

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

13538893
01/21/2021 09:35 AM \$0.00
Book - 11102 Pg - 6345-6353
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 629
RIVERTON UT 84065
BY: MGA, DEPUTY - MI 9 P.

PARCEL I.D.# 26-22-452-001-0000
26-22-451-001-0000
GRANTOR: VP DAYBREAK DEVCO LLC
(Daybreak Village 11A Plat 7)
Page 1 of 7

EASEMENTS

Twenty (20) foot wide sanitary sewer easements located in the Southwest 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: 59,088 square feet or 1.36 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 hereunder.

GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across these rights-of-way and easements nor change the contour thereof without the written consent of GRANTEE. These rights-of-way and easement grants shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have executed these rights-of-way and Easements this 6 day of JANUARY, 2021.

GRANTOR(S)

VP DAYBREAK DEVCO 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 6th day of January, 2021, 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 DEVCO 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

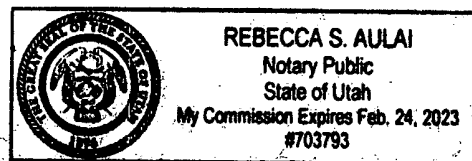


Exhibit 'A'

**DAYBREAK VILLAGE 11A PLAT 7
SEWER EASEMENTS**

(Line 1)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest 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 on the North Right-of-Way Line of Skip Rock Road, said point lies South 89°56'37" East 2310.851 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 628.594 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 74°51'14" East 40.500 feet; thence South 10°01'29" West 76.305 feet to the point of terminus.

Contains: (approx. 117 L.F.)

(Line 2)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest 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 on the South Right-of-Way Line of Skip Rock Road, said point lies South 89°56'37" East 2238.628 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 419.119 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 74°51'14" East 57.000 feet; thence North 19°07'32" East 91.220 feet to the point of terminus.

Contains: (approx. 148 L.F.)

(Line 3)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest 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 South 89°56'37" East 2201.877 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 158.088 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence East 39.000 feet; thence North 69°08'44" East 44.944 feet; thence

East 87.031 feet to the point of terminus.

Contains: (approx. 171 L.F.)

(Line 4)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest 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 South $89^{\circ}56'37''$ East 2359.228 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 110.376 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $09^{\circ}29'38''$ East 64.754 feet; thence North $08^{\circ}07'49''$ East 87.841 feet; thence North $15^{\circ}08'46''$ East 206.000 feet to a point on the South Right-of-Way Line of Skip Rock Road and the point of terminus.

Contains: (approx. 359 L.F.)

(Line 5)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest 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 on the West Right-of-Way Line of Silver Pond Road, said point lies South $89^{\circ}56'37''$ East 2565.683 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 559.866 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $74^{\circ}51'14''$ West 91.000 feet; thence North $15^{\circ}08'46''$ East 287.630 feet to the point of terminus.

Contains: (approx. 379 L.F.)

(Line 6)

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 South $89^{\circ}56'37''$ East 2712.915 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 724.660 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and

Meridian and running thence South $70^{\circ}20'08''$ East 222.524 feet to the point of terminus.

Contains: (approx. 223 L.F.)

(Line 7)

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 on the North Right-of-Way Line of Skip Rock Road, said point lies South $89^{\circ}56'37''$ East 2699.302 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 445.094 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $15^{\circ}08'46''$ East 151.000 feet to the point of terminus.

Contains: (approx. 151 L.F.)

(Line 8)

A twenty (20) foot wide sanitary sewer easement, located in the South Half 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 South $89^{\circ}56'37''$ East 2629.235 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 266.547 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South $15^{\circ}08'46''$ West 93.000 feet; thence South $75^{\circ}56'10''$ East 90.520 feet; thence South $89^{\circ}11'39''$ East 121.480 feet; thence North $11^{\circ}59'52''$ East 198.087 feet to a point on the South Right-of-Way Line of Skip Rock Road and the point of terminus.

Contains: (approx. 503 L.F.)

(Line 9)

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 South $89^{\circ}56'37''$ East 3408.886 feet along the Daybreak Baseline Southwest (Being South $89^{\circ}56'37''$ East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 196.872 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 48.841 feet; thence North $87^{\circ}41'11''$ East 114.766 feet; thence

North 02°48'26" West 155.099 feet to the point of terminus.

Contains: (approx. 319 L.F.)

(Line 10)

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 South 89°56'37" East 3613.758 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 117.087 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 05°17'56" East 44.101 feet; thence North 04°46'57" East 127.668 feet to the point of terminus.

Contains: (approx. 172 L.F.)

