

RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:

Daybreak Communities LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009
Attention: Scott R. Kaufmann

13338577
7/23/2020 2:12:00 PM \$60.00
Book - 10985 Pg - 1959-1970
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 12 P.

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Above Space for Recorder's Use

**PARTIAL ASSIGNMENT AND ASSUMPTION
OF MASTER DEVELOPMENT AGREEMENT**

THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF MASTER DEVELOPMENT AGREEMENT ("Agreement") is made as of July ~~21~~ 2020, by and between **VP DAYBREAK INVESTCO 2 LLC**, a Utah limited liability company ("**Assignor**"), and **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company ("**Assignee**"); individually, a "**Party**", and collectively, the "**Parties**".

RECITALS

- A.** VP Daybreak Investco 2 LLC, a Utah limited liability company ("**Seller**"), has entered into that certain Purchase and Sale Agreement with Assignee dated as of July 13, 2020 ("**Purchase Agreement**") regarding the purchase and sale of certain real property located in the City of South Jordan, County of Salt Lake, State of Utah, as more particularly described in Exhibit A attached hereto and incorporated herein ("**Property**"). The Property is within a planned development known as the "Kennecott Master Subdivision #1 Project" ("**Project**").
- B.** The Property and the Project are subject to that certain Master Development Agreement for the Kennecott Master Subdivision #1 Project dated March 18, 2003, by and between OM Enterprises Company, a Utah corporation ("**OME**"), and South Jordan City, a Utah municipal corporation ("**City**"), which was recorded on March 26, 2003 in the Salt Lake County Recorder's Office as Instrument No. 8581557 (as amended, supplemented and assigned from time to time, collectively, the "**MDA**").
- C.** Assignor is the successor in interest to OME's rights and obligations as "Master Developer" under the MDA with respect to the Property.
- D.** In connection with the conveyance of the Property by Seller to Assignee, Assignor desires to assign certain rights and to delegate certain of its obligations under the MDA, to the extent they relate to the Property, to Assignee, and Assignee desires to accept such assignment and delegation.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as set forth below.

- 1. ASSIGNMENT OF MDA.** Pursuant to Section 11 of the MDA, Assignor (as "Master Developer" thereunder) hereby assigns to Assignee (as "Developer" thereunder) all of its rights under the MDA with respect to the Property including, without limitation, (a) all rights to develop the Property in the manner set forth in the MDA; and (b) all impact fee credits and/or reimbursements relative to the Property and accruing to the owner thereof under the MDA after the date hereof, if any ("**Assignment**"), subject, however, to the following:

1.1 As set forth in Section 11(b)(2) of the MDA, Assignee shall not in each case without the prior written consent of Assignor, which may be granted or withheld in Assignor's sole and absolute discretion:

- (i) submit any design guidelines to the City with respect to the Property, and/or propose any amendments, modifications or other alterations to any design guidelines previously submitted by Assignor to the City with respect to the Property;
- (ii) process any preliminary or final subdivision plats or site plans for the Property, and/or propose any amendments, modifications or other alterations of any approved final subdivision plats and/or site plans procured by Assignor for the Property; or
- (iii) propose any amendments, modifications or other alterations to the MDA.

1.2 Assignee acknowledges that the City has agreed (pursuant to Section 11(b)(2) of the MDA) not to accept or process any of the foregoing matters from Assignee unless the matter has been previously approved by Assignor.

2. DELEGATION AND ASSUMPTION. Assignor hereby delegates to Assignee all of its obligations under the MDA to the extent such obligations relate to the Property and Assignee hereby accepts such delegation. Assignee hereby assumes, agrees to be bound by, and agrees to perform all such obligations under the MDA as the same specifically relate to the Property, including, without limitation, the indemnification obligation of Assignor with respect to the Property set forth in Section 8(c) of the MDA.

