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12/6/2018 8:09:00 AM \$17.00  
Book - 10736 Pg - 2869-2872  
ADAM GARDINER  
Recorder, Salt Lake County, UT  
OLD REPUBLIC TITLE DRAPER/OREM  
BY: eCASH, DEPUTY - EF 4 P.

**RECORDING REQUESTED BY:**

OLD REPUBLIC NATIONAL  
TITLE INSURANCE COMPANY

**WHEN RECORDED MAIL  
DEED TO:**

Coulter Tateoka, P.C.  
11576 S. State St., Suite 503  
Draper, Utah 84020  
Attention: Derek Coulter

**SENT TAX NOTICES TO:**

Short Daybreak Holdings 1, LLC  
9901 S. Prosperity Rd.  
West Jordan, Utah 84088  
Attention: Alex Short

(Tax Identification No: ~~26-15-276-004;~~  
~~26-15-276-003; 26-14-100-025~~) *AS*

1831551 km

**SPECIAL WARRANTY DEED**

**VP DAYBREAK INVESTMENTS LLC**, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84095 ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby **CONVEY and WARRANT** against all who claim by, through, or under the Grantor to **SHORT DAYBREAK HOLDINGS 1, LLC**, a Utah limited liability company, with its principal office at 9901 S. Prosperity Road, West Jordan, Utah 84088 ("**Grantee**"), certain land being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "**Land**"), together with (i) all improvements, if any, located thereon, (ii) any and all rights, privileges and easements appurtenant to the Land, and (iii) all right, title and interest of Grantor (if any) in, to and under adjoining streets, rights of way and easements, **SUBJECT TO** all reservations contained in this Deed and all encumbrances of record, all building codes and other applicable laws, ordinances and governmental regulations affecting the Land and all other matters reasonably identifiable from an inspection or survey of the Land.

Grantor hereby retains and reserves (i) all oil, gas and minerals under or appurtenant to the Land, together with all rights to use or extract the same, except that Grantor shall not have the right to enter upon or disturb the surface and first 500 feet below the surface of the Land to use or extract the same, and (ii) all water flowing or located under, within, or over, and all water

rights or water shares in any way connected or associated with or appurtenant to, the Land; together with all rights to use or extract the same, except that Grantor shall not have the right to enter upon or disturb the surface and first 500 feet below the surface of the Land to use or extract the same.

Grantor and Grantee agree that the provisions of Paragraph 10 of Exhibit B to that certain Deed dated October 16, 2002 from Kennecott Utah Copper Corporation, as grantor, to OM Enterprises Company, as grantee, recorded in the Official Records of Salt Lake County as Instrument No. 8442505, including, without limitation, the "Well Prohibition Covenant" [which prohibits drilling of water wells on the land] and the "Subsequent Transfer Covenant" [which requires that the Well Prohibition Covenant be inserted in all future deeds for such land] (as such terms are defined in such Paragraph 10), are hereby incorporated into this Deed and shall be binding on Grantee, its successors and assigns.

Grantor reserves the exclusive right to construct and operate, and to authorize the construction and operation, of commercial cellular, microwave and other wireless communication towers, antennas and related facilities ("Commercial Wireless Facilities") within the Daybreak master planned community, as legally described in that certain Community Charter for Daybreak recorded on February 27, 2004 as Entry No. 8989518 in Book 88950 at Page 7784 in the official records of the Salt Lake County Recorder, Utah, as amended and supplemented from time to time, and that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Village recorded on December 30, 2005, as Entry No. 9598233, in Book 9237, beginning at Page 5395 of the official records of the Salt Lake County Recorder, as amended and supplemented from time to time. Accordingly, Grantee agrees that the Land shall not be used for the construction or operation of Commercial Wireless Facilities; provided that nothing herein shall exclude Grantee's constructions, operation, and use of facilities for its own purposes. Such restriction shall run with the Land for the benefit of Grantor and its successors and assigns operating Commercial Wireless Facilities within Daybreak.

*[Signatures on Following Page]*

[Commerce Park/Short Daybreak Holdings 1, LLC – Special Warranty Deed – Grantor’s  
Signature Page]

IN WITNESS WHEREOF, Grantor has caused its duly authorized representative to  
execute this instrument as of the date hereinafter written.

DATED: December 5, 2018 GRANTOR:

VP DAYBREAK INVESTMENTS LLC,  
a Delaware limited liability company

By: DAYBREAK COMMUNITIES LLC,  
a Delaware limited liability company  
Its: Project Manager

By: [Signature]  
Name: Ty McCutcheon  
Title: President & CEO

ACKNOWLEDGMENT

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

On December 4, 2018, personally appeared before me, a Notary Public, Ty  
McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware  
limited liability company, the Project Manager of VP DAYBREAK INVESTMENTS 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 INVESTMENTS LLC, a  
Delaware limited liability company.

WITNESS my hand and official Seal.



[Signature]  
Notary Public in and for said State

My commission expires: Feb 24, 2019

[SEAL]

**EXHIBIT A**

**Legal Description**

Lots C-121 and C-122, DAYBREAK COMMERCE PARK PLAT 5 SUBDIVISION, Amending Lots B2, OS1, and The DRGRR Parcel Kennecott Master Subdivision #1 Amended, according to the official plat thereof recorded on November 16, 2018 as Entry No. 12887764 in Book 2018P of Plats at Page 395 in the office of the Recorder, Salt Lake County, Utah.

(The following is for informational purposes only: Tax ID Nos. 26-14-152-001 and 26-15-153-001)