

173230-CPI

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
DEED AND TAX STATEMENTS TO:**

Destination Construction, LLC
9350 South 150 East, Floor 2
Sandy, Utah 84070-2721
Attn: Courtney Palmer

Tax ID: 26-22-179-023, 26-22-179-022, 26-22-179-021, 26-22-179-020,

SPECIAL WARRANTY DEED

VP DAYBREAK DEVCO LLC, a Delaware limited liability company, with its principal office at 9350 South 150 East, Suite 140, Sandy, Utah 84070-2721, 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 **DESTINATION CONSTRUCTION, 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 30 2023 **GRANTOR:**

VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

By: LHMRE, LLC,
a Utah limited liability company
Its: Authorized Manager

By: Tara B. Donnelly
Name: Tara B. Donnelly
Its: Director of Residential Land Sales

Exhibit A to Deed

Legal Description

Lots 173, 174, 175 and 176 of that plat map entitled "DAYBREAK VILLAGE 12A PLAT 1 AMENDED AMENDING LOTS 170 THROUGH 179 AND LOT P-103 OF THE DAYBREAK VILLAGE 12A PLAT 1" recorded on August 25, 2023, as Entry No. 14145195 Book 2023P at Page 178 of the Official Records of Salt Lake County, Utah.