

6-06
WHEN RECORDED, RETURN TO:

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

13216402
03/13/2020 01:55 PM \$110.00
Book - 10909 Pg - 6745-6750
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: BRH, DEPUTY - WI 6 P.

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (DAYBREAK VILLAGE 8 PLAT 4D)

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 4D) AND
NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF
TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this
October 8, 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 4D SUBDIVISION AMENDING LOTS Z102 & 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.

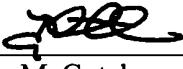
[Signatures on the Following Page]

IN WITNESS WHEREOF, as of this OCTOBER 8, 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

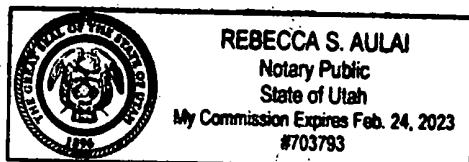
By: 
Ty McCutcheon, President & CEO

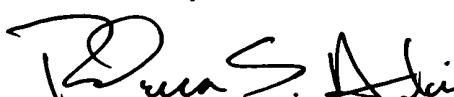
ACKNOWLEDGMENT

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

On October 8^a, 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.





Notary Public in and for said State

My commission expires: 2/24/23

[SEAL]

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 8 PLAT 4D SUBDIVISION AMENDING LOTS Z102 & Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1", recorded on MARCH 13, 2020, as Entry No. 13216400, Book 2020P, at Page 55 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Daybreak Village 8 Plat 4D

Beginning at a point on the Westerly Line of Lot Z102 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 4969.649 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 1147.881 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 318.577 feet along the Section Line and North 1157.421 feet from the Southeast Corner of said Section 22 and running thence along said Lot Z102 the following (2) courses: 1) North 33°22'46" West 368.525 feet to a point on a 222.500 foot radius tangent curve to the right, (radius bears North 56°37'14" East, Chord: North 17°10'46" West 124.151 feet); 2) along the arc of said curve 125.821 feet through a central angle of 32°24'00" to a point on the Southerly Line of Daybreak Village 8 Plat 3 subdivision; thence along said Southerly Line North 89°49'44" East 279.652 feet to a Southerly Corner of said Daybreak Village 8 Plat 3 subdivision; thence along said Daybreak Village 8 Plat 3 subdivision and Daybreak Village 8 Plat 4B subdivision South 00°10'16" East 16.516 feet to a point on the Westerly Line of said Daybreak Village 8 Plat 4B subdivision and a point on a 227.000 foot radius tangent curve to the left, (radius bears North 89°49'44" East, Chord: South 06°37'47" East 51.067 feet); thence along said Daybreak Village 8 Plat 4B subdivision and the arc of said curve 51.175 feet through a central angle of 12°55'01" to a Northerly Corner of Daybreak Village 8 Plat 4C subdivision; thence along said Daybreak Village 8 Plat 4C subdivision the following (10) courses: 1) South 76°54'43" West 12.264 feet; 2) South 89°49'44" West 138.915 feet; 3) South 56°37'14" West 12.357 feet; 4) South 33°22'46" East 25.000 feet; 5) North 56°37'14" East 14.032 feet; 6) North 89°49'44" East 26.257 feet; 7) South 33°22'46" East 222.119 feet; 8) South 56°37'14" West 38.000 feet; 9) South 33°22'46" East 94.000 feet; 10) South 56°37'14" West 94.500 feet to the point of beginning.

Property contains 1.506 acres.

Also and together with the following described tract of land:

Beginning at a Northerly Corner of Daybreak Village 8 Plat 3 subdivision, said point lies South 89°56'03" East 5009.507 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 1697.918 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 278.718 feet along the Section Line and North 1707.538 feet from the Southeast Corner of said Section 22 and running thence along said Daybreak Village 8 Plat 3 subdivision South 89°37'03" West 279.323 feet a point on the Westerly Line of Lot Z102 of the VP Daybreak Operations-Investments Plat 1 subdivision; thence along said Westerly Line North 1384.101 feet to an extension of a Northerly Line of the Daybreak Village 8 Plat 5B Subdivision; thence along said extended line East 146.500 feet to a Northwest Corner of said Daybreak Village 8 Plat 5B Subdivision; thence along said Daybreak Village 8 Plat 5B Subdivision the following (24) courses: 1) South 54.000 feet; 2) East 6.000 feet; 3) South 136.000 feet; 4) East 20.000 feet; 5) South 181.000 feet; 6) West 20.000 feet; 7) South 166.000 feet; 8) West 6.000 feet; 9) South 155.000 feet; 10) West 20.000 feet; 11) South 121.000 feet; 12) West 6.000 feet; 13) South 54.000 feet; 14) East 26.000 feet; 15) South 101.000 feet; 16) West 20.000 feet; 17) South 106.000 feet; 18) West 6.000 feet; 19) South 54.000 feet; 20) East 8.000 feet; 21) South 180.000 feet; 22) East 140.457 feet; 23) South 08°28'38" East 66.328 feet to a point on a 53.000 foot radius tangent curve to the right, (radius bears South 81°31'22" West, Chord: South 04°19'29" East 7.676 feet); 24) along the arc of said curve 7.683 feet through a central angle of 08°18'19" to a point on the Northerly Line of said Daybreak Village 8 Plat 3 subdivision; thence along said Daybreak Village 8 Plat 3 South 00°10'16" East 0.979 feet to the point of beginning.

Property contains 4.779 acres.