

WHEN RECORDED, RETURN TO:

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

13436538  
10/23/2020 12:15 PM \$40.00  
Book - 11045 Pg - 1732-1737  
**RASHELLE HOBBS**  
RECORDER, SALT LAKE COUNTY, UTAH  
OLD REPUBLIC TITLE DRAPER/OREM  
898 NORTH 1200 WEST  
OREM UT 84057  
BY: ARA, DEPUTY - WI 6 P.

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
SUBMITTING ADDITIONAL PROPERTY  
(DAYBREAK VILLAGE 3 MULTI FAMILY #1)**  
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 3 MULTI FAMILY  
#1) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF  
TELECOMMUNICATIONS SERVICE AREA NO. 1 (this "Supplement") is made this**

August 7, 2020, 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, in the Official Records of Salt Lake County, 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, as further 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, as further 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 further amended by that certain Amendment No. 4 to Community Charter for Daybreak, recorded March 2, 2010, as Entry No. 10907211 in the Official Records of Salt Lake County, as further amended by that certain Amendment No. 5 to Community Charter for Daybreak, recorded November 24, 2010, as Entry No. 11082445 in the Official Records of Salt Lake County, as further amended by that certain Amendment No. 6 to

Community Charter for Daybreak, recorded July 1, 2016, as Entry No. 12312667, in the Official Records of Salt Lake County, and as further amended by that certain Amendment No. 7 to Community Charter for Daybreak, recorded July 3, 2018, as Entry No. 12804618, in the Official Records of Salt Lake County (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”), and is consented to by **VP DAYBREAK DEVCO**, a Delaware limited liability company (“VP Devco”).

#### **RECITALS:**

- A. Pursuant to the Charter, Founder is the “Founder” of the community commonly known as “Daybreak” located in South Jordan, Utah.
- B. Founder and/or VP Devco have recorded or are concurrently recording that certain subdivision map entitled “DAYBREAK VILLAGE 3 MULTI FAMILY #1 AMENDING LOT C-102 OF THE KENNECOTT DAYBREAK PLAT 9 SUBDIVISION” (the “Plat”) which relates to the real property more particularly described on Exhibit A attached hereto (the “Property”). VP Devco is the fee simple 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 and VP Devco desire 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. VP Devco, as the fee simple owner of the Property, hereby consents to the subjection of the Property to the Covenant and Declaration, as herein provided.
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 August 7, 2020, Founder has executed this Supplement, and VP Devco has consented to the same.

**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 )

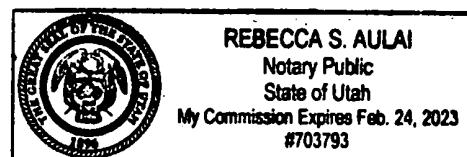
On August 7, 2020, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project Manager of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above 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.

Rebecca S. Aulai  
Notary Public in and for said State

My commission expires: 2/24/23

[SEAL]



**VP Devco:**

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

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

By: Ty  
Ty McCutcheon, President & CEO

**ACKNOWLEDGMENT**

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

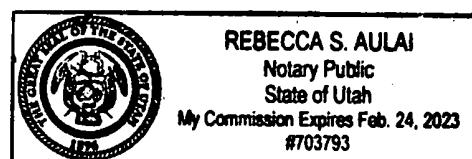
On August 7<sup>th</sup>, 2020, personally appeared before me, a Notary Public, Ty McCutcheon, President & CEO of Daybreak Communities LLC, the Project Manager of VP DAYBREAK DEVCO LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK DEVCO LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.

Rebecca S. Aulai  
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 3 MULTI FAMILY #1 AMENDING LOT C-102 OF THE KENNECOTT DAYBREAK PLAT 9 SUBDIVISION", recorded on 10/23/2020, as Entry No. \_\_\_\_\_, Book 2020 P, at Page 261 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

**Boundary Description:**

All of Lot C-102 of the Kennecott Daybreak Plat 9 Subdivision according to the official plat thereof recorded in the Office of the Salt Lake County Recorder