3. RETAINED RIGHTS. Assignor retains all rights under the MDA to modify, amend or terminate the MDA with respect to all other areas within the Project excluding the Property; provided, however, that Assignor shall not modify or alter the MDA in a manner which would materially interfere with Assignee's rights under the MDA with respect to the Property without Assignee's prior written consent, which shall not be unreasonably withheld or delayed. Assignee acknowledges and agrees that all matters regarding the Project (excluding the Property) and the development thereof shall be determined by Assignor in its sole and absolute discretion and Assignee shall have no interest or right to participate therein.

4. COOPERATION. The Parties hereto agree to cooperate with each other in carrying out the purpose and intent of this Agreement, including cooperating to obtain the consent of the City Council to the delegation of duties under the MDA described above.

6. GOVERNING LAW. This Agreement shall be governed by and construed under the laws of the State of Utah without regard to choice of law rules.

7. SUCCESSORS AND ASSIGNS. Each and all of the covenants and conditions of this Agreement will inure to the benefit of and be binding upon the successors in interest of Assignor and the successors, heirs, representatives and assigns of Assignee. As used in this Section, "successors" means successors to the Parties' interest in the Property, successors to all or substantially all of the Parties' assets, and successors by merger or consolidation.

8. ATTORNEYS' FEES. If any action, arbitration, judicial reference or other proceeding is instituted between Assignor and Assignee in connection with this Agreement, the losing Party shall pay to the prevailing Party a reasonable sum for attorneys' and experts' fees and costs actually incurred (based on such attorneys normal and customary hourly rates for services actually rendered) in bringing or defending such action or proceeding and/or enforcing any judgment granted therein, all of which shall be deemed to have accrued upon the commencement of such action or proceeding and shall be paid whether or not such action or proceeding is prosecuted to final judgment.

9. SEVERABILITY. If any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement is held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement will not be affected thereby and will remain in force and effect to the fullest extent permissible by law.

10. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement, and all prior and contemporaneous agreements, representations, negotiations and understandings of the Parties, oral or written, are hereby superseded and merged herein. No modification, waiver, amendment, discharge or change of this Agreement shall be valid unless it is in writing and signed by the Party against which the enforcement of such modification, waiver, amendment, discharge or change is or may be sought.

11. COUNTERPARTS. This Agreement may be executed in counterparts, each of which, when taken together, will constitute a fully executed original.

[Signatures on Next Page]

EXHIBIT A

File No.: 2046797HM

LEGAL DESCRIPTION

Parcel 1: (TPN 1 - Parcel MM - 26-22-376-001)

Beginning at a point being 13.000 feet perpendicularly distant Northerly from the South Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 1771.386 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 49.743 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said perpendicularly distant line North 89°49'44" West 449.408 feet to a point on the Westerly Line of said Lot Z101; thence along said Lot Z101 North 00°02'03" East 1203.029 feet; thence East 477.732 feet; thence South 03°41'21" West 71.385 feet; thence South 01°11'50" West 79.873 feet; thence South 08°19'20" West 79.300 feet to a point on a 218.500 foot radius tangent curve to the left, (radius bears South 81°40'40" East, Chord: South 04°09'40" West 31.710 feet); thence along the arc of said curve 31.738 feet through a central angle of 08°19'20"; thence South 741.684 feet; thence South 20°19'38" West 25.908 feet; thence South 177.208 feet to the point of beginning.

Parcel 2: (TPN 2 - Parcel LL - 26-22-378-001)

Beginning at a point being 13.000 feet perpendicularly distant Northerly from the South Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 2459.878 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 48.476 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said perpendicularly distant line North 89°49'44" West 630.994 feet; thence North 527.543 feet; thence East 150.704 feet to a point on a 173.000 foot radius tangent curve to the right, (radius bears South, Chord: South 82°25'37" East 45.599 feet); thence along the arc of said curve 45.733 feet through a central angle of 15°08'46"; thence South 74°51'14" East 525.168 feet; thence South 15°08'46" West 274.948 feet; thence South 120.805 feet to the point of beginning.

