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Book - 10613 Pg - 3013-3016
ADAM GARDINER
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 4 P.

RECORDING REQUESTED BY:

FILEDSTONE UTAH INVESTORS, LLC

**AND WHEN RECORDED MAIL
DEED AND TAX STATEMENTS TO:**

Fieldstone Utah Investors, LLC
Land Acquisitions
12896 South Pony Express Rd., Suite 400
Draper, UT 84020
Attn: Jason Harris

FIRST AMERICAN TITLE
CV# 051-5870264

SPECIAL WARRANTY DEED

VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, with its principal office at 4700 Daybreak Parkway, South Jordan, Utah 84009, County of Salt Lake, State of Utah ("**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 the acts of Grantor only to Fieldstone Village 8 LLC, a Utah limited liability company ("**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, and (ii) 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 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.

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.

[SIGNATURES ON NEXT PAGE]

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

DATED: October 13, 2017

GRANTOR:

VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Daybreak Communities LLC, a Delaware
limited liability company

Its: Project Manager

By: 

Name: Scott Kafmann

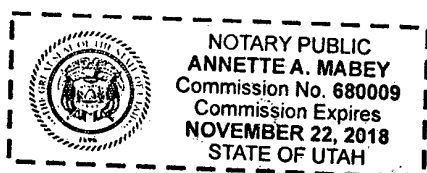
Its: Vice President

ACKNOWLEDGMENT

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

On October 25th, 2017, personally appeared before me, a Notary Public, Scott Kaufmann, the Vice President of Daybreak Communities LLC, a Delaware limited liability company, the Project manager for VP Daybreak Operations LLC, a Delaware limited liability company by personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he/she executed the above instrument on behalf of the above entity(ies)

WITNESS my hand and official Seal.



Annette A. Mabe
Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]

Exhibit A to Deed

Legal Description

That certain real property located in the City of South Jordan, County of Salt Lake, State of Utah more particularly described as follows:

Backyard II (U60s):

LOTS 234, 411, 412 AND 413, DAYBREAK VILLAGE 8 PLAT 3 AMENDING LOTS Z101, Z102, Z103 AND Z105 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1, ALSO AMENDING A PORTION OF DAYBREAK VILLAGE 8 PLAT 2 SUBDIVISION, ALSO AMENDING A PORTION OF KENNECOTT DAYBREAK VILLAGE 7 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE.

Tax Parcel Nos. 26-23-300-009-0000, 26-23-300-003-000, 26-23-100-006-0000, 26-23-100-005-0000