

When Recorded Return to:
Mr. Craig L. White
South Valley Sewer District
P.O. Box 629
Riverton, UT 84065

12954186
03/22/2019 11:34 AM \$.00
Book - 10762 Pg - 7420-7427
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 908
DRAPER UT 84020
BY: TBA, DEPUTY - WI 8 P.

PARCEL I.D.# 26-22-401-005
GRANTOR: VP Daybreak Operations, LLC & VP Daybreak Investments, LLC
(Daybreak Prosperity Road)
Page 1 of 5

EASEMENTS

Twenty (20) foot wide sanitary sewer easements located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey.

For the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned as GRANTORS hereby grant, convey, sell, and set over unto South Valley Sewer District, a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, perpetual rights-of-way and easements to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, said rights-of-way and easements, being situate in Salt Lake County, State of Utah, over and through a parcel(s) of the GRANTORS' land lying within strips twenty (20) feet wide, said strip extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Contains: 19,663 square feet or 0.451 acres

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment and vehicles as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE and its contractors may use such portion of GRANTORS' property along and adjacent to the rights-of-way and easements as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible. GRANTORS shall have the right to use the above-described property except for the purposes for which these rights-of-way and easements are granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of sewage through the FACILITIES, or any other rights granted to the GRANTEE

VP Daybreak Operations LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company,
Its: Project Manager.

By: [Signature]

Its: PRESIDENT & CEO
Title

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

On the 12 day of March, 2019, personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of **VP Daybreak Operations LLC, a Delaware limited liability company** and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

[Signature]
Notary Public

My Commission Expires: 2/24/23

Residing in: Salt Lake County, UT

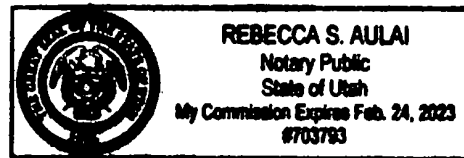


Exhibit 'A'

**DAYBREAK PROSPERITY ROAD PLAT
SEWER EASEMENTS**

(Line 1)

A twenty (20) foot wide sanitary sewer easement, located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'08" West 75.017 feet along the Section Line and South 3.985 feet from the Southeast Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 406.980 feet; thence North 00°00'49" West 306.143 feet; thence North 00°04'10" West 85.738 feet to the point of terminus.

Contains: (approx. 799 L.F.)

(Line 2)

A twenty (20) foot wide sanitary sewer easement, located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'08" West 152.518 feet along the Section Line and North 402.750 feet from the Southeast Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence East 77.500 feet to the point of terminus.

Contains: (approx. 78 L.F.)

(Line 3)