Parcel 3: (TPN 3 - Parcel KK - 26-22-452-001)

Beginning at a point being 13.000 feet perpendicularly distant Northerly from the South Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 3887.794 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 45.636 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said perpendicularly distant line the following (2) courses: 1) North 89°49'08" West 1243.740 feet; 2) North 89°49'44" West 116.182 feet; thence North 142.586 feet; thence North 15°08'46" East 236.353 feet; thence South 74°51'14" East 287.861 feet to a point on a 527.000 foot radius tangent curve to the left, (radius bears North 15°08'46" East, Chord: South 80°53'18"

East 110.802 feet); thence along the arc of said curve 111.007 feet through a central angle of 12°04'08"; thence South 86°55'22" East 208.318 feet to a point on a 527.000 foot radius tangent curve to the left, (radius bears North 03°04'38" East, Chord: North 89°23'01" East 67.903 feet); thence along the arc of said curve 67.950 feet through a central angle of 07°23'15"; thence North 85°41'23" East 645.899 feet; thence South 66.474 feet; thence South 02°03'05" West 254.027 feet to the point of beginning.

Parcel 4: (TPN 7 - Parcel JJ - 26-22-451-001)

Beginning at a point being 61.000 feet perpendicularly distant Southerly from the South Line of Lot C-102 of the Daybreak Village 8, Village 9 & Village 13 School Sites Subdivision, said point lies South 89°56'03" East 3164.711 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 812.169 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said perpendicularly distant line the following (2) courses: 1) South 76°22'33" East 555.026 feet; 2) South 81°08'36" East 177.605 feet to a point on a 530.000 foot radius tangent curve to the left, (radius bears North 08°51'24" East, Chord: South 82°05'11" East 17.446 feet); thence along the arc of said curve 17.447 feet through a central angle of 01°53'10"; thence South 232.387 feet; thence South 85°41'23" West 649.969 feet to a point on a 473.000 foot radius tangent curve to the right, (radius bears North 04°18'37" West, Chord: South 89°23'01" West 60.945 feet); thence along the arc of said curve 60.987 feet through a central angle of 07°23'15"; thence North 86°55'22" West 208.318 feet to a point on a 473.000 foot radius tangent curve to the right, (radius bears North 03°04'38" East, Chord: North 80°53'18" West 99.449 feet); thence along the arc of said curve 99.633 feet through a central angle of 12°04'08"; thence North 74°51'14" West 287.861 feet; thence North 15°08'46" East 499.424 feet; thence South 71°45'46" East 453.245 feet to the point of beginning.

Parcel 5: (TPN 8 - Parcel NN - 26-22-377-001)

Beginning at a point that lies South 89°56'03" East 2545.826 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 486.902 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 74°51'14" West 525.168 feet to a point on a 227.000 foot radius tangent curve to the left, (radius bears South 15°08'46" West, Chord: North 82°25'37" West 59.833 feet); thence along the arc of said curve 60.007 feet through a central angle of 15°08'46"; thence West 150.704 feet; thence North 361.816 feet to a point on a 170.000 foot radius tangent curve to the right, (radius bears East, Chord: North 04°09'40" East 24.671 feet); thence along the arc of said curve 24.693 feet through a central angle of 08°19'20"; thence North 08°19'20" East 218.567 feet to a point on a 170.000 foot radius non tangent curve to the right, (radius bears South 03°28'33" West, Chord: South 79°08'37" East 43.677 feet); thence along the arc of said curve 43.798 feet through a central angle of 14°45'41"; thence South 71°45'46" East 812.782 feet; thence South 15°08'46" West 502.664 feet to the point of beginning.

