

WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
9350 South 150 East, Suite 800
Sandy, Utah 84070
Attn: Vagner Soares

14403761 B: 11582 P: 5367 Total Pages: 6
05/30/2025 02:47 PM By: mpalmer Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To, VP DAYBREAK OPERATIONS LLC
9350 SOUTH 150 EAST SUITE 800 SANDY, UT 84070



SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK,

and

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(DAYBREAK VILLAGE 12A PLAT 5)**

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 5) AND
NOTICE OF REINVESTMENT FEE COVENANT AND EXPANSION OF
TELECOMMUNICATIONS SERVICE AREA NO. 1** (this "Supplement") is made this 25
day of June, 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 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 5 AMENDING LOT V5 OF THE KENNEDY MASTER SUBDIVISION #1 AMENDED" (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.
1. **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 consents to the subjection of the Property to the Charter Covenant, as herein provided. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Charter. In addition, the Property shall be subject to the governance of the Daybreak Community Association, Inc., a Utah nonprofit corporation (the “**Association**”), as more particularly described in the Charter.

2. **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.
3. **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).
4. **Full Force and Effect.** The Charter and the Covenant, 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.

IN WITNESS WHEREOF, as of this 25 day of June, 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: Mike Kunkel
Mike Kunkel, Treasurer

ACKNOWLEDGMENT

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

On June 25, 2025, personally appeared before me, a Notary Public, Mike 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

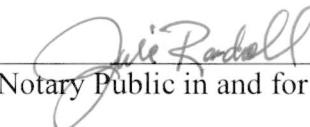
By: 
Mike Kunkel, Treasurer

ACKNOWLEDGMENT

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

On June 25, 2022, personally appeared before me, a Notary Public, Mike Kunkel, 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.



Notary Public in and for said State

My commission expires: April 29, 2027

[SEAL]

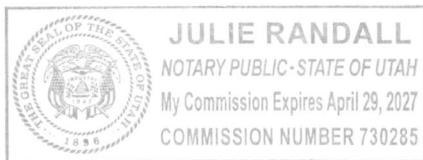


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 12A PLAT 5 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on _____, 2025, as Entry No. _____, Book _____, at Page _____ of the Official Records of Salt Lake County, Utah.