feet along the boundary of said Lot M-102 and line extended; thence North 53°28'22" East 423.481 feet to a point on a 19.465 foot radius non tangent curve to the left, (radius bears North 34°59'46" West); thence along the arc of said curve 31.102 feet through a central angle of 91°32'55"; thence North 36°32'41" West 133.210 feet; thence North 53°27'06" East 87.012 feet to the Easterly boundary of said Lot M-102, also being on the Westerly right-of-

way line of Lake Run Road; thence along the boundary of said Lot M-102 the following (4) courses: 1) South 36°32'54" East 234.667 feet; 2) South 53°27'06" West 7.500 feet; 3) South 36°32'54" East 8.000 feet; 4) South 53°27'06" West 522.994 feet to the point of beginning.

Property contains 1.402 acres.

Also and together with the following described tract of land:

Beginning at a Northwesterly Corner of Lot M-101 of the Daybreak South Station Plat 1 Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended, also being on the Southerly right-of-way line of Duckhorn Drive, said point lies South 89°58'42" East 681.729 feet along the Section Line and North 2512.766 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the boundary of said Lot M-101 the following (2) courses: 1) North 53°27'06" East 523.415 feet; 2) South 36°32'54" East 288.250 feet; thence South 53°27'06" West 87.019 feet; thence North 36°32'41" West 178.249 feet to a point on a 20.003 foot radius non tangent curve to the left, (radius bears South 53°26'45" West); thence along the arc of said curve 31.389 feet through a central angle of 89°54'30"; thence South 53°27'06" West 416.435 feet to a Westerly Line of said Lot M-101; thence North 36°32'54" West 90.000 feet along said Westerly Line to the point of beginning.

Property contains 1.479 acres.