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Book - 9434 Pg - 6476-6495
Gary W. Ott
Recorder, Salt Lake County, UT
TALON GROUP
BY: eCASH, DEPUTY - EF 20 P.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Lincoln W. Hobbs
Hobbs & Olson, L.C.
466 East 500 South, Suite 300
Salt Lake City, UT 84111

AMENDMENT NO. 3
TO COMMUNITY CHARTER FOR DAYBREAK

THIS AMENDMENT NO. 3 TO COMMUNITY CHARTER FOR DAYBREAK
(this "Amendment") dated March 9, 2007, is made and executed by
KENNECOTT LAND COMPANY, a Delaware corporation, as "Founder" of Daybreak.

RECITALS

- A. Founder has previously established the Community Charter for Daybreak, recorded February 27, 2004, as Entry No. 8989518, in Book No. 8950, beginning at Page 7784, as amended by that certain Amendment No. 1 to Community Charter for Daybreak, recorded August 26, 2004, as Entry No. 9156782, in Book No. 9030, beginning at page 3767; and as amended by that certain Amendment No. 2 to Community Charter for Daybreak, recorded October 19, 2005, as Entry No. 9528104, in Book No. 9205, beginning at page 4743 (as amended, the "Charter") to govern the residential aspects of the community commonly known as "Daybreak" located in South Jordan, Utah. (Capitalized terms not otherwise defined herein shall have the meaning given them in the Charter). (Reference to Section numbers shall refer to sections of the Charter).
- B. In an effort to facilitate the continuing orderly development of Daybreak as a master planned community, the need has arisen to amend certain provisions of the Charter relating to, among other things: (i) further restrict the leasing of Units, purchased after the recordation hereof; and (ii) providing additional authority for restriction by rule, of the leasing of Units, where allowed.

From and after the recording of this Amendment, the Charter shall remain in full force and effect with respect to the following property:

See Exhibit A attached hereto.

- C. Pursuant to Section 20.2(a) of the Charter, Founder has the right to unilaterally amend the Charter for any purpose during the "Founder Control Period" (as defined in the Charter). Accordingly, Founder desires to amend the charter as set forth herein.

NOW, THEREFORE, Founder hereby declares as follows:

1. Amendment Restricting Leases. Paragraph 7(b) of the Charter is amended by inserting the following paragraph as the second subparagraphs therein, immediately following "...leased separate from the main dwelling:"

No Unit purchased after **March 13, 2007** may be Leased until the Unit has been occupied by the owner for a continuous period of 12 months, and until satisfactory documentation of such continuous occupancy has been provided to and approved by the Board or the Association's managing agent.

2. Additional Restrictions Respecting Leasing and Transfer of Units. A new Subparagraph 7.3(f) of the Charter is replaced to provide as follows:


7.3(f) Leasing and Transfer of Units. No Rule shall prohibit leasing or transfer of any Unit or require approval prior to leasing or transferring a Unit; however, the Rules may require a minimum lease term of up to 12 months and Rules may provide for reasonable restrictions upon Leasing rights as may be desirable to preserve, enhance and protect the Association. Minimum lease terms may vary by location, use, or housing type. The Rules may also require that Owners use Board-approved lease forms (or include specific lease terms), and may impose a reasonable review or administrative fee in connection with the Board's review of a lease.

The Charter, as Amended by this and other Amendments, shall continue in full force and effect. Any reference to the Charter in any document shall include this Amendment.

IN WITNESS WHEREOF, the Founder has executed this Amendment as of the Effective Date.

FOUNDER:

KENNECOTT LAND COMPANY,
A Delaware corporation

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

**EXHIBIT A
TO AMENDMENT NO. 3
TO COMMUNITY CHARTER FOR DAYBREAK**

LEGAL DESCRIPTION OF LAND SUBJECT TO CHARTER

Note to recorder, clerk and title examiners: From and after the date of the recording of this Amendment, the following property shall be subject to the Charter, as amended by this Amendment:

Lots 101 through 367 (inclusive); Lots O-101 through O-111 (inclusive), Lots P-101 through P-113 (inclusive), of that certain map entitled "Amended Kennecott Daybreak Phase I Subdivision" Vacating Lots M-101, M-102, M1-3, and M-105 and Amending Lots 321, C-102, C-101, O-102, O-104, O-108, O-109, O-110 recorded on June 18, 2004 as Entry No. 9095385, in Book 2004P, at Page 164 of the Official Records of Salt Lake County.

Lots 1 through 7 (inclusive), AMENDING LOT M-104 OF KENNECOTT DAYBREAK PHASE I SUBDIVISION AMENDING LOTS O82, V1, V2 & V4 OF THE KENNECOTT MASTER SUBDIVISION #1, recorded on April 12, 2004 as Entry No. 9030715, in Book 2004P, at Page 85 of the Official Records of Salt Lake County.

Lots 1 through 64 (inclusive), DAYBREAK TOWNHOME 1 SUBDIVISION BEING PARCEL A&B AMENDED KENNECOTT DAYBREAK PHASE I SUBDIVISION, recorded on July 21, 2004 as Entry No. 9125568, Book 2004P, at Page 198 of the Official Records of Salt Lake County.

All of the real property described on and subdivided by the "KENNECOTT DAYBREAK PHASE II SUBDIVISION" Amending Lots V1, V2, V4, T2 and T4 of the Kennecott Master Subdivision #1 according to the official plat recorded September 14, 2004, as Entry No. 9172069 in Book 2004P beginning at Page 264 in the Official Records of Salt Lake County, Utah, which plat was amended solely with respect to Lots 213-217, 227-256, 300-309, P-101, P-102, P-104, P-105, P-106, P-113, and adding Lots 310-316 pursuant to that certain amendment entitled "AMENDED KENNECOTT DAYBREAK PHASE II SUBDIVISION" according to the official plat recorded December 22, 2004, as Entry No. 9256554 in Book 2004P beginning at Page 382 in the Official Records of Salt Lake County, Utah.

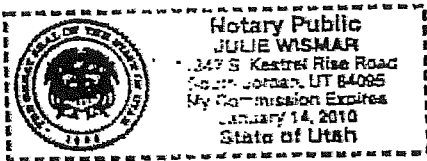
All of the real property described on and subdivided by the "KENNECOTT DAYBREAK PHASE II PLAT 3 SUBDIVISION" Amending Lots T2, T4, V4 and V4A of the Kennecott Master Subdivision #1, according to the official plat recorded March 25, 2005, as Entry No. 9331480 in Book 2005P beginning at Page 83 in the Official Records of Salt Lake County, Utah, ~~EXCEPTING~~ AND EXCEPTING Lot C-201 thereof.

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

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

On March 9, 2007, personally appeared before me, a Notary Public, M. Bruce Snyder, the Vice President, Residential and Commercial Development of KENNECOTT LAND COMPANY personally known or proven 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



Julie Wismar

NOTARY PUBLIC