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6/15/2020 4:00:00 PM \$40.00  
Book - 10961 Pg - 4933-4936  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
OLD REPUBLIC TITLE DRAPER/OREM  
BY: eCASH, DEPUTY - EF 4 P.

Recording requested and  
when recorded, return to:

VP Daybreak Operations LLC  
11248 Kestrel Rise Road, Suite 201  
South Jordan, UT 84009  
Attention: Gary Langston  
Tlx: 26-24-301-003  
26.24-301-005

19388497A

**NOTICE OF WITHDRAW FROM  
COMMUNITY CHARTER FOR DAYBREAK  
(WITHDRAWING CERTAIN PROPERTY)**

**THIS NOTICE OF WITHDRAW FROM COMMUNITY CHARTER FOR DAYBREAK (WITHDRAWING CERTAIN PROPERTY)** (this “**Notice**”) is made and entered into as of this June 15, 2020, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to Kennecott Land Company, a Delaware corporation), as successor 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 August 26, 2004, as Entry No. 9156782 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded October 19, 2005, as Entry No. 9528104 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 3 to Community Charter for Daybreak, recorded March 13, 2007, as Entry No. 10031889 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 4 to Community Charter for Daybreak, recorded March 2, 2010, as Entry No. 10907211 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 5 to Community Charter for Daybreak, recorded November 24, 2010, as Entry No. 11082445 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 6 to Community Charter for Daybreak, recorded July 1, 2016, as Entry No. 12312667 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 7 to Community Charter for Daybreak, recorded July 3, 2018, as Entry No. 12804618, in the Salt Lake County Recorder’s Office (as amended and/or supplemented 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 successor “**Founder**” of the community commonly known as “*Daybreak*” located in South Jordan, Utah (the “**Project**”).

- B. Declarant desires, pursuant to the authority reserved unto Declarant under the Charter, to withdraw certain property from the Charter.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Withdrawal from Declaration.** Pursuant to the authority vested and reserved in Founder as set forth in Chapter 16 and 17 of the Charter, Founder hereby withdraws that certain property legally described in **Exhibit A** attached hereto and incorporated herein by this reference (the “**Withdrawn Property**”) from the Project and unsubjects the Withdrawn Property to the Charter, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Charter, which shall no longer be of force or effect with respect to the Withdrawn Property. Founder is the fee simple owner of the Withdrawn Property and hereby consents to the removal of the Withdrawn Property from the Project and the termination of the Charter solely with respect to the Withdrawn Property. From and after the recordation of this Notice, the Withdrawn Property shall be held, transferred, sold, conveyed, developed, and occupied free from the encumbrance of the Charter, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Charter.
3. **Full Force and Effect.** Except as specifically amended hereby, the Charter and the Covenant remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibit to this Notice are hereby incorporated herein by this reference.

*[Signatures on the Following Page]*


[Daybreak Business Park – South Site – Notice of Withdrawn Property]

IN WITNESS WHEREOF, as of this June 15, 2020, Founder has executed this Notice.

**Founder:**

**VP DAYBREAK OPERATIONS LLC,**  
a Delaware limited liability company

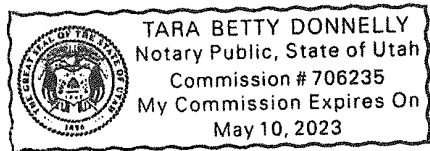
By: Daybreak Communities LLC,  
a Delaware limited liability company  
Its: Project Manager

By:   
Ty McCutcheon, President & CEO

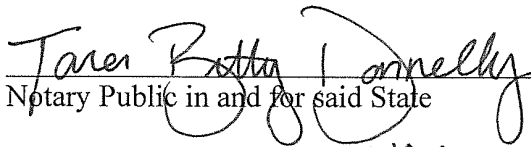
STATE OF UTAH )  
 )  
 ) :ss.  
COUNTY OF SALT LAKE )

On June 15, 2020, 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]

  
Notary Public in and for said State  
My commission expires: 5-10-23

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE WITHDRAWN PROPERTY**

Lots C-101, C-102, C-103, C-104, and C-105, DAYBREAK VILLAGE 7A PLAT 3  
SUBDIVISION Amending Lot WTC2 of The Kennecott Daybreak Master Subdivision #1  
Amended and Lot Z108 of The VP Daybreak Operations-Investments Plat I and Lot P-126 of  
The Daybreak Lake Avdenue from Mountain View Corridor to 6000 West Subdivision, recorded  
May 18, 2020 as Entry No. 13272988 in Book 2020P of Plats at Page 118, on file and of record  
in the office of the Salt Lake County Recorder, State of Utah.

Tax Parcel No.: 26-24-301-003 & 26-24-301-005