

WHEN RECORDED, RETURN TO:

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

9806084
8/9/2006 1:53:00 PM \$87.00
Book - 9333 Pg - 2692-2696
Gary W. Ott
Recorder, Salt Lake County, UT
TALON GROUP
BY: eCASH, DEPUTY - EF 5 P.

**SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DAYBREAK TOWNHOME 1 PROJECT**

THIS SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK TOWNHOME 1 PROJECT (this "**Supplement**") is made this August 8, 2006 by **KENNECOTT LAND COMPANY**, as declarant ("**Declarant**") under the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Townhome 1 Project, recorded on October 19, 2005, as Entry No. 9528104, in Book 9205, beginning at Page 4743 (as amended from time to time, the "**Declaration**"), and is consented to by Kennecott Land Residential Development Company, a Delaware corporation ("**KLRDC**").

RECITALS

- A. Pursuant to the Declaration, Declarant has established the Daybreak Townhome 1 Project (the "**Project**") initially consisting of 64 lots as shown on the plat entitled "DAYBREAK TOWNHOME 1 SUBDIVISION", which lots are improved with certain attached residential units called "Townhomes." The Project is located within 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, "AMENDED KENNECOTT DAYBREAK PLAT 5 SUBDIVISION AMENDING LOTS C-101, 197, 421, 422, 428 thru 437, 440 thru 489, Parcel A thru Parcel I, O-101 thru O-107 AND ADDING LOTS 496 thru 545 and P-110 thru P-117 OF THE KENNECOTT SUBDIVISION #1" (the "**Plat**"). It is anticipated that townhomes will be constructed on certain of the lots located within the Plat, which lots are more particularly described on Exhibit A (the "**Property**").
- C. KLRDC is the owner of the Property.
- D. Declarant desires to add the Property to the Project and submit and subject the Property to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

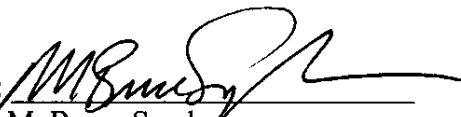
1. **Definitions.** Unless otherwise defined herein, all capitalized terms shall have the meaning assigned to them in the Declaration.
2. **Submission to Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby adds the Property to the Project and submits and subjects the Property to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. KLRDC hereby consents to the submission of the Property to the Declaration. From and after the recordation of this Supplement, the Property shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, 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.

[Signatures on Next Page]

IN WITNESS WHEREOF, as of this August 8, 2006, Declarant has executed this Supplement, and KLRDC has consented to ~~the~~ same.


Declarant:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: 
M. Bruce Snyder
Its: Vice President, Residential and
Commercial Development

KLRDC:

KENNECOTT LAND RESIDENTIAL
DEVELOPMENT COMPANY, a Delaware
corporation

By: 
M. Bruce Snyder
Its: Vice President, Residential and
Commercial Development

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

On 7 August 2006 personally appeared before me, a Notary Public, M. Bruce Snyder, the VP Residential Comm. 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.

Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]



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

On 7 August 2006 personally appeared before me, a Notary Public, M. Bruce Snyder, the VP Residential Comm. 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.

Natalie K. Alberico
Notary Public in and for said State

My commission expires: _____

[SEAL]



EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

TOWN HOME LOTS:

Lots 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487 and 488 inclusive of that certain map entitled "Amended Kennecott Daybreak Plat 5 Subdivision Amending Lots C-101, 197, 421, 422, 428 thru 437, 440 thru 489, Parcel A thru Parcel I, O-101 thru O-107 and adding lots 496 thru 545 and P-110 thru P-117" recorded on August 4, 2006 as Entry No. 9802256, Book 2006P, at Page 217 of the Official Records of Salt Lake County.

MANSION TOWN HOME LOTS:

Lots 440, 441, 454, 468, 469, 489, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 538, 539, 540, 541, 542, 543, 544, and 545 inclusive of that certain map entitled "Amended Kennecott Daybreak Plat 5 Subdivision Amending Lots C-101, 197, 421, 422, 428 thru 437, 440 thru 489, Parcel A thru Parcel I, O-101 thru O-107 and adding lots 496 thru 545 and P-110 thru P-117" recorded on August 4, 2006 as Entry No. 9802256, Book 2006P, at Page 217 of the Official Records of Salt Lake County.

Part of tax parcel 27-18-400-005