Parcel 6: (TPN 9 - Parcel PP - 26-22-327-001)

Beginning at a point on the Westerly Line of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 1322.707 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 1273.599 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said VP

Daybreak Operations-Investments Plat 1 the following (2) courses: 1) North 00°02'03" East 1177.007 feet; 2) North 53°07'08" East 237.419 feet; thence South 52°43'34" East 316.319 feet to a point on a 1030.000 foot radius non tangent curve to the left, (radius bears South 82°36'07" East, Chord: South 01°19'25" West 217.984 feet); thence along the arc of said curve 218.393 feet through a central angle of 12°08'55"; thence East 11.540 feet to a point on a 1018.500 foot radius non tangent curve to the left, (radius bears North 85°11'45" East, Chord: South 07°20'58" East 90.461 feet); thence along the arc of said curve 90.490 feet through a central angle of 05°05'26"; thence South 09°53'41" East 113.062 feet to a point on a 281.500 foot radius tangent curve to the right, (radius bears South 80°06'19" West, Chord: South 05°25'28" East 43.882 feet); thence along the arc of said curve 43.926 feet through a central angle of 08°56'26"; thence South 00°57'15" East 510.149 feet; thence South 06°09'31" West 80.010 feet; thence South 03°41'21" West 75.745 feet; thence West 479.010 feet to the point of beginning.

Parcel 7: (TPN 18a - Parcel GGG - 26-22-151-001)

Beginning at a point on the West Line of Lot V5 of the of the Kennecott Master Subdivision Amended #1, said point lies South 89°56'03" East 3.619 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 2910.976 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot V5 North 00°03'55" East 674.695 feet; thence East 186.961 feet; thence North 5.000 feet; thence East 212.892 feet to a point on a 218.500 foot radius tangent curve to the left, (radius bears North, Chord: North 75°38'57" East 108.314 feet); thence along the arc of said curve 109.455 feet through a central angle of 28°42'06" to a point of reverse curvature with a 181.500 foot radius tangent curve to the right, (radius bears South 28°42'06" East, Chord: North 77°41'44" East 102.474 feet); thence along the arc of said curve 103.886 feet through a central angle of 32°47'41"; thence South 85°54'25" East 414.411 feet to a point on a 218.500 foot radius tangent curve to the left, (radius bears North 04°05'35" East, Chord: South 87°44'32" East 13.996 feet); thence along the arc of said curve 13.998 feet through a central angle of 03°40'14"; thence South 89°34'40" East 270.515 feet to a point on a 218.500 foot radius tangent curve to the left, (radius bears North 00°25'20" East, Chord: North 89°10'41" East 9.490 feet); thence along the arc of said curve 9.491 feet through a central angle of 02°29'19"; thence North 87°56'01" East 195.178 feet to a point on a 181.500 foot radius tangent curve to the right, (radius bears South 02°03'59" East, Chord: South 76°02'00" East 100.259 feet); thence along the arc of said curve 101.579 feet through a central angle of 32°03'59"; thence South 60°00'00" East 69.135 feet; thence South 30°00'00" West 11.500 feet; thence South 60°00'00" East 582.000 feet; thence South 30°00'00" West 351.508 feet to a point on the Southeasterly Line of said Lot V5; thence along said Southeasterly Line South 53°07'08" West 541.525 feet; thence North 52°43'34" West 537.767 feet; thence North 89°46'08" West 189.678 feet; thence North 88°29'34" West 316.867 feet; thence South 84°51'00" West 525.439 feet to a point on a 473.000 foot radius tangent curve to the right, (radius bears North 05°09'00" West, Chord: South 87°25'30" West 42.501 feet); thence along the arc of said curve 42.516 feet through a central angle of 05°09'00"; thence West 54.456 feet to the point of beginning.

Parcel 8: (TPN 18b - Parcel QQ - 26-22-178-001)

Beginning at a point on the Northerly Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 1558.214 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 2627.052 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along

said Lot Z101 North 53°07'08" East 541.525 feet; thence South 30°00'00" West 193.853 feet to a point on a 1030.000 foot radius tangent curve to the left, (radius bears South 60°00'00" East, Chord: South 20°24'11" West 343.437 feet); thence along the arc of said curve 345.048 feet through a central angle of 19°11'38"; thence North 52°43'34" West 272.072 feet to the point of beginning.

