

WHEN RECORDED, RETURN TO:

**RICHARDS LAW, PC**  
4141 S Highland Dr., Ste 225  
Salt Lake City, UT 84124

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1/15/2021 10:54:00 AM \$40.00  
Book - 11099 Pg - 7072-7077  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
VANGUARD TITLE INS  
BY: eCASH, DEPUTY - EF 6 P.

DECLARATION OF ANNEXATION  
TO  
SERVICE AREA SUPPLEMENT FOR DAYBREAK ESTABLISHING AND/OR  
EXPANDING SERVICE AREA FOR HEIGHTS PARK TOWNHOMES PROJECT

THIS DECLARATION OF ANNEXATION TO SERVICE AREA SUPPLEMENT FOR DAYBREAK ESTABLISHING AND/OR EXPANDING SERVICE AREA FOR HEIGHTS PARK TOWNHOMES PROJECT (this “**Declaration of Annexation**”) is made this 13th day of January, 2021 by VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, as successor-in-interest to KENNECOTT LAND COMPANY, a Delaware corporation (“**Founder**”), pursuant to that certain 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 (collectively, the “**Charter**”), and is consented to by SEGO DAYBREAK #11, LC, a Utah limited liability company (“**Builder**”), DAYBREAK COMMUNITY ASSOCIATION, INC., a Utah nonprofit corporation (the “**Association**”), and VP DAYBREAK DEVCO LLC, a Delaware limited liability company (“**Devco**”). Capitalized terms used but not defined herein shall have those meaning ascribed to them in the Charter.

**RECITALS**

A. WHEREAS, this Declaration of Annexation is prepared pursuant to the Service Area Supplement for Daybreak Establishing and/or Expanding Service Area for Heights Park Townhomes Project, recorded August 27, 2019, in Book 10821, Page No. 4186-4207, as Entry No. 13060137, in the Office of the County Recorder, Salt Lake County, Utah (as may be amended and/or further supplemented from time to time) (collectively, the “**Service Area Supplement**”);

B. WHEREAS, pursuant to Exhibit D, Article I, Section 1.1(b) of the Service Area Supplement, Builder is permitted to expand the Service Area for Heights Park Townhomes Project to include additional properties;

C. WHEREAS it is Builder’s intention and intent of the original Service Area Supplement that the Additional Property (defined below) shall be subject to the terms of the Service Area Supplement and any amendments or further supplements thereto; and

E. WHEREAS Builder desires to annex certain additional property more particularly described herein as a part of the Heights Park Townhomes Project, and Builder and the

**EXHIBIT A**

Association desire to evidence their consent to such annexation, all or more particularly set forth hereinbelow.

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Founder hereby declares as follows, and, by execution hereof, Builder, the Association and Devco hereby consent to the following:

1. All defined terms as used in this Declaration of Annexation shall have the same meaning as those set forth and defined in the Service Area Supplement.

2. The real property described in **Exhibit A** attached hereto and incorporated herein by reference (the “**Additional Property**”), which Additional Property is situated in the City of South Jordan, Salt Lake County, Utah, is hereby submitted to and subjected to the provisions of the Service Area Supplement for Daybreak Establishing and/or Expanding Service Area for Heights Park Townhomes Project, including without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth therein and, pursuant thereto, is hereby annexed into the Association as part of the Builder Property (as defined in the Service Area Supplement) and is to be held, transferred, sold, conveyed, and occupied as a part of the property.

3. Except as amended by the provisions of this Declaration of Annexation, the Service Area Supplement shall remain unchanged and, together with this Declaration of Annexation, shall constitute the Service Area Supplement for Daybreak Establishing and/or Expanding Service Area for Heights Park Townhomes Project as further expanded by the annexation of the Additional Property described herein. 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.

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

5. The Recitals and Exhibits to this Declaration of Annexation are hereby incorporated into this Declaration of Annexation by this reference.

[Signatures on following page]

**IN WITNESS WHEREOF**, Founder has caused this Declaration of Annexation to be executed and Builder, the Association and Devco have consented to the same as of this 14<sup>th</sup> 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: Joe  
Name: Ty McCutchen  
Its: PRESIDENT & CEO

Builder:

SEGO DAYBREAK #11, LC,  
a Utah limited liability company

By: Wayne F. Smith  
Name: Wayne F. Smith  
Its: Managing Member

Association:

DAYBREAK COMMUNITY  
ASSOCIATION, INC.  
a Utah nonprofit corporation

By: Rich Sonnen  
Name: Rich Sonnen  
Its: President

Devco:

VP DAYBREAK DEVCO LLC,  
a Delaware limited liability company

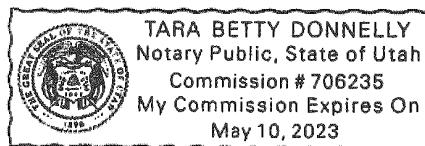
By: Daybreak Communities LLC,  
a Delaware limited liability company  
Its: Project Manager

By: Joe  
Name: Ty McCutchen  
Its: PRESIDENT & CEO

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

On January 12, 2021, personally appeared before me, a Notary Public, Ty McCutcheon, the President and 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.

