

9-27-20

WHEN RECORDED, RETURN TO:

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

13061737  
08/28/2019 03:25 PM \$266.00  
Book - 10822 Ps - 3722-3728  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
OLD REPUBLIC TITLE DRAPER/OREM  
898 NORTH 1200 WEST  
OREM UT 84057  
BY: DCP, DEPUTY - WI 7 P.

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 8 PLAT 5A)**

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 5A) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this July 18, 2019, 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 5A SUBDIVISION AMENDING LOT Z105 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 JULY 18, 2019, 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

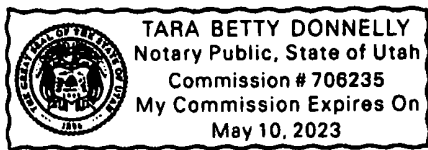
By: Ty McCutcheon  
Ty McCutcheon, President & CEO

ACKNOWLEDGMENT

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

On July 18, 2019, 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.



Tara Betty Donnelly - Utah  
Notary Public in and for said State

My commission expires: 5/10/23

[SEAL]

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 5A SUBDIVISION AMENDING LOT Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on August 28, 2018, as Entry No. 13061735, Book 2019P, at Page 242 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Beginning at a point on the Westerly Line of Lot Z105 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 4730.191 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3371.833 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said point also being North 89°49'08" West 558.036 feet along the Section Line and North 3380.891 feet from the Southeast Corner of said Section 22 and running thence along said Lot Z105 the following (4) courses: 1) North 852.253 feet to a point on a 1518.500 foot radius tangent curve to the right, (radius bears East, Chord: North 11°57'29" East 629.255 feet); 2) along the arc of said curve 633.846 feet through a central angle of 23°54'58"; 3) North 23°54'58" East 286.469 feet to a point on a 1981.500 foot radius tangent curve to the left, (radius bears North 66°05'02" West, Chord: North 21°43'42" East 151.282 feet); 4) along the arc of said curve 151.318 feet through a central angle of 04°22'32"; thence South 65°07'58" East 379.088 feet to a point on a 173.000 foot radius tangent curve to the left, (radius bears North 24°52'02" East, Chord: South 77°33'59" East 74.497 feet); thence along the arc of said curve 75.085 feet through a central angle of 24°52'02"; thence East 8.726 feet; thence South 37.500 feet; thence South 22°00'00" West 53.197 feet to a point on a 310.500 foot radius non tangent curve to the right, (radius bears South 32°59'03" West, Chord: South 56°15'00" East 8.301 feet); thence along the arc of said curve 8.301 feet through a central angle of 01°31'54"; thence South 34°30'57" West 37.500 feet to a point on a 273.000 foot radius non tangent curve to the left, (radius bears South 34°30'57" West, Chord: North 61°44'31" West 59.517 feet); thence along the arc of said curve 59.635 feet through a central angle of 12°30'57"; thence North 68°00'00" West 55.838 feet; thence South 22°00'00" West 116.000 feet; thence West 39.644 feet; thence South 167.013 feet to a point on a 46.000 foot radius tangent curve to the right, (radius bears West, Chord: South 27°42'02" West 42.766 feet); thence along the arc of said curve 44.479 feet through a central angle of 55°24'04" to a point of reverse curvature with a 22.000 foot radius tangent curve to the left, (radius bears South 34°35'56" East, Chord: South 27°42'02" West 20.453 feet); thence along the arc of said curve 21.273 feet through a central angle of 55°24'04"; thence South 92.701 feet; thence South 18°26'06" East 93.196 feet; thence South 00°05'03" East 119.912 feet; thence West 3.577 feet; thence South 00°05'03" East 59.000 feet; thence South