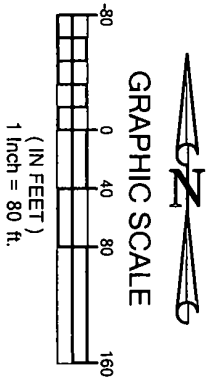
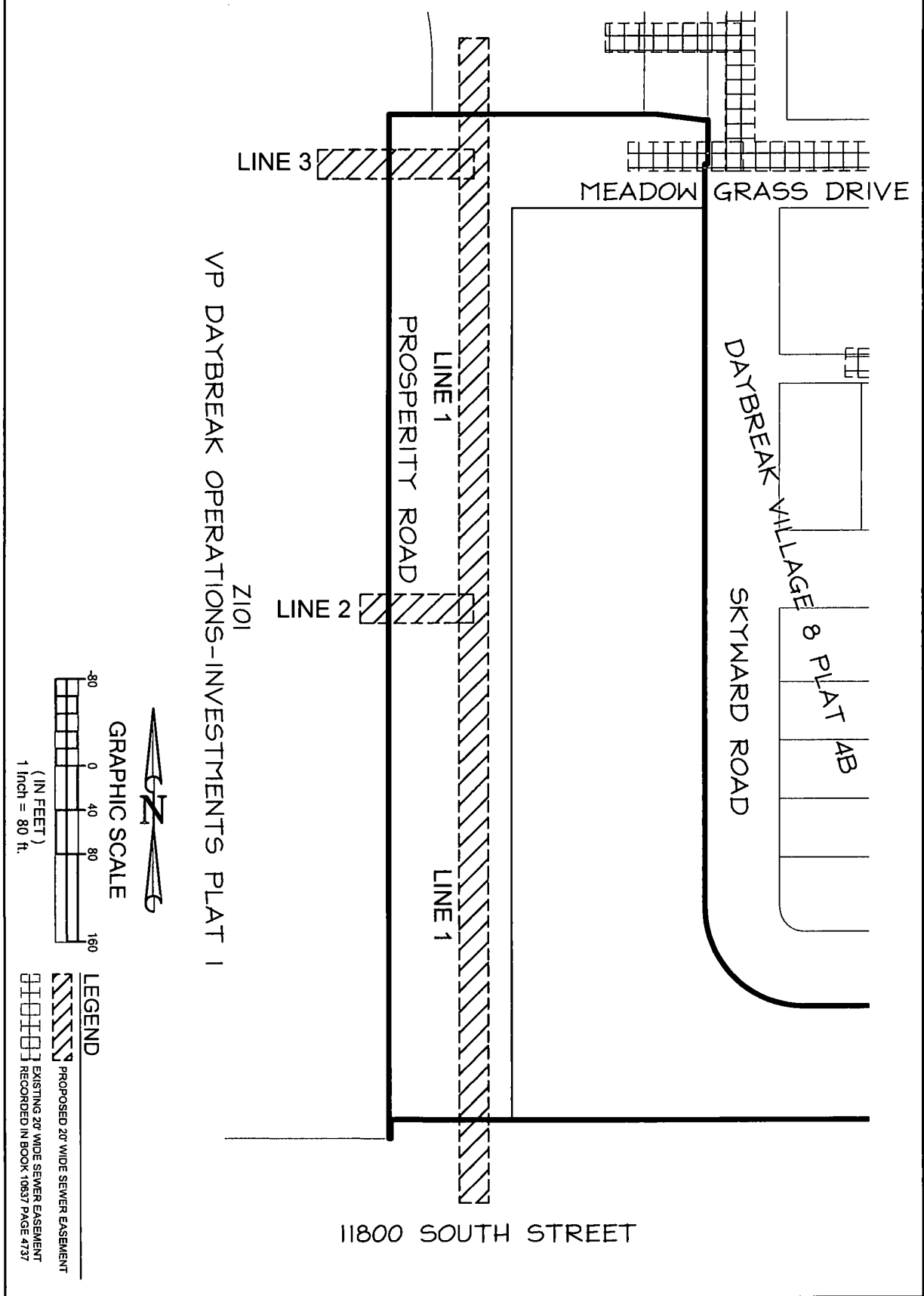
A twenty (20) foot wide sanitary sewer easement, located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'08" West 181.846 feet along the Section Line and North 708.687 feet from the Southeast Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 89°56'22" East 106.756 feet to the point of terminus.

Contains: (approx. 107 L.F.)

XREFS:

VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Z101



LEGEND

	PROPOSED 20' WIDE SEWER EASEMENT
	EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 10637 PAGE 4737

JOB NUMBER 00982	DATE: _____ TIME: _____
	NETWORK: _____
	PATH: _____
	DWG NAME: _____
	LAYOUT: _____
DESIGNER: _____	MGR: _____

PERIGEE CONSULTING
CIVIL - STRUCTURAL - SURVEY

3000 SOUTH 50th WEST, SUITE 200
DUBLIN, GA 30134 TEL: 404.261.1111 FAX: 404.261.1112

WEST JOURNAL OF COMMERCE
WWW.PERIGEECONSULTING.COM

EXHIBIT A
SEWER EASEMENTS
DAYBREAK PROSPERITY ROAD DEDICATION

PREPARED FOR: DAYBREAK COMMUNITIES DATE SUBMITTED: 02-20-2019

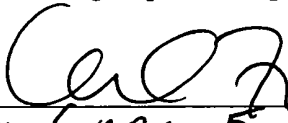
LENDER'S CONSENT AND SUBORDINATION

EASEMENTS – PARCEL I.D. # 26-22-401-005
DAYBREAK PROSPERITY ROAD
(TO SOUTH VALLEY SEWER DISTRICT)

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THOSE CERTAIN SEWER EASEMENTS, DATED AS OF MARCH 11, 2019, FROM VP DAYBREAK INVESTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND VP DAYBREAK OPERATIONS LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO SOUTH VALLEY SEWER DISTRICT, A BODY POLITIC OF THE STATE OF UTAH (THE "EASEMENTS"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENTS AND MAKES THE LIEN OF THE DEED OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIEN OF THE DEED OF TRUST TO THE EASEMENTS. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

U.S. BANK NATIONAL ASSOCIATION
d/b/a Housing Capital Company

By: 
Name: CAROL F. SWANSON
Title: SVP

[SIGNATURE MUST BE NOTARIZED]

[Notary acknowledgement on following page]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF FRESNO

On 3/15/2019 before me, LORI BECKMAN, Notary Public,
(here insert name of the officer)

personally appeared CARL F. SWANSON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Lori Beckman* (Seal)

