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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
TALON GROUP
BY: NEH, DEPUTY - WI 4 P.

2-2007

WHEN RECORDED, RETURN TO:

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

FIRST AMERICAN TITLE CO.
ACCOMMODATION RECORDING ONLY

SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK

AND

**SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK,
SUBMITTING ADDITIONAL PROPERTY
(KENNECOTT DAYBREAK PHASE III PLAT 4 SUBDIVISION)**

AND

NOTICE OF TRANSFER FEE

THIS SUPPLEMENT TO COMMUNITY CHARTER FOR DAYBREAK AND SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK, SUBMITTING ADDITIONAL PROPERTY (KENNECOTT DAYBREAK PHASE III PLAT 4 SUBDIVISION) AND NOTICE OF TRANSFER FEE (this “Supplement”) is made this June 3, 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 (as amended 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 (as amended from time to time, the “Covenant”), and is consented to by Kennecott Land Residential Development Company, a Delaware corporation (“KLRDC”).

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 or is concurrently herewith recording that certain subdivision map entitled “KENNECOTT DAYBREAK PHASE III PLAT 4 SUBDIVISION” (the “Plat”) which relates to the real property more particularly described on Exhibit A (the “Property”). KLRDC is the owner of the Property.

- C. Founder desires to submit and subject the Property to the Charter and Covenant, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

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 KLRDC hereby submit and subject the Property to the terms, conditions, covenants and restrictions of the Charter and the Covenant.
3. **Notice of Transfer Fee.** Notice is hereby given that the Covenant and Charter provide, among other things, that certain assessments and fees will be charged against the Units, which comprise portions of the Property, as further described in the Charter and the Covenant, including a "Community Enhancement Fee" as more particularly set forth in the Covenant.
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 Exhibits to this Supplement are hereby incorporated into the Supplement by this reference.

IN WITNESS WHEREOF, as of this June 3, 2005, Founder has executed this Supplement, and KLRDC has consented to the same.

Founder:

KENNECOTT LAND COMPANY,
a Delaware corporation

By M. Bruce Snyder
Name M. BRUCE SNYDER
Title VICE PRESIDENT

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY,
a Delaware corporation

By M. Bruce Snyder
Name M. BRUCE SNYDER
Title VICE PRESIDENT

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

On June 3, 2005 personally appeared before me, a Notary Public, Bruce Snyder, the Vice President 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: 03/04/2008

[SEAL]

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

On June 3, 2005 personally appeared before me, a Notary Public, Bruce Snyder, the Vice President 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: 03/04/2008

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of the real property described on and depicted by the "KENNECOTT DAYBREAK PLAT 4 SUBDIVISION AMENDING LOTS T4 AND V4A" of the Kennecott Master Subdivision #1, according to the official plat recorded May 20, 2005, as Entry No. 9383110 in Book 2005P beginning at Page 160 in the Official Records of Salt Lake County, Utah.

Tax ID #s *26-24-400-006*