

12729875
03/08/2018 10:20 AM \$15.00
Book - 10653 Pg - 6453-6457
ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: BAA, DEPUTY - WI 5 P.

WHEN RECORDED RETURN TO:

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

SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,

AND

**SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 8, VILLAGE 9 & VILLAGE 13 SCHOOL SITES)**

AND

NOTICE OF REINVESTMENT FEE COVENANT

**THIS SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
AND SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY (DAYBREAK VILLAGE 8, VILLAGE 9 &
VILLAGE 13 SCHOOL SITES) AND NOTICE OF REINVESTMENT FEE COVENANT**
(this “**Supplement**”) is made this 17 day of JANUARY, 2018, 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 Covenant for Community for Daybreak, recorded February
27, 2004, as Entry No. 8989517, in Book 8950, beginning at Page 7722 (as amended and
supplemented from time to time, the “**Covenant**”), and as successor declarants (collectively,
“**Declarant**”) under the Amended and Restated Declaration of Covenants, Conditions and
Restrictions for Daybreak Village, recorded on December 30, 2005, as Entry No. 9598233, in
Book 9237, beginning at Page 5395 (as amended and supplemented from time to time, the
“**Declaration**”).

RECITALS:

- A. Founder’s predecessor executed and recorded the Covenant and Declaration, which documents collectively govern certain aspects and uses of a portion of the master planned community development commonly known as “*Daybreak*” located in South Jordan, Utah.

- B. Founder has previously recorded or is concurrently herewith recording that certain subdivision map entitled “DAYBREAK VILLAGE 8, VILLAGE 9 & VILLAGE 13 SCHOOL SITES SUBDIVISION, AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED & LOTS Z101 & Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1”, which relates to the real property more particularly described on Exhibit A attached hereto (collectively, the “**Property**”). Founder is the owner of the Property.
- C. Founder desires to submit and subject the Property to the Covenant and the Declaration, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended or supplemented.

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 Declaration.
2. **Submission to Declaration and Covenant.** Pursuant to Section 5.2 of the Covenant and Section 15.1 of the Declaration, Founder (as successor Founder and as successor Declarant) hereby submits and subjects the Property to the Covenant and the Declaration, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration. In addition, the Property shall be subject to the governance of the Daybreak Village Association, Inc., a Utah nonprofit corporation (the “**Association**”), as more particularly described in the Declaration.
3. **Notice of Reinvestment Fee Covenant and Assessments.** Notice is hereby given that the Covenant and the Declaration provide, among other things, that certain assessments and fees will be charged against portions of the Property (and their respective owners), as further described in the Covenant and the Declaration, including a “Community Enhancement Fee” as more particularly defined and set forth in the Covenant and the Declaration. 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. **Full Force and Effect.** The Covenant and the Declaration, as supplemented hereby, shall remain in full force and effect.
5. **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 17 day of JANUARY, 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

VP DAYBREAK INVESTMENTS LLC,
a Delaware limited liability company

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

By: 

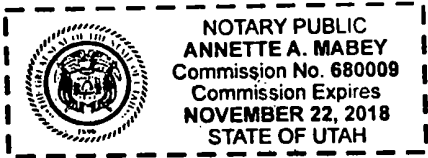
Ty McCutcheon, President & CEO

ACKNOWLEDGEMENT

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

On January 17, 2018, 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

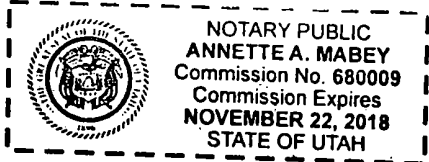
My commission expires: 11/22/2018

[SEAL]

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

On January 17, 2018, 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, VILLAGE 9 & VILLAGE 13 SCHOOL SITES SUBDIVISION, AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED & LOTS Z101 & Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on MARCH 8, 2018, as Entry No. 12729073, Book 2018P, at Page 134 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description(s):

Beginning at a point that lies North 00°00'29" West 997.434 feet along the Section Line and East 106.814 feet from the West Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 00°05'03" West 729.648 feet; thence North 87°30'00" East 701.794 feet; thence South 04°20'28" East 718.995 feet; thence South 85°06'32" West 245.160 feet to a point on a 170.000 foot radius tangent curve to the right, (radius bears North 04°53'28" West); thence along the arc of said curve 7.094 feet through a central angle of 02°23'28"; thence South 87°30'00" West 503.611 feet to the point of beginning.
Property contains 12.169 acres.

Also and together with the following described tract of land:

Beginning at a point that lies North 00°00'45" West 724.971 feet along the Section Line and West 1386.176 feet from the Southeast Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 81°08'36" West 188.110 feet; thence North 76°22'33" West 519.444 feet; thence North 15°08'46" East 883.825 feet; thence South 81°36'09" East 459.501 feet; thence South 08°28'00" West 230.154 feet; thence South 12°29'58" East 180.564 feet; thence South 533.407 feet to the point of beginning.
Property contains 12.006 acres.

Also and together with the following described tract of land:

Beginning at a point that lies South 00°03'55" West 429.908 feet along the Section Line and East 1035.789 feet from the Northwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 14°52'31" East 429.902 feet; thence North 87°50'35" East 351.139 feet; thence South 56°26'06" East 764.424 feet; thence South 30°00'00" West 534.653 feet; thence North 50°00'00" West 77.176 feet to a point on a 2069.000 foot radius tangent curve to the left, (radius bears South 40°00'00" West); thence along the arc of said curve 879.274 feet through a central angle of 24°20'57" to the point of beginning.
Property contains 12.061 acres.