

WHEN RECORDED, RETURN TO:

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

12941072
02/27/2019 02:13 PM \$41.00
Book - 10756 Pg - 2229-2234
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/DREM
898 NORTH 1200 WEST
OREM UT 84057
BY: DKP, DEPUTY - WI 6 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK LAKE ISLAND PLAT 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 LAKE ISLAND PLAT 2) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “**Supplement**”) is made this October 18, 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 LAKE ISLAND PLAT 2 AMENDING LOT 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 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 October 18, 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
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On October 18, 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.



[SEAL]

Ty McCutcheon
Notary Public in and for said State

My commission expires: June 13, 2021

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK LAKE ISLAND PLAT 2 AMENDING LOT A-6 OF THE KENNECOTT DAYBREAK OQUIRRH LAKE PLAT", recorded on February 27, 2019, as Entry No. 12941070, Book 2019P, at Page 74 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a Southwesterly Corner of Daybreak Lake Island Plat 1 subdivision, said point also being on the Southwesterly line of Lot A-6 of the Kennecott Daybreak Oquirrh Lake Plat, said point lies North 89°57'12" East 540.077 feet along the Section Line and South 5669.789 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along the Southernmost Line of said Daybreak Lake Island Plat 1 the following (6) courses: 1) North 71°19'59" East 32.263 feet to a point on a 329.000 foot radius tangent curve to the left, (radius bears North 18°40'01" West); 2) along the arc of said curve 260.216 feet through a central angle of 45°19'01"; 3) North 26°00'58" East 103.243 feet to a point on a 471.000 foot radius tangent curve to the right, (radius bears South 63°59'02" East); 4) along the arc of said curve 240.123 feet through a central angle of 29°12'37"; 5) North 55°13'35" East 161.972 feet to a point on a 729.000 foot radius non tangent curve to the left, (radius bears North 35°15'28" West); 6) along the arc of said curve 57.631 feet through a central angle of 04°31'46"; thence South 48°31'12" East 115.868 feet; thence South 41°28'48" West 56.000 feet; thence North 48°31'12" West 6.000 feet; thence South 41°28'48" West 232.000 feet; thence South 48°31'12" East 6.000 feet; thence South 41°28'48" West 56.000 feet; thence North 48°31'12" West 35.682 feet; thence South 41°28'48" West 50.041 feet; thence South 31°19'33" West 55.834 feet; thence South 48°31'12" East 34.000 feet; thence South 41°28'48" West 170.886 feet to a point on a 210.945 foot radius non tangent curve to the left, (radius bears North 55°05'06" East); thence along the arc of said curve 82.610 feet through a central angle of 22°26'17" to the said Southwesterly Line of Lot A-6 and a point of compound curvature with a 187.597 foot radius non tangent curve to the left, (radius bears South 18°32'01" West); thence along said Lot A-6 the following (10) courses: 1) along the arc of said curve 23.694 feet through a central angle of 07°14'12"; 2) North 78°42'11" West 51.358 feet to a point on a 242.412 foot radius tangent curve to the left, (radius bears South 11°17'49" West); 3) along the arc of said curve 88.739 feet through a central angle of 20°58'27"; 4) South 80°19'22" West 18.606 feet to a point on a 220.918 foot radius tangent curve to the left, (radius bears South 09°40'38" East); 5) along the arc of said curve 55.479 feet through a central angle of 14°23'19" to a point of reverse curvature with a 141.766 foot radius non tangent curve to the right, (radius bears North 25°37'05" West); 6) along the arc of said curve 42.589 feet through a central angle of 17°12'46"; 7) South 81°35'41" West 10.721 feet to a point on a 51.499 foot radius tangent curve to the right,

(radius bears North 08°24'19" West); 8) along the arc of said curve 28.968 feet through a central angle of 32°13'42" to a point of compound curvature with a 73.754 foot radius non tangent curve to the right, (radius bears North 33°29'51" East); 9) along the arc of said curve 45.288 feet through a central angle of 35°10'56"; 10) North 18°52'46" West 2.564 feet to the point of beginning.

Property contains 2.599 acres.

Also and together with the following described tract of land:

Beginning at a point that lies North 89°57'12" East 1938.970 feet along the Section Line and South 5465.364 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 42°41'02" East 12.938 feet; thence South 47°18'58" West 17.019 feet; thence North 42°41'02" West 0.958 feet; thence South 47°18'58" West 25.664 feet; thence North 42°41'02" West 2.125 feet; thence South 47°19'02" West 10.883 feet; thence North 42°41'01" West 14.105 feet; thence North 47°19'01" East 10.887 feet; thence North 42°47'44" West 2.125 feet; thence North 47°18'59" East 27.383 feet; thence South 42°41'02" East 6.375 feet; thence North 47°18'58" East 15.300 feet to the point of beginning.

Property contains 0.020 acres, 856 square feet.