


WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
9350 South 150 East, Suite 900
Sandy, Utah 84070
Attn: John Warnick

14145202 B: 11440 P: 7391 Total Pages: 6
08/25/2023 11:30 AM By: avice Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: VP DAYBREAK OPERATIONS LLC
9350 SOUTH 150 EAST SUITE 900 ATTN JOHN WARNICK SANDY, UT 84070



SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 12A PLAT 1 AMENDED)**

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 12A PLAT 1 AMENDED) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF TELECOMMUNICATIONS SERVICE AREA NO. 1 (this “**Supplement**”) is made this *August 25*, 2023, 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 Salt Lake County Recorder’s Office, as amended by that certain Amendment No. 1 to Community Charter for Daybreak, recorded August 26, 2004, as Entry No. 9156782, in Book 9030, beginning at Page 3767 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 Book 9205, beginning at Page 4743 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 Book 9434, beginning at Page 6467 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 Book 9807, beginning at Page 7337 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 Book 9882, beginning at Page 1049 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 Book 10448, beginning at Page 4380 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 Book 10690, beginning at Page 7505 in the Salt Lake County Recorder’s Office, as further amended by that certain Amendment No. 8 to Community Charter for Daybreak, recorded June 29, 2021, as Entry No. 13702903, in Book 11198, beginning at Page 2431 in the Salt Lake County Recorder’s Office, and as further amended by that certain Amendment No. 9 to Community Charter for Daybreak, recorded March 9, 2022, as Entry No. 13907339, in Book 11314, beginning at Page 7633 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 in the Salt Lake County Recorder’s Office (as amended and/or supplemented from time to time, the “**Covenant**”), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company (“**Devco**”).

RECITALS:

- A. Pursuant to the Charter, Founder is the successor “Founder” of the community commonly known as “*Daybreak*” located in South Jordan, Utah.
- B. Founder and/or Devco have recorded or are concurrently recording herewith that certain subdivision map entitled “DAYBREAK VILLAGE 12A PLAT 1 AMENDED AMENDING LOTS 170 THROUGH 179 OF THE DAYBREAK VILLAGE 12A PLAT” (the “**Plat**”) which relates to the real property more particularly described on Exhibit A attached hereto (the “**Property**”). 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 in the Salt Lake County Recorder’s Office (the “**Telecommunications Service Area Supplement**”), Founder created the Telecommunications Service Area No. 1 (the “**Telecommunications Service Area**”).
- D. Founder and 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. Devco, as the fee simple owner of the Property, hereby consent 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 9, 2023, Founder has executed this Supplement, and Devco has consented to the same.

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

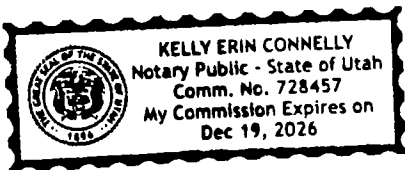
By: LHMRE, LLC,
a Utah limited liability company
Its: Authorized Manager

By: Tara B. Donnelly
Name: Tara B. Donnelly
Its: Director of Residential Land Sales

ACKNOWLEDGMENT

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

On August 9, 2023, personally appeared before me, a Notary Public, Tara B. Donnelly, the Director of Residential Land Sales for LHMRE, LLC, a Utah 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.



[SEAL]

WITNESS my hand and official Seal.

[Signature]
Notary Public in and for said State

My commission expires: Dec. 19, 2026

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

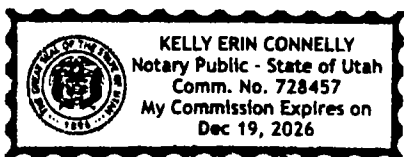
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On August 9, 2023, personally appeared before me, a Notary Public, Tara B. Donnelly, the Director of Residential Land Sales for LHMRE, LLC, a Utah limited liability company, the Project Manager of VP DAYBREAK DEVCO LLC, a Delaware limited liability 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.



[SEAL]

WITNESS my hand and official Seal.

[Signature]
Notary Public in and for said State

My commission expires: Dec. 19, 2026

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 12A PLAT 1 AMENDED AMENDING LOTS 170 THROUGH 179 OF THE DAYBREAK VILLAGE 12A PLAT", recorded on August 25, 2023 as Entry No. 14145175, Book 11440, at Page 7363 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]

Boundary Description:

Proposed DAYBREAK VILLAGE 12A PLAT 1 AMENDED, Amending Lots 170 through 179 of the Daybreak Village 12A Plat 1, being more particularly described as follows:

Being all of Lots 170 through 179 of the DAYBREAK VILLAGE 12A PLAT 1, according to the official plat thereof, recorded as Entry No. 13765628 in Book 2021P at Page 223 in the Office of the Salt Lake County Recorder, being more particularly described as follows:

Beginning at the West most Corner of Lot 179 of the Daybreak Village 12A Plat 1, said point also being on the Southeasterly Right-of-Way Line of Haviture Road, said point lies South 89°56'37" East 1590.285 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 3797.128 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Haviture Road North 30°00'00" East 96.846 feet to the Southwesterly Right-of-Way Line of Granbury Drive; thence along said Granbury Drive the following (3) Courses: 1) South 65°22'40" East 11.444 feet to a point on a 473.000 foot radius tangent curve to the right, (radius bears South 24°37'20" West, Chord: South 62°41'20" East 44.378 feet); 2) along the arc of said curve 44.395 feet through a central angle of 05°22'40"; 3) South 60°00'00" East 414.277 feet to the North most Corner of Lot 169 of said Daybreak Village 12A Plat 1; thence along said Lot 169 South 30°00'00" West 100.000 feet to the Northeasterly Right-of-Way Line of Repton Lane; thence along said Repton Lane North 60°00'00" West 470.000 feet to the point of beginning.