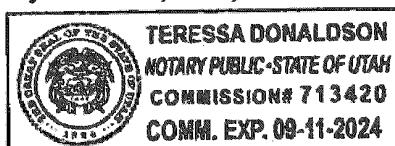


Tara Bethy Janelly  
Notary Public  
My commission expires: 5-10-23

[SEAL]

STATE OF UTAH )  
County of Utah )  
ss: )

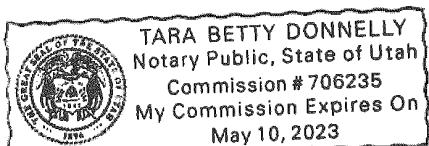
The foregoing Declaration of Annexation was acknowledged before me on this 7 day of January, 2021 by Wayne M Corbridge, Manager of Sego Daybreak #11, LLC, a Utah limited liability company.



knowledged before me on this 1 day  
of January, 2008 by Tessa Donaldson  
Notary Public for Utah

STATE OF UTAH )  
County of Salt Lake, )  
ss:

The foregoing Declaration of Annexation was acknowledged before me on this 14<sup>th</sup> day of January, 2021 by Rich Sonntag, President of Daybreak Community Association, Inc., a Utah nonprofit corporation.

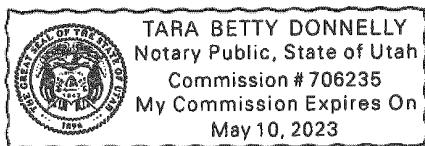


Tina Battaglia Donnelly  
Notary Public for Utah

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

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



Jana Bethy Ignell  
Notary Public  
My commission expires: 5-10-23

## EXHIBIT "A"

Lots 101-124 (inclusive) of the Daybreak Village 3 Multi-Family #1 Plat Map, according to the official plat thereof recorded with the office of the Salt Lake County Recorder, state of Utah, further described as follows:

<b>Lot</b>	<b>Address</b>	<b>Parcel</b>
101	10279 South Kettle Way, South Jordan, Utah	2718-104-008-0000
102	10277 South Kettle Way, South Jordan, Utah	2718-104-007-0000
103	10273 South Kettle Way, South Jordan, Utah	2718-104-006-0000
104	10271 South Kettle Way, South Jordan, Utah	2718-104-005-0000
105	10283 South Kettle Way, South Jordan, Utah	2718-104-013-0000
106	10287 South Kettle Way, South Jordan, Utah	2718-104-017-0000
107	4696 West Vermillion Drive, South Jordan, Utah	2718-104-021-0000
108	4692 West Vermillion Drive, South Jordan, Utah	2718-104-022-0000
109	4688 West Vermillion Drive, South Jordan, Utah	2718-104-023-0000
110	4686 West Vermillion Drive, South Jordan, Utah	2718-104-024-0000
111	4684 West Vermillion Drive, South Jordan, Utah	2718-104-018-0000
112	4682 West Vermillion Drive, South Jordan, Utah	2718-104-014-0000
113	4678 West Vermillion Drive, South Jordan, Utah	27-18-104-015-0000
114	4676 West Vermillion Drive, South Jordan, Utah	27-18-104-019-0000
115	4674 West Vermillion Drive, South Jordan, Utah	27-18-104-025-0000
116	4672 West Vermillion Drive, South Jordan, Utah	27-18-104-026-0000
117	4668 West Vermillion Drive, South Jordan, Utah	27-18-104-027-0000
118	4664 West Vermillion Drive, South Jordan, Utah	27-18-104-028-0000
119	10284 South Phoebe Lane, South Jordan, Utah	27-18-104-020-0000
120	10282 South Phoebe Lane, South Jordan, Utah	27-18-104-016-0000
121	10272 South Phoebe Lane, South Jordan, Utah	2718-104-012-0000
122	10274 South Phoebe Lane, South Jordan, Utah	2718-104-011-0000
123	10276 South Phoebe Lane, South Jordan, Utah	2718-104-010-0000
124	10278 South Phoebe Lane, South Jordan, Utah	2718-104-009-0000