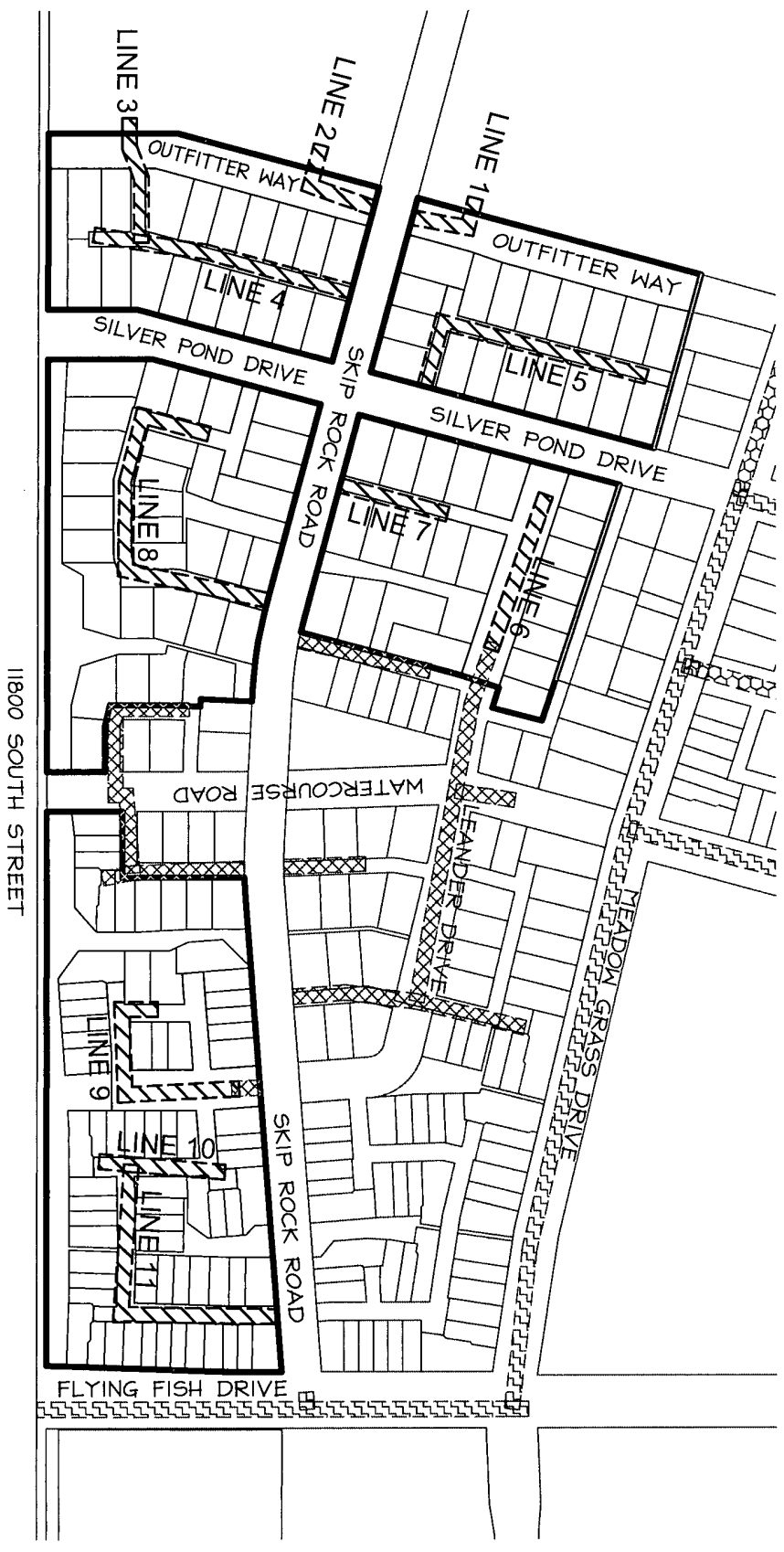
(Line 11)

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 South 89°56'37" East 3617.831 feet along the Daybreak Baseline Southwest (Being South 89°56'37" East 10583.405 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 23, T3S, R2W) and North 161.004 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 85°50'21" East 201.125 feet; thence North 00°48'33" East 212.997 feet to a point on the South Right-of-Way Line of Skip Rock Road and the point of terminus.

Contains: (approx. 414 L.F.)

100182 Daybreak\Cadd\Survey\Master\VT1AP7\ExhibitA\2020-1-16 VT1AP7 sewer easements.dwg, 12/22/2020 1:44:57 PM, DWG To PDF.pc3



SCALE 1"=150'

LEGEND

- PROPOSED 20' WIDE SEWER EASEMENT
- EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 11024 PAGE 3793
- EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 10813 PAGE 9864
- EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 10892 PAGE 3819

DATE: _____ TIME: _____
 NETWORK: _____
 PATH: _____
 DWG NAME: _____
 LAYOUT: _____
 DESIGNER: _____ MGR: _____

PERIGEE CONSULTING
 CIVIL • STRUCTURAL • SURVEY

8000 SOUTH 900 WEST, SUITE 300
 BOULDER, CO 80504 TEL: 303.440.8871 FAX: 303.440.8872
 WEST JORDAN, UT 84088
 WWW.PERIGEECONSULTING.COM

EXHIBIT A
 SEWER EASEMENTS
 DAYBREAK VILLAGE 11A PLAT 7

PREPARED FOR: DAYBREAK COMMUNITIES DATE SUBMITTED: 11-16-2020

JOB NUMBER
00714

LENDER'S CONSENT AND SUBORDINATION

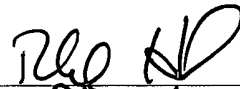
EASEMENTS –

PARCEL I.D. # 26-22-452-001-0000 & 26-22-451-001-0000
DAYBREAK VILLAGE 11A PLAT 7
(TO SOUTH VALLEY SEWER DISTRICT)

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2019, 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 JANUARY 6, 2020, FROM VP DAYBREAK DEVCO LLC, 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 EASEMENT 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 EASEMENT. 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: Rhonda Harold
Title: Vice President

[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 January 4, 2021, before me, **Lori Beckman, a Notary Public**, personally appeared **Rhonda Harold** 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



[SEAL]