Parcel 9: (TPN 38a - Parcel CCC - 26-22-101-001)

Beginning at a point on the West Line of Lot V5 of the of the Kennecott Master Subdivision Amended #1, said point lies South 89°56'03" East 5.824 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4849.566 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot V5 North 00°03'55" East 39.000 feet; thence East 477.599 feet to a point on a 2019.500 foot radius non tangent curve to the right, (radius bears South, Chord: South 87°15'12" East 193.539 feet); thence along the arc of said curve 193.613 feet through a central angle of 05°29'35" to a point of compound curvature with a 970.000 foot radius non tangent curve to the right, (radius bears North 83°33'49" West, Chord: South 07°35'21" West 39.027 feet); thence along the arc of said curve 39.029 feet through a central angle of 02°18'19" to a point of reverse curvature with a 1980.500 foot radius non tangent curve to the left, (radius bears South 05°27'06" West, Chord: North 87°16'27" West 188.376 feet); thence along the arc of said curve 188.447 feet through a central angle of 05°27'06"; thence West 477.643 feet to the point of beginning.

Parcel 10: (TPN 38b - Parcel DDD - 26-22-102-001)

Beginning at a point being 49.500 feet perpendicularly distant Southwesterly from the Southwest Line of Lot C-103 of the Daybreak Village 8, Village 9 & Village 13 School Sites Subdivision, said point also being a point on a 2019.500 foot radius non tangent curve to the right, (radius bears South 07°11'43" West, Chord: South 66°24'08" East 1140.533 feet), said point lies South 89°56'03" East 736.417 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4873.501 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said perpendicularly distant line the following (2) courses: 1) along the arc of said curve 1156.261 feet through a central angle of 32°48'17"; 2) South 50°00'00" East 85.904 feet; thence South 30°00'00" West 39.602 feet; thence North 50°00'00" West 92.781 feet to a point on a 1980.500 foot radius tangent curve to the left, (radius bears South 40°00'00" West, Chord: North 51°39'17" West 114.382 feet); thence along the arc of said curve 114.398 feet through a central angle of 03°18'34" to a point of compound curvature with a 750.500 foot radius tangent curve to the left, (radius bears South 36°41'26" West, Chord: North 59°20'37" West 157.785 feet); thence along the arc of said curve 158.077 feet through a central angle of 12°04'05"; thence North 65°22'40" West 514.324 feet to a point on a 750.500 foot radius tangent curve to the left, (radius bears South 24°37'20" West, Chord: North 71°24'42" West 157.785 feet); thence along the arc of said curve 158.077 feet through a central angle of 12°04'05" to a point of compound curvature with a 1980.500 foot radius tangent curve to the left, (radius bears South 12°33'15" West, Chord: North 80°07'42" West 185.384 feet); thence along the arc of said curve 185.452 feet through a central angle of 05°21'54" to a point of compound curvature with a 1030.000 foot radius non tangent curve to the left, (radius bears North 81°23'58" West, Chord: North 07°30'57" East 39.001 feet); thence along the arc of said curve 39.003 feet through a central angle of 02°10'11" to the point of beginning.

Parcel 11: (TPN 38c - Parcel EEE - 26-22-127-001)

Beginning at a point that lies South 89°56'03" East 1874.255 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4289.563 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 30°00'00" East 39.602 feet; thence South 50°00'00" East 733.004 feet to a point on a 730.500 foot radius tangent curve to the left, (radius bears North 40°00'00" East, Chord: South 51°54'25" East 48.617 feet); thence along the arc of said curve 48.626 feet through a central angle of 03°48'50"; thence South 30°00'00" West 31.090 feet; thence North 50°00'00" West 178.702 feet; thence North 56°43'28" West 85.401 feet; thence North 50°00'00" West 516.600 feet to the point of beginning.

Parcel 12: (TPN 38d - Parcel VV - 26-22-253-001)

Beginning at a point on the Northerly Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 2875.031 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3616.575 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot Z101 South 53°07'08" West 121.984 feet to a point on a 1519.500 foot radius non tangent curve to the right, (radius bears North 34°05'36" East, Chord: North 52°57'12" West 156.574 feet); thence along the arc of said curve 156.643 feet through a central angle of 05°54'24"; thence North 50°00'00" West 173.109 feet; thence North 30°00'00" East 37.807 feet to a point on a 740.500 foot radius non tangent curve to the left, (radius bears North 31°26'54" East, Chord: South 60°34'26" East 52.263 feet); thence along the arc of said curve 52.274 feet through a central angle of 04°02'41"; thence South 62°35'47" East 129.796 feet; thence South 69°41'12" East 81.013 feet; thence South 62°35'47" East 112.099 feet to the point of beginning.

