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12/06/2023 11:42 AM By: vanquyen Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: VP DAYBREAK OPERATIONS LLC - ATTN: JOHN WARNICK
9350 S 150 E, SUITE 900SANDY, UT 84070

WHEN RECORDED, RETURN TO:

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



SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,

AND

**SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 10 NORTH PLAT 4)**

AND

NOTICE OF REINVESTMENT FEE COVENANT

**THIS SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
AND SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE,
SUBMITTING ADDITIONAL PROPERTY (DAYBREAK VILLAGE 10 NORTH PLAT 4)**
(this “**Supplement**”) is made this 5th day of December, 2023, by **VP DAYBREAK
OPERATIONS LLC**, a Delaware limited liability company (as successor-in-interest to
Kennecott Land Company, a Delaware corporation) as founder (“**Founder**”), under the
Covenant for Community for Daybreak, recorded February 27, 2004, as Entry No. 8989517, in
Book 8950, beginning at Page 7722 (as amended and supplemented from time to time, the
“**Covenant**”), and as declarant (“**Declarant**”) under the Amended and Restated Declaration of
Covenants, Conditions and Restrictions for Daybreak Village, recorded on December 30, 2005,
as Entry No. 9598233, in Book 9237, beginning at Page 5395 (as amended and supplemented
from time to time, the “**Declaration**”).

RECITALS:

- A. Founder’s predecessor executed and recorded the Covenant and the Declaration, which documents collectively govern certain aspects and uses of a portion of the master planned community development commonly known as “*Daybreak*” located in South Jordan, Utah.
- B. Founder has previously recorded, or are concurrently herewith recording, that certain subdivision map entitled “DAYBREAK VILLAGE 10 NORTH PLAT 4 AMENDING LOTS V3, OS2 & OS2A OF THE KENNECOTT DAYBREAK MASTER

SUBDIVISION #1 AMENDED", which relates to the real property more particularly described on Exhibit A attached hereto (collectively, the "**Property**").

C. Founder desires to submit and subject the Property to the Covenant and the Declaration, including, without limitation, the terms, conditions, covenants and restrictions thereof as they now exist or may hereafter be amended or supplemented.

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 Declaration.
2. **Submission to Declaration and Covenant.** Pursuant to Section 5.2 of the Covenant and Section 15.1 of the Declaration, Founder (as successor Founder and as successor Declarant) hereby submits and subjects the Property to the Covenant and the Declaration, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration. In addition, the Property shall be subject to the governance of the Daybreak Village Association, Inc., a Utah nonprofit corporation (the "**Association**"), as more particularly described in the Declaration.
3. **Notice of Reinvestment Fee Covenant and Assessments.** Notice is hereby given that the Covenant and the Declaration provide, among other things, that certain assessments and fees will be charged against portions of the Property (and their respective owners), as further described in the Covenant and the Declaration, including a "Community Enhancement Fee" as more particularly defined and set forth in the Covenant and the Declaration. 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. **Full Force and Effect.** The Covenant and the Declaration, as supplemented hereby, shall remain in full force and effect.
5. **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 5 day of December, 2023, Founder has executed this Supplement.

FOUNDER:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

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

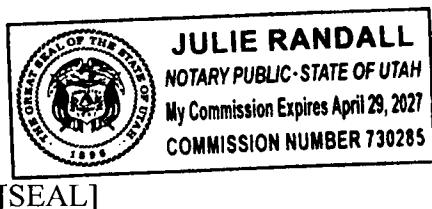
By: *Michael Yunker*
Its: Treasurer

ACKNOWLEDGMENT

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

On December 5, 2023, personally appeared before me, a Notary Public, Michael Yunker, the Treasurer of LHMRE, LLC, a Utah limited liability company, the Authorized 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.



Julie Randall
Notary Public in and for said State
My commission expires: April 29, 2027

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 10 NORTH PLAT 4 AMENDING LOTS V3, OS2 & OS2A OF THE KENNECOTT DAYBREAK MASTER SUBDIVISION #1 AMENDED", recorded on 11/14/2023, as Entry No. 14174738, Book 11456, at Page 2550 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON NEW PLAT RECORDING]

Boundary Description:

Being a portion of Lots V3, OS2 and OS2A of the Kennecott Daybreak Master Subdivision #1 Amended, according to the official plat thereof, recorded as Entry No. 8824749 in Book 2003P at Page 303 in the Office of the Salt Lake County Recorder, being more particularly described as follows:

