

RECORDING REQUESTED AND
WHEN RECORDED, RETURN TO:

Daybreak Community Association
11274 South Kestrel Rise Road, Suite F
South Jordan, UT 84009

Tax Parcel ID Nos.: See Exhibit A

**AMENDMENT TO SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK
ESTABLISHING A SERVICE AREA
FOR LEXINGTON TOWNS
(WITHDRAWING CERTAIN LOTS)**

**THIS AMENDMENT TO SUPPLEMENT TO COMMUNITY CHARTER FOR
DAYBREAK ESTABLISHING A SERVICE AREA FOR LEXINGTON TOWNS
(WITHDRAWING CERTAIN LOTS)** (this “**Amendment**”) is made and entered into as of this
April 1st, 2025, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability
company (“**Founder**”), and is consented to by **VP DAYBREAK DEVCO LLC**, a Delaware
limited liability company (“**Founder’s Affiliate**”), and **DESTINATION CONSTRUCTION,
LLC**, a Utah limited liability company (“**Builder**”), as of the date set forth on the signature page
below.

RECITALS

- A. Pursuant to that certain Community Charter for Daybreak, recorded on February 27, 2004, as Entry No. 8989518, in Book, 8950, Page 7784 of the Official Records of Salt Lake County, Utah (the “**Charter**”), Founder may designate Service Areas within the Community where Lots or Residences receive benefits or services from the Association that the Association does not provide to all Lots or Residences in the Community.
- B. Pursuant to that certain Supplement to Community Charter for Daybreak Establishing a Service Area for Lexington Towns, recorded on January 7, 2025, as Entry No. 14333093, Book 11543, Page 4188 (the “**Supplement**”), in the Official Records of Salt Lake County, Founder, with Founder’s Affiliate’s and Builder’s consent, created that certain Project known as Lexington Towns Benefited Service Area.
- C. Founder desires, pursuant to the authority reserved unto Founder under the Charter, to withdraw certain lots from the Supplement and the Project, and Founder’s Affiliate and Builder hereby consent to such withdraw.

AGREEMENT

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 Community Charter or the Supplement.

2. **Withdrawal from the Supplement.** Pursuant to the authority vested and reserved in Founder, as set forth in Chapter 3.4 of the Community Charter, Founder may unilaterally amend the Charter or any Supplement to change Service Area boundaries. Founder hereby withdraws those certain lots legally described in **Exhibit A** attached hereto and incorporated herein by this reference (the “**Withdrawn Property**”) from the Project and unsubjects the Withdrawn Property from the Supplement, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Supplement, which shall no longer be of force or effect with respect to the Withdrawn Property. Founder’s Affiliate and Builder, as consenting parties to the Supplement, hereby consent to the removal of the Withdrawn Property from the Project and the termination of the Supplement solely with respect to the Withdrawn Property. From and after the recordation of this Amendment, the Withdrawn Property shall be held, transferred, sold, conveyed, developed, and occupied free from the encumbrance of the Supplement, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Supplement.

3. **Full Force and Effect.** Except as specifically amended hereby, the Supplement remains in full force and effect.

4. **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 April 1, 2025, Founder has executed this Amendment, and Founder's Affiliate and Builder have consented to the same.

FOUNDER:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

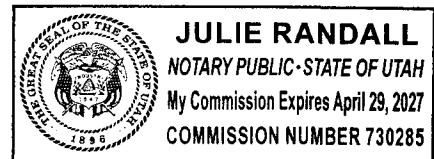
By: **LHMRE, LLC,**
a Utah limited liability company,
Its: **Operating Manager**

By: [Signature]
Name: Eric Carlson
Title: Vice President

STATE OF UTAH)
 ss.
COUNTY OF SALT LAKE)

On April 1, 2025, personally appeared before me, a Notary Public, Eric Carlson, the Vice President for LHMRE, LLC, a Utah limited liability company, the Operating 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 they executed the above instrument on behalf of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company.

[Signature]
Notary Public




CONSENTED TO by Founder's Affiliate this 1st day of April, 2025.

FOUNDER'S AFFILIATE:

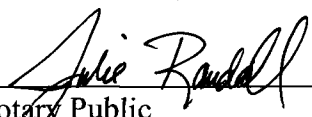
VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

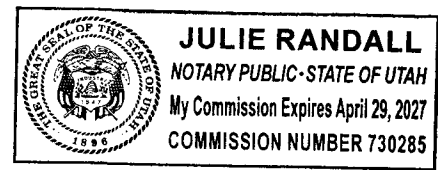
By: **LHMRE, LLC,**
a Utah limited liability company,
Its: **Operating Manager**

By: 
Name: Eric Carlson
Title: Vice President

STATE OF UTAH)
 ss.
COUNTY OF SALT LAKE)

On April 1, 2025, personally appeared before me, a Notary Public, Eric Carlson, the Vice President for LHMRE, LLC, a Utah limited liability company, the Operating 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 they executed the above instrument on behalf of VP DAYBREAK DEVCO LLC, a Delaware limited liability company.


Notary Public



CONSENTED TO by Builder this 18th day of April, 2025.

BUILDER:

**DESTINATION CONSTRUCTION,
LLC, a Utah limited liability company**

By: [Signature]
Name: Courtney Palmer
Title: CEO

STATE OF UTAH)
ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 18th day of April, 2025 by Courtney Palmer as the CEO of Destination Construction, LLC, a Utah limited liability company.

[Signature]
Notary Public

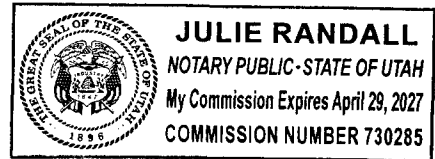


EXHIBIT A

LEGAL DESCRIPTION OF THE WITHDRAWN PROPERTY

LOTS 108, 109, 112 – 113 in DAYBREAK VILLAGE 9 PLAT 1

Parcel Nos.: 26-22-413-015
26-22-413-014
26-22-413-011
26-22-413-010

LOTS 179 – 188 in DAYBREAK VILLAGE 9 PLAT 2

Parcel Nos.: 26-22-418-004
26-22-418-005
26-22-418-006
26-22-418-013
26-22-418-012
26-22-418-011
26-22-418-010
26-22-418-009
26-22-418-008
26-22-418-007

LOTS 264 – 282 in DAYBREAK VILLAGE 9 PLAT 3

Parcel Nos.: 26-22-288-006
26-22-288-007
26-22-288-008
26-22-288-009
26-22-288-010
26-22-280-011
26-22-288-013
26-22-288-014
26-22-288-015
26-22-288-016
26-22-288-017
26-22-288-018
26-22-288-019
26-22-288-020
26-22-288-027
26-22-288-026
26-22-288-025
26-22-288-024
26-22-288-023