Parcel 13: (TPN 38e - Parcel WW - 26-22-253-002)

Beginning at a point on the Northerly Line of Lot Z101 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 2777.458 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3543.254 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot Z101 North 53°07'08" East 121.984 feet; thence South 62°35'47" East 463.598 feet to a point on a 730.500 foot radius tangent curve to the left, (radius bears North 27°24'13" East, Chord: South 64°20'51" East 44.648 feet); thence along the arc of said curve 44.655 feet through a central angle of 03°30'09"; thence South 24°35'09" West 71.418 feet to a point on a 1519.500 foot radius non tangent curve to the right, (radius bears North 12°37'23" East, Chord: North 66°38'30" West 566.075 feet); thence along the arc of said curve 569.401 feet through a central angle of 21°28'13" to the point of beginning.

Parcel 14: (TPN 38f - Parcel FF - 26-22-254-001)

Beginning at a point that lies South 89°56'03" East 3854.561 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3283.327 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence West

225.355 feet to a point on a 1519.500 foot radius tangent curve to the right, (radius bears North, Chord: North 84°51'00" West 272.786 feet); thence along the arc of said curve 273.154 feet through a central angle of 10°17'59"; thence North 24°35'09" East 50.573 feet to a point on a 740.500 foot radius non tangent curve to the left, (radius bears North 19°15'37" East, Chord: South 76°30'44" East 148.958 feet); thence along the arc of said curve 149.210 feet through a central angle of 11°32'42"; thence North 87°34'58" East 82.723 feet to a point on a 730.500 foot radius non tangent curve to the left, (radius bears North 01°18'54" East, Chord: South 89°05'56" East 10.551 feet); thence along the arc of said curve 10.551 feet through a central angle of 00°49'39" to a point of compound curvature with a 1480.500 foot radius tangent curve to the left, (radius bears North 00°29'15" East, Chord: South 89°45'23" East 12.596 feet); thence along the arc of said curve 12.596 feet through a central angle of 00°29'15"; thence East 225.355 feet; thence South 39.000 feet to the point of beginning.

Parcel 15: (TPN 38g - Parcel X - 26-22-280-001)

Beginning at a point on a 500.500 foot radius non tangent curve to the left, (radius bears South 03°47'41" East, Chord: South 85°22'50" West 14.409 feet), said point lies South 89°56'03" East 4113.077 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3300.026 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the arc of said curve 14.410 feet through a central angle of 01°38'58"; thence South 84°33'20" West 136.899 feet to a point on a 499.500 foot radius tangent curve to the right, (radius bears North 05°26'40" West, Chord: South 87°16'40" West 47.445 feet); thence along the arc of said curve 47.463 feet through a central angle of 05°26'40"; thence West 6.480 feet; thence North 39.000 feet; thence East 4.575 feet to a point on a 499.500 foot radius non tangent curve to the right, (radius bears South, Chord: South 87°07'18" East 50.163 feet); thence along the arc of said curve 50.184 feet through a central angle of 05°45'23"; thence South 84°14'37" East 134.169 feet to a point on a 500.500 foot radius tangent curve to the left, (radius bears North 05°45'23" East, Chord: South 85°10'58" East 16.407 feet); thence along the arc of said curve 16.407 feet through a central angle of 01°52'42"; thence South 5.243 feet to the point of beginning.

