

WHEN RECORDED, RETURN TO:

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

14400683 B: 11550 P: 5453 Total Pages: 6  
06/23/2025 01:57 PM By: Mwestergard Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: VP DAYBREAK OPERATIONS LLC  
9350 SOUTH 150 EAST SUITE 900 SANDY, UT 84070



## **SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK**

and

## **SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (DAYBREAK SOUTH STATION MULTI FAMILY #7)**

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 SOUTH STATION MULTI  
FAMILY #7) AND NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION  
OF TELECOMMUNICATIONS SERVICE AREA NO. 1** (this “**Supplement**”) is made this  
May 28, 2025, 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, 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, and as further amended by that certain Amendment No. 10 to Community Charter for Daybreak, recorded December 26, 2023, as Entry No. 14188903, in Book 11463, beginning at Page 5321 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 "Founder" of the community commonly known as "Daybreak" located in South Jordan, Utah.
- B. Founder and/or Devco have recorded or are concurrently recording that certain subdivision map entitled "DAYBREAK SOUTH STATION MULTI FAMILY #7 AMENDING LOT T3 OF THE KENNECOTT MASTER SUBDIVISION #1 AND INCLUDING A VACATED PORTION OF THE MELLOW WAY AND LAKE RUN ROAD" (the "**Plat**") which relates to the real property more particularly described on Exhibit A attached hereto (the "**Property**"). Founder and Devco are the fee simple owners 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 and Devco hereby submit and subject the Property to the Charter and the Covenant, including, without limitation, all terms, conditions, covenants, easements, restrictions, liens, charges, and assessments contained therein. Founder and Devco, as fee simple owners 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 May 28, 2025, 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: Operating Manager

By: Michael Kunkel  
Michael Kunkel, Treasurer

## ACKNOWLEDGMENT

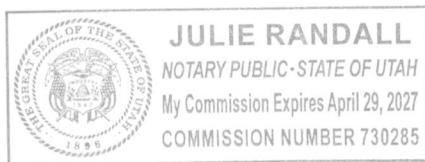
STATE OF UTAH )  
:ss.  
COUNTY OF SALT LAKE )

On May 28, 2025, personally appeared before me, a Notary Public, Michael Kunkel, Treasurer of 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 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

[SEAL]



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

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

By: Michael Kunkel  
Name: Michael Kunkel  
Its: Treasurer

#### ACKNOWLEDGMENT

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

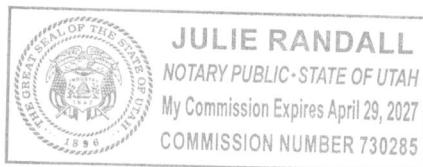
On May 26, 2025, personally appeared before me, a Notary Public, Michael Kunkel,  
the Treasurer of LHMRE, LLC, a Utah limited liability company, the Operating Manager of VP  
DAYBREAK DEVCO, LLC, a Delaware limited liability company, personally known or proved  
to me to be the person whose name is subscribed to the above instrument who acknowledged to  
me that he executed the above instrument on behalf of VP DAYBREAK DEVCO 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

[SEAL]



## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK SOUTH STATION MULTI FAMILY #7 AMENDING LOT T3 OF THE KENNECOTT MASTER SUBDIVISION #1 AND INCLUDING A VACATED PORTION OF MELLOW WAY AND LAKE RUN ROAD", recorded on 6/23/2025, as Entry No. 14400682, Book 11580, at Page 5452 of the Official Records of Salt Lake County, Utah.

[TO BE FILLED IN UPON PLAT RECORDING]