

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

VP Daybreak Devco LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, Utah 84009
Attention: Ty McCutcheon

(Tax Identification No. 26-24-176-004 and 26-24-176-002)

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4/18/2019 11:47:00 AM \$14.00
Book - 10771 Pg - 1253-1255
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 3 P.

NOTICE OF APPLICATION OF DAYBREAK COMMUNITY DOCUMENTS

NOTICE IS HERBY GIVEN of the following. City of South Jordan, a Utah municipal corporation (“**SJC**”) is owner of the certain real property located in South Jordan, Utah, more particularly described on **Exhibit A** attached hereto and incorporated herein (the “**Property**”), upon which it plans to construct and operate a public safety center (the “**Public Safety Center**”). The Property is located within a community commonly known as Daybreak, which is governed by that certain Covenant for Community For Daybreak (“**Covenant**”), Community Charter For Daybreak (the “**Charter**”), and Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Village (“**Commercial CC&R’s**”). VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, is the successor “**Founder**” of Daybreak under the Covenant and Charter and the successor “**Declarant**” under the Commercial CC&R’s.

Founder hereby exempts SJC from the payment of Base Assessments, Service Area Assessments, Special Assessments, and Specific Assessments as set forth on Chapter 12 of the Charter, for so long as SJC owns the Property and operates the Public Service Center on the Property. Declarant hereby exempts SJC from the payment of Base Assessments, Service Area Assessments, Special Assessments, and Specific Assessments as set forth on Chapter 12 of the Commercial CC&R’s, for so long as SJC owns the Property and operates the Public Service Center on the Property.

Founder hereby acknowledges and agrees that, for so long as SJC owns the Property and operates the Public Service Center on the Property and notwithstanding anything to the contrary contained in the Charter or the Commercial CC&R’s, neither Founder nor Declarant under the Charter or Commercial CC&R’s shall have final approval rights regarding the design and layout of improvements located on the Property, but rather Founder and Declarant under the Charter and Commercial CC&R’s, SJC and the architect selected by SJC shall work cooperatively, in good faith, exercising commercially reasonable judgment (taking into account SJC’s status and role as a municipality and associated funding constraints) to jointly establish and approve the design and site layout of improvements located on the Property that takes into account the design guidelines and themes used within Daybreak and the “**Town Center**” streetscape requirements.

Founder hereby exempts SJC from the payment of the Community Enhancement Fee as set forth in Section 2.3 of the Covenant, for transfers to and by SJC. In furtherance of the foregoing, Founder hereby exempts SJC from payment of the Community Enhancement Fee in connection with the transfer of the Property to SJC. Founder also hereby exempts SJC from payment of any Annual Assessment, for as long as SJC owns the Property and operates the Public Service Center on the Property.

[Signatures on Following Page]

**EXHIBIT A
TO NOTICE OF APPLICATION**

LEGAL DESCRIPTION

Lot C-101, DAYBREAK SOUTH JORDAN CITY PUBLIC SAFETY CENTER Amending Lots T3 and T4 of The Kennecott Master Subdivision #1 Amended, recorded April 2, 2019 as Entry No. 12961132 in Book 2019P of Plats at Page 111, on file in the office of the Salt Lake County Recorder, State of Utah

The following is for informational purposes only:
Tax ID No. 26-24-176-004 and 26-24-176-002