Parcel 16: (TPN 38h - Parcel W - 26-22-281-001)

Beginning at a point that lies South 89°56'03" East 4691.741 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3295.289 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence West 14.134 feet to a point on a 487.500 foot radius tangent curve to the right, (radius bears North, Chord: North 87°50'38" West 36.681 feet); thence along the arc of said curve 36.690 feet through a central angle of 04°18'44"; thence North 85°41'16" West 154.731 feet; thence North 04°18'44" West 2.000 feet; thence North 85°41'16" East 153.977 feet to a point on a 499.500 foot radius tangent curve to the right, (radius bears South 04°18'44" East, Chord: North 87°50'38" East 37.584 feet); thence along the arc of said curve 37.593 feet through a central angle of 04°18'44"; thence East 14.134 feet; thence South 28.000 feet to the point of beginning.

Parcel 17: (TPN 38k - Parcel E - 26-23-128-001)

Lot P-101, DAYBREAK SOUTH MIXED USE PLAT 1, Amending a portion of Lots Z106 & Z107 of the VP Daybreak Operations-Investments Plat 1, recorded April 22, 2020 as Entry No. 13250000 in Book

2020P of Plats at Page 89, being formerly described as follows:

Beginning at a point that lies South 89°56'03" East 7385.897 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4011.499 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 35°21'39" West 28.000 feet; thence North 54°38'21" East 216.531 feet; thence North 47°30'51" East 88.685 feet; thence North 54°38'21" East 647.948 feet; thence South 33°33'29" East 28.014 feet; thence South 54°38'21" West 166.547 feet; thence South 47°30'51" West 88.685 feet; thence South 54°38'21" West 697.051 feet to the point of beginning.

Parcel 18: (TPN 38I - Parcel F - 26-23-202-001)

Beginning at a point on the Easterly Line of Lot Z107 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 8750.610 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 5010.112 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot Z107 South 28°15'49" East 39.104 feet; thence South 57°33'06" West 178.078 feet to a point on a 4980.500 foot radius tangent curve to the left, (radius bears South 32°26'54" East, Chord: South 56°05'44" West 253.149 feet); thence along the arc of said curve 253.176 feet through a central angle of 02°54'45"; thence South 54°38'21" West 187.992 feet; thence North 35°21'39" West 28.000 feet; thence North 54°38'21" East 187.992 feet to a point on a 5008.500 foot radius tangent curve to the right, (radius bears South 35°21'39" East, Chord: North 54°46'02" East 22.383 feet); thence along the arc of said curve 22.383 feet through a central angle of 00°15'22"; thence North 48°16'52" East 88.775 feet to a point on a 5019.500 foot radius non tangent curve to the right, (radius bears South 34°05'53" East, Chord: North 56°43'36" East 144.533 feet); thence along the arc of said curve 144.538 feet through a central angle of 01°38'59"; thence North 57°33'06" East 180.931 feet to the point of beginning.

Parcel 19: (TPN GG - 26-24-457-023)

Beginning South 89°58'42" East 589.82 feet and North 00°01'18" East 40 feet and South 89°58'42" East 72.06 feet from the South quarter corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 45°29'02" West 191.68 feet; thence Northwesterly 17.27 feet along a 500 foot radius curve to the right (chord bearing and distance of North 44°29'40" West 17.27 feet); thence Northeasterly 77.44 feet along a 213 foot radius curve to the left (chord bearing and distance of North 39°04'40" East 77.02 feet); thence South 60°35'51" East 161.44 feet; thence North 29°24'09" East 20 feet; thence South 60°35'51" East 28.22 feet; thence South 29°31'41" East 38.36 feet; thence South 48.94 feet; thence East 151.04 feet; thence South 35.03 feet; thence Southwesterly along a 14.5 foot radius curve to the right a distance of 22.78 feet; thence North 89°58'42" West 229.52 feet, more or less, to the point of beginning. (being a portion of Lot V4A, Kennecott Master Subdivision #1 Amended)

Parcel 20: (TPN MM - 27-18-104-003)

Lot C-102, KENNECOTT DAYBREAK PLAT 9 SUBDIVISION, Amending Lots OS2, T1, V1 & V3 of The Kennecott Master Subdivision #1, according to the official plat thereof on file and of record in the Salt Lake County Recorder's Office.