Beginning at a point on the North line of Lot OS2A, Amended Lots B2, B3, OS2, T4, V4, V7 and WTC2 Kennecott Master Subdivision #1, said point lies North 89°57'41" East 75.147 feet along the Daybreak Baseline Northeast (being North 89°57'41" East 10613.975 feet between the Northwest corner of Section 13, Township 3 South, Range 2 West, and the Northeast corner of Section 18, Township 3 South, Range 1 West) and North 0.006 feet from the Northwest corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and running thence along said North line North 89°57'24" East 2454.805 feet to a Northerly corner of the Kennecott Daybreak Village 5 Plat 1 Subdivision and a point on a 528.500 foot radius non tangent curve to the left, (radius bears South 17°33'28" East, Chord: South 63°23'58" West 166.130 feet); thence along said Kennecott Daybreak Village 5 Plat 1 Subdivision the following five (5) courses: (1) along the arc of said curve 166.822 feet through a central angle of 18°05'08"; (2) South 54°21'24" West 636.058 feet to a point on a 491.500 foot radius tangent curve to the right, (radius bears North 35°38'36" West, Chord: South 64°20'42" West 170.501 feet); (3) along the arc of said curve 171.368 feet through a central angle of 19°58'37"; (4) South 74°20'01" West 168.491 feet to a point on a 538.500 foot radius tangent curve to the left, (radius bears South 15°39'59" East, Chord: South 67°13'07" West 133.396 feet); and (5) along the arc of said curve 133.740 feet through a central angle of 14°13'47" to a point of reverse curvature with a 1037.000 foot radius non tangent curve to the right, (radius bears North 63°37'42" East, Chord: North 25°46'27" West 21.624 feet) to a point on the Northeasterly line of Kennecott Daybreak Village 5 Plat 3 Subdivision; thence along said Kennecott Daybreak Village 5 Plat 3 Subdivision and the arc of said curve 21.624 feet through a central angle of 01°11'41" to a point of compound curvature with a 550.000 foot radius non tangent curve to the right, (radius bears South 29°50'11" East, Chord: North 67°14'55" East 135.675 feet) to the Southerly line of the Kennecott Daybreak Bingham Creek Subdivision; thence along said Kennecott Daybreak Bingham Creek the following four (4) courses: (1) along the arc of said curve 136.021 feet through a central angle of 14°10'11"; (2) North 74°20'01" East 194.028 feet to a point on a 450.000 foot radius

tangent curve to the left, (radius bears North 15°39'59" West, Chord: North 64°20'42" East 156.105 feet); (3) along the arc of said curve 156.898 feet through a central angle of 19°58'37"; and (4) North 54°21'24" East 141.204 feet; thence North 35°38'36" West 50.000 feet; thence North 54°21'24" East 50.000 feet; thence South 35°38'36" East 50.000 feet to said Southerly line of the Kennecott Daybreak Bingham Creek Subdivision; thence along said Kennecott Daybreak Bingham Creek North 54°21'24" East 320.512 feet; thence North 18°23'00" West 48.523 feet; thence North 89°36'25" West 709.826 feet to a point on the Northerly line of said Kennecott Daybreak Bingham Creek; thence along said Kennecott Daybreak Bingham Creek the following two (2) courses: (1) South 61°05'05" West 96.488 feet; and (2) South 76°18'58" West 139.518 feet; thence South 28°40'27" West 284.984 feet; thence West 501.947 feet to a Northerly corner of said Kennecott Daybreak Bingham Creek; thence along said Kennecott Daybreak Bingham Creek the following six (6) courses: (1) South 76°14'43" West 63.622 feet; (2) South 71°34'23" West 43.868 feet; (3) South 51°07'30" West 76.623 feet; (4) South 53°48'36" West 151.579 feet; (5) South 67°58'23" West 114.280 feet; and (6) South 65°52'53" West 70.596 feet; thence South 145.078 feet to a Northerly corner of said Kennecott Daybreak Bingham Creek; thence along said Kennecott Daybreak Bingham Creek the following six (6) courses: (1) South 58°52'22" West 133.771 feet; (2) South 34°53'16" West 125.510 feet; (3) South 51°33'36" West 20.807 feet; (4) South 00°04'56" West 483.258 feet to a point on a 950.000 foot radius non tangent curve to the left, (radius bears North 19°19'14" West, Chord: North 63°49'58" East 226.505 feet); (5) along the arc of said curve 227.045 feet through a central angle of 13°41'36"; and (6) North 56°59'10" East 5.594 feet to a West most corner of Kennecott Daybreak Village 5 Plat 4 Subdivision; thence along said Kennecott Daybreak Village 5 Plat 4 Subdivision South 36°32'54" East 85.162 feet; thence South 56°59'10" West 10.844 feet to a point on a 1035.000 foot radius tangent curve to the right, (radius bears North 33°00'50" West, Chord: South 64°58'24" West 287.639 feet); thence along the arc of said curve 288.572 feet through a central angle of 15°58'30" to a point on the Easterly line of a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed the following nine (9) courses: (1) North 76.099 feet to a point on a 962.500 foot radius non tangent curve to the right, (radius bears North 18°22'00" West, Chord: South 72°04'17" West 14.714 feet); (2) along the arc of said curve 14.714 feet through a central angle of 00°52'33"; (3) North 03°48'48" West 150.367 feet; (4) North 326.370 feet; (5) North 02°35'23" East 448.659 feet to a point on a 10078.000 foot radius non tangent curve to the left, (radius bears South 89°18'40" West, Chord: North 01°13'58" West 191.365 feet); (6) along the arc of said curve 191.368 feet through a central angle of 01°05'17" to a point of compound curvature with a 10078.000 foot radius tangent curve to the left, (radius bears South 88°13'23" West, Chord: North 02°18'23" West 186.314 feet); (7) along the arc of said curve 186.316 feet through a central angle of 01°03'33" to a point of reverse curvature with a 125.000 foot radius tangent curve to the right, (radius bears North 87°09'51" East, Chord: North 18°13'14" East 89.822 feet); (8) along the arc of said curve 91.876 feet through a central angle of 42°06'46" to a point of reverse curvature with a 140.000 foot radius tangent curve to the left, (radius bears North 50°43'24" West, Chord: North 19°38'58" East 94.052 feet); and (9) along the arc of said curve 95.917 feet through a central angle of 39°15'17" to the point of beginning.