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ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
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BY: DCP, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

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

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
and**

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 8 PLAT 4A)
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 4A) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this FEBRUARY 28, 2018, by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company), as 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 “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 4A AMENDING LOT Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1” (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 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.

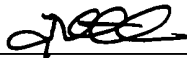
[Signatures on the Following Page]

IN WITNESS WHEREOF, as of this FEB 28, 2018, 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

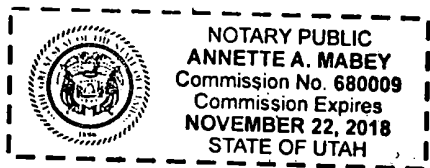
By: 
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On Feb. 28th, 2018, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, 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]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 4A AMENDING LOT Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on MARCH 1, 2010, as Entry No. 12725747, Book 2010 P, at Page 128 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a point on the West Boundary 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 1507.002 feet along the Section Line and North 95.124 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 85°14'16" West 398.881 feet; thence North 01°33'00" West 51.000 feet; thence North 88°27'00" East 0.364 feet to a point on a 16.500 foot radius tangent curve to the left, (radius bears North 01°33'00" West); thence along the arc of said curve 22.945 feet through a central angle of 79°40'38"; thence North 08°46'22" East 457.179 feet; thence South 85°17'38" East 5.013 feet; thence North 08°46'22" East 70.479 feet; thence North 262.591 feet; thence South 88°26'33" West 129.058 feet; thence West 132.990 feet; thence North 1.552 feet; thence South 88°26'33" West 116.043 feet; thence South 112.705 feet; thence West 256.320 feet; thence North 00°02'01" West 330.201 feet; thence North 73°56'28" East 245.878 feet; thence North 88°26'33" East 105.167 feet; thence North 72°09'57" East 54.000 feet; thence South 17°50'03" East 31.467 feet; thence North 72°09'57" East 17.660 feet; thence North 88°26'33" East 181.619 feet; thence North 17°50'03" West 353.570 feet to a Southerly corner of Daybreak Village 8 Plat 3 Amending Lots V6, V7 & V8 of the Amended Lots B2, B3, OS2, T4, V4, V7 & WTC2 Kennecott Master Subdivision #1; thence along said Daybreak Village 8 Plat 3 the following (3) courses: 1) North 72°09'57" East 54.000 feet; 2) North 17°50'03" West 5.752 feet; 3) North 75°58'47" East 241.980 feet to said Kennecott Daybreak Village 7 Subdivision; thence along said Kennecott Daybreak Village 7 Subdivision the following (5) courses: 1) South 17°49'16" East 358.711 feet to a point on a 731.500 foot radius tangent curve to the right, (radius bears South 72°10'44" West); 2) along the arc of said curve 167.804 feet through a central angle of 13°08'37"; 3) South 04°40'39" East 121.076 feet to a point on a 731.500 foot radius tangent curve to the right, (radius bears South 85°19'21" West); 4) along the arc of said curve 59.718 feet through a central angle of 04°40'39"; 5) South 893.109 feet to the point of beginning.

Property contains 15.801 acres.