

WHEN RECORDED, RETURN TO:
VP Daybreak Operations LLC
Attention: Matt Dean
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009

13534510
1/15/2021 10:22:00 AM \$40.00
Book - 11099 Pg - 6497-6502
RASHELLE HOBBS
Recorder, Salt Lake County, UT
STEWART TITLE INS AGCY OF UT
BY: eCASH, DEPUTY - EF 6 P.

**DECLARATION OF ANNEXATION
FOR THE SUPPLEMENT TO COMMUNITY
CHARTER FOR DAYBREAK ESTABLISHING SERVICE AREA
(IMAGINATION COLLECTION AT DAYBREAK)**

THIS DECLARATION OF ANNEXATION FOR THE SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK ESTABLISHING SERVICE AREA (IMAGINATION COLLECTION AT DAYBREAK) ("Declaration of Annexation") is made and executed by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, as successor-in-interest to KENNECOTT LAND COMPANY, a Delaware corporation ("**Founder**"), and Weekley Homes, LLC, a Delaware limited liability company ("**Builder**").

RECITALS

- A. WHEREAS, certain real property in Salt Lake County, Utah, known as The Imagination Collection at Daybreak (the "**Service Area**") was subjected to covenants, conditions, and restrictions through the Supplement to Community Charter for Daybreak Establishing Service Area (Imagination Collection at Daybreak), recorded on July 21, 2020 in Book No. 10983, Pages 6633-6667, as Entry No. 13335863, in the Office of the County Recorder, Salt Lake County, Utah (the "**Supplement**");
- B. WHEREAS, the Supplement was made pursuant to the Community Charter for Daybreak recorded in Book No. 8950, Page No. 7784-7908, as Entry No. 8989518, in the Office of the County Recorder, Salt Lake County, Utah, as subsequently amended and supplemented from time to time (the "**Charter**");
- C. WHEREAS, the Founder expressly reserved the right, under Exhibit E, Section 5 of the Supplement to annex additional property into the Service Area;
- D. WHEREAS, Builder owns the property described more fully in **Exhibit A** of this Declaration of Annexation (the "**Property**") that was not originally subjected to the Supplement;
- C. WHEREAS, Founder, with the consent of Builder, desires to subject the Property to the Supplement.

NOW THEREFORE, for the reasons recited above, the Founder hereby executes this Declaration of Annexation for the Supplement to Community Charter for Daybreak Establishing Service Area (Imagination Collection at Daybreak) as follows:

1. All defined terms as used in this Declaration of Annexation shall have the same meaning as those set

26-22-450-017
26-22-450-016
26-22-450-015

26-22-450-014
26-22-450-013
26-22-450-012

26-22-450-010
26-22-450-009
26-22-450-008

forth and defined in the Supplement.

2. The Property is hereby submitted to the provisions of the Supplement and, pursuant thereto, is hereby annexed in to the Association and is to be held, transferred, sold, conveyed, and occupied as Units subject to the Supplement and as a part of the Association.

3. The covenants, conditions, restrictions, easements, and limitations of the Supplement shall run with the Property and shall be binding on and burden all parties having or acquiring any right, title, or interest to the Property, or any part thereof, and shall inure to the benefit of each Owner in the Service Area, and are imposed upon said Property and every party thereof.

4. Except as amended by the provisions of this Declaration of Annexation, the Supplement as previously amended and supplemented shall remain unchanged and, together with this Declaration of Annexation, shall constitute the Supplement to Community Charter for Daybreak Establishing Service Area (Imagination Collection at Daybreak). This Declaration of Annexation does not affect the Association's right to amend or replace the Supplement or the binding effect of the Supplement as amended or replaced from time to time on the Unit and Owner.

5. This Declaration of Annexation shall be recorded in the Salt Lake County Recorder's Office.

[Signatures on following pages]

IN WITNESS WHEREOF, Founder has caused this Declaration of Annexation to be executed and Builder and the Association hereby agree with and have consented to the same as of this 14th day of January, 2021.

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

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

By: [Signature]
Name: TY MCCUTCHEON
Its: PRESIDENT & CEO

Builder: **WEEKLEY HOMES, LLC,**
a Delaware limited liability company

By: [Signature]
Name: John Burchfield
Its: General Counsel

Association: **DAYBREAK COMMUNITY ASSOCIATION, INC.,**
a Utah nonprofit corporation

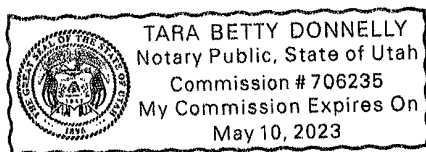
By: [Signature]
Name: Richard Smith
Its: President

ACKNOWLEDGMENTS

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

On JANUARY 12, 2021, personally appeared before me, a Notary Public, Ty McArthur the President + CEO of Daybreak Communities LLC, a Delaware limited liability company, 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.

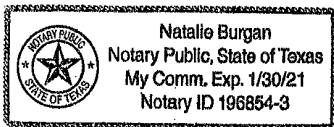


[SEAL]

Tara Betty Donnelly
Notary Public
My commission expires: 5.10.23

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

On January 7, 2021, personally appeared before me, a Notary Public, John Burchfield, the General Counsel of Weekley Homes, 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 Weekley Homes, LLC, a Delaware limited liability company.



WITNESS my hand and official Seal.

Natalie Borgan

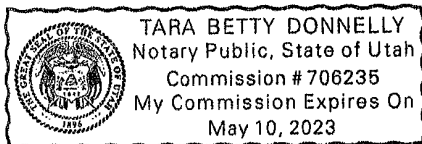
Notary Public

My commission expires: _____

[SEAL]

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

On January 14, 2021, personally appeared before me, a Notary Public, Rich Somerville, the President of Daybreak Community Association, Inc., a Utah nonprofit corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that they executed the above instrument on behalf of Daybreak Community Association, Inc., a Utah nonprofit corporation.



Tara Betty Donnelly

Notary Public

My commission expires: 5-10-23

[SEAL]

EXHIBIT A
LEGAL DESCRIPTION

That certain real property located in the City of South Jordan, Salt Lake County, Utah described as follows:

Lots 208 through 216, inclusive, 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 the Salt Lake County, Utah.

PARCEL NO 26-22-450-017	LOT 208	11607 S PROSPERITY RD
PARCEL NO 26-22-450-016	LOT 209	11603 S PROSPERITY RD
PARCEL NO 26-22-450-015	LOT 210	11599 S PROSPERITY RD
PARCEL NO 26-22-450-014	LOT 211	11597 S PROSPERITY RD
PARCEL NO 26-22-450-013	LOT 212	11591 S PROSPERITY RD
PARCEL NO 26-22-450-012	LOT 213	11589 S PROSPERITY RD
PARCEL NO 26-22-450-010	LOT 214	11587 S PROSPERITY RD
PARCEL NO 26-22-450-009	LOT 215	11583 S PROSPERITY RD
PARCEL NO 26-22-450-008	LOT 216	11581 S PROSPERITY RD