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Book - 9089 Pg - 1612-1616  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: ZJM, DEPUTY - WI 5 P.

WHEN RECORDED, RETURN TO:

Kennecott Land Company  
5295 South 300 West, Suite 475  
Murray, Utah 84107  
Attention: Senior Associate, Revenue Analyst

Courtesy Recording for Teton Group

**SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK  
AND  
SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,  
RELATING TO DAYBREAK TOWNHOME 1 SUBDIVISION  
(WITHIN PHASE 1)**

**THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND  
SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, RELATING  
TO DAYBREAK TOWNHOME 1 SUBDIVISION** (this "Supplement") is made this January  
31, 2005, by **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 (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 (the "Covenant"), and is consented to by Kennecott Land Residential Development  
Company, a Delaware corporation ("**KLRDC**"), and Holmes Homes, Inc., a Utah corporation  
("**Holmes Homes**").

**RECITALS**

- A. Pursuant to the Charter, Founder is the "Founder" of the community commonly known as "Daybreak" located in South Jordan, Utah.
- B. KLRDC has previously recorded that certain subdivision map entitled "DAYBREAK TOWNHOME 1 SUBDIVISION", as more particularly described on Exhibit A ("the **Townhome Plat**"). The Townhome Plat is located within the boundary of Phase 1 of Daybreak.
- C. Holmes Homes is the owner of the 64 lots located within the Townhome Plat (the "**Lots**"). Holmes Homes has constructed or plans to construct on the Lots attached residential units called "Townhomes." KLRDC is owner of the Common Area as depicted on the Townhome Plat.
- D. Founder desires to confirm that the real property depicted on the Townhome Plat is and will be subject to the terms and conditions, covenants and restrictions set forth in the Charter and Covenant, as set forth herein.

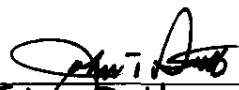
NOW, THEREFORE, Founder hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Charter.
2. **Submission to Charter and Covenant.** Founder, Holmes Homes and KLRDC hereby confirm that the real property depicted on the Townhome Plat is subject to the terms and conditions, covenants and restrictions of the Charter and the Covenant, and hereby submit the real property depicted on the Townhome Plat to the same. Each Lot, as well as the residential structure to be constructed on the Lot, is included in the definition of a "Unit" under Section 3.1 of the Charter and Section 1.6 of the Covenant. The Common Area depicted on the Townhome Plat is included in the definition of "Common Area" under Section 3.1 of the Charter.
3. **Full Force and Effect.** The Charter and the Covenant, as herein supplemented, shall remain in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this January 31<sup>st</sup>, 2005, Founder has executed this Supplement, and KLRDC and Holmes Homes have consented to the same.

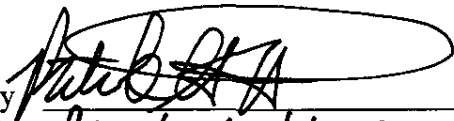
Founder:

KENNECOTT LAND COMPANY,  
a Delaware corporation

By   
Name John Potts  
Title V.P. Land Development

Holmes Homes:

HOLMES HOMES, INC.,  
a Utah corporation

By   
Name Patrick H. Holmes  
Title president

KLRDC:

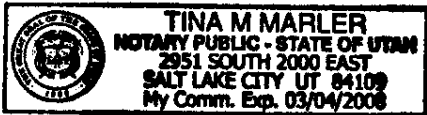
KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY,  
a Delaware corporation

By *[Signature]*  
Name John Potts  
Title V.P. Land Development

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

On January 31<sup>st</sup>, 2005, personally appeared before me, a Notary Public, John Potts, the V.P. Land Development of KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY.

WITNESS my hand and official Seal.



*Tina M. Marler*  
Notary Public in and for said State

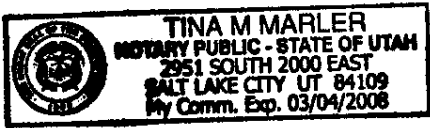
My commission expires: 03/04/08

[SEAL]

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

On January 31<sup>st</sup>, 2005, personally appeared before me, a Notary Public, Patrick H. Holmes, the President of HOLMES HOMES, INC. 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 HOLMES HOMES, INC.

WITNESS my hand and official Seal.



Tina M. Marler  
Notary Public in and for said State

My commission expires: 03/04/08

[SEAL]

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

On January 31<sup>st</sup>, 2005, personally appeared before me, a Notary Public, John Potts, the V. P. Land Development of KENNECOTT LAND 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 KENNECOTT LAND COMPANY.

WITNESS my hand and official Seal.



Tina M. Marler  
Notary Public in and for said State

My commission expires: 03/04/08

[SEAL]

**EXHIBIT A**

**LEGAL DESCRIPTION OF TOWNHOME PLAT**

All of the real property, including lots 1-64, inclusive, and the Common Areas depicted on the "DAYBREAK TOWNHOME 1 SUBDIVISION", according to the official plat recorded July 21, 2004, as Entry No. 9125568 in Book 2004P beginning at Page 198 in the Official Records of Salt Lake County, Utah.

Tax ID #s 27-19-382-004 THM 044  
27-19-383-010 THM 033