18°26'06" West 93.715 feet; thence South 422.808 feet; thence South 18°26'06" East 95.915 feet; thence South 79.790 feet; thence North 87°30'00" East 106.402 feet; thence North 00°05'03" West 5.281 feet; thence North 89°54'57" East 54.000 feet to the Southwest Corner of Lot C-101 of the Daybreak Village 8, Village 9 & Village 13 School Sites Subdivision; thence along said Lot C-101 the following (3) courses: 1) North 87°30'00" East 503.611 feet to a point on a 170.000 foot radius tangent curve to the left, (radius bears North 02°30'00" West, Chord: North 86°18'16" East 7.094 feet); 2) along the arc of said curve 7.094 feet through a central angle of 02°23'28"; 3) North 85°06'32" East 362.937 feet; thence North 68°54'07" East 11.038 feet; thence South 21°05'53" East 54.000 feet; thence South 68°54'07" West 13.957 feet; thence South 14°52'02" East 177.046 feet to the Northerly right-of-way line of South Jordan Parkway; thence along said Northerly right-of-way line the following (3) courses: 1) South 68°54'07" West 129.051 feet to a point on a 639.500 foot radius tangent curve to the right, (radius bears North 21°05'53" West, Chord: South 79°27'03" West 234.157 feet); 2) along the arc of said curve 235.485 feet through a central angle of 21°05'53"; 3) West 1247.492 feet to the point of beginning.

Property contains 25.723 acres.

Also and together with Less and Except Parcel P of the Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation more particularly described as follows:

Beginning at a point that lies South 89°56'03" East 4802.191 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3284.415 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 28.000 feet; thence East 287.031 feet; thence North 82°52'30" East 88.685 feet; thence East 375.364 feet; thence East 425.096 feet to a point on a 688.000 foot radius non tangent curve to the left, (radius bears North, Chord: North 79°27'03" East 251.915 feet); thence along the arc of said curve 253.344 feet through a central angle of 21°05'53"; thence North 68°54'07" East 23.898 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South 21°05'53" East, Chord: South 64°31'21" East 36.314 feet); thence along the arc of said curve 40.645 feet through a central angle of 93°09'05" to a point of reverse curvature with a 763.500 foot radius tangent curve to the left, (radius bears North 72°03'12" East, Chord: South 21°59'43" East 107.807 feet); thence along the arc of said curve 107.896 feet through a central angle of 08°05'49"; thence South 26°02'37" East 9.189 feet to a point on a 25.000 foot radius tangent curve to the right, (radius bears South 63°57'23" West, Chord: South 20°37'56" West 36.374 feet); thence along the arc of said curve 40.732 feet through a central angle of 93°21'06" to a point of compound curvature with a 508.500 foot radius tangent curve to the right, (radius bears North 22°41'31" West, Chord: South 73°27'17" West 108.892 feet); thence along the arc of said curve 109.101 feet through a central angle of 12°17'35"; thence South 77°15'53" West 38.344 feet to a point on a 511.500 foot radius non tangent curve to the right, (radius bears North 06°06'12" West, Chord: North 88°00'08" West 144.160 feet); thence along the arc of said curve 144.642 feet through a central angle of 16°12'08"; thence North 79°54'04" West 562.958 feet to a point on a 508.500 foot radius tangent curve to the left, (radius bears South 10°05'56" West, Chord: North 80°25'24" West 9.268 feet); thence along the arc of said curve 9.268 feet through a central angle of 01°02'39" to a point of compound curvature with a 5.500 foot radius

tangent curve to the left, (radius bears South 09°03'17" West, Chord: South 75°59'12" West 4.310 feet); thence along the arc of said curve 4.429 feet through a central angle of 46°08'10"; thence South 52°55'07" West 7.038 feet to a point on a 4.500 foot radius tangent curve to the right, (radius bears North 37°04'53" West, Chord: South 75°18'03" West 3.427 feet); thence along the arc of said curve 3.516 feet through a central angle of 44°45'52" to a point of reverse curvature with a 500.500 foot radius tangent curve to the left, (radius bears South 07°40'59" West, Chord: North 86°09'30" West 67.065 feet); thence along the arc of said curve 67.115 feet through a central angle of 07°40'59"; thence West 580.565 feet to the point of beginning.

Property contains 2.686 acres.