

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

13338576  
7/23/2020 2:12:00 PM \$60.00  
Book - 10985 Pg - 1949-1958  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
OLD REPUBLIC TITLE DRAPER/OREM  
BY: eCASH, DEPUTY - EF 10 P.

VP Daybreak Devco LLC  
11248 Kestrel Rise Road, Suite 201  
South Jordan, Utah 84009  
Attention: Scott R. Kaufmann

(Tax Parcel Nos. 26-22-376-001; 26-22-378-001; 26-22-452-001; 26-22-451-001; 26-22-377-001; 26-22-327-001; 26-22-151-001; 26-22-178-001; 26-22-101-001; 26-22-102-001; 26-22-127-001; 26-22-253-001; 26-22-253-002; 26-22-254-001; 26-22-280-001; 26-22-281-001; 26-23-128-001; 26-23-202-001; 26-24-457-023; 27-18-104-003)

2046797HM

**SPECIAL WARRANTY DEED**

**VP DAYBREAK INVESTCO 2 LLC**, a Utah limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 (“**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 all who claim by, through or under the Grantor to **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 (“**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, (ii) any and all rights, privileges and easements appurtenant to the Land, and (iii) 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; 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, nor shall the Grantor have the right to use the surface of the Land in connection with the rights reserved herein.

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.

Grantor reserves the exclusive right to construct and operate, and to authorize the construction and operation, of commercial cellular, microwave and other wireless communication towers, antennas and related facilities (“Commercial Wireless Facilities”) within the Daybreak master planned community, as legally described in that certain Community Charter for Daybreak recorded on February 27, 2004 as Entry No. 8989518 in Book 88950 at Page 7784 in the official records of the Salt Lake County Recorder, Utah, as amended and supplemented from time to time, and that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Village recorded on December 30, 2005, as Entry No. 9598233, in Book 9237, beginning at Page 5395 of the official records of the Salt Lake County Recorder, as amended and supplemented from time to time. Accordingly, Grantee agrees that the Land shall not be used for the construction or operation of Commercial Wireless Facilities; provided that nothing herein shall exclude Grantee’s constructions, operation, and use of facilities for its own purposes. Such restriction shall run with the Land for the benefit of Grantor and its successors and assigns operating Commercial Wireless Facilities within Daybreak.

[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  $89^{\circ}56'03''$  East 1874.255 feet along the Daybreak Baseline South (Being South  $89^{\circ}56'03''$  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  $30^{\circ}00'00''$  East 39.602 feet; thence South  $50^{\circ}00'00''$  East 733.004 feet to a point on a 730.500 foot radius tangent curve to the left, (radius bears North  $40^{\circ}00'00''$  East, Chord: South  $51^{\circ}54'25''$  East 48.617 feet); thence along the arc of said curve 48.626 feet through a central angle of  $03^{\circ}48'50''$ ; thence South  $30^{\circ}00'00''$  West 31.090 feet; thence North  $50^{\circ}00'00''$  West 178.702 feet; thence North  $56^{\circ}43'28''$  West 85.401 feet; thence North  $50^{\circ}00'00''$  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  $89^{\circ}56'03''$  East 2875.031 feet along the Daybreak Baseline South (Being South  $89^{\circ}56'03''$  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  $53^{\circ}07'08''$  West 121.984 feet to a point on a 1519.500 foot radius non tangent curve to the right, (radius bears North  $34^{\circ}05'36''$  East, Chord: North  $52^{\circ}57'12''$  West 156.574 feet); thence along the arc of said curve 156.643 feet through a central angle of  $05^{\circ}54'24''$ ; thence North  $50^{\circ}00'00''$  West 173.109 feet; thence North  $30^{\circ}00'00''$  East 37.807 feet to a point on a 740.500 foot radius non tangent curve to the left, (radius bears North  $31^{\circ}26'54''$  East, Chord: South  $60^{\circ}34'26''$  East 52.263 feet); thence along the arc of said curve 52.274 feet through a central angle of  $04^{\circ}02'41''$ ; thence South  $62^{\circ}35'47''$  East 129.796 feet; thence South  $69^{\circ}41'12''$  East 81.013 feet; thence South  $62^{\circ}35'47''$  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  $89^{\circ}56'03''$  East 2777.458 feet along the Daybreak Baseline South (Being South  $89^{\circ}56'03''$  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  $53^{\circ}07'08''$  East 121.984 feet; thence South  $62^{\circ}35'47''$  East 463.598 feet to a point on a 730.500 foot radius tangent curve to the left, (radius bears North  $27^{\circ}24'13''$  East, Chord: South  $64^{\circ}20'51''$  East 44.648 feet); thence along the arc of said curve 44.655 feet through a central angle of  $03^{\circ}30'09''$ ; thence South  $24^{\circ}35'09''$  West 71.418 feet to a point on a 1519.500 foot radius non tangent curve to the right, (radius bears North  $12^{\circ}37'23''$  East, Chord: North  $66^{\circ}38'30''$  West 566.075 feet); thence along the arc of said curve 569.401 feet through a central angle of  $21^{\circ}28'13''$  to the point of beginning.

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

Beginning at a point that lies South  $89^{\circ}56'03''$  East 3854.561 feet along the Daybreak Baseline South (Being South  $89^{\circ}56'03''$  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 381 - 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.

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

VP Daybreak Devco LLC  
9350 South 150 East, Suite 140  
Sandy, Utah 84070-2721  
Attention: Tara B. Donnelly  
**169579-CPI**  
**Tax ID: 26-22-179-011, 26-22-179-010**

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**SPECIAL WARRANTY DEED**

**HOLMES HOMES, INC.**, a Utah corporation with its principal office at 126 West Segoe Lily Drive, Suite 250, Sandy, UT 84070, 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 **VP DAYBREAK DEVCO LLC**, a Delaware 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 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**, Builder has caused its duly authorized representatives to execute this Agreement as of the date first written above.

**“SELLER”**

**HOLMES HOMES, INC.**  
a Utah corporation

A handwritten signature in black ink, appearing to read 'Daron Smith', written over a horizontal line.

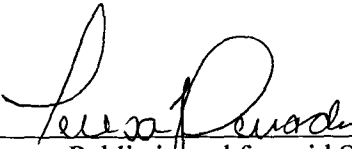
By: \_\_\_\_\_  
Name: **DARON SMITH**  
Its: **TREASURER**

ACKNOWLEDGMENT

STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

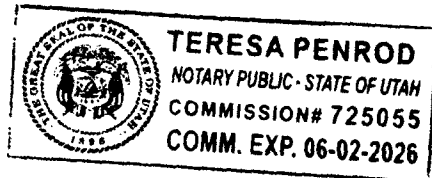
On July 18, 2023, personally appeared before me, a Notary Public,  
Daron Smith, the Treasurer of HOLMES  
HOMES, INC. personally known or proved to me to be the person whose name is subscribed to the  
above instrument who acknowledged to me that he/she executed the above instrument on behalf of  
HOLMES HOMES, INC.

WITNESS my hand and official Seal.

  
\_\_\_\_\_  
Notary Public in and for said State

My commission expires: 06-02-2026

[SEAL]



**Exhibit A to Deed**

**Legal Description**

**Lots 170 and 171, DAYBREAK VILLAGE 12A PLAT 1, Amending Lot V5 of The Kennecott Master Subdivision #1 Amended and Lot Z101 of The VP Daybreak Operations-Investments Plat 1, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on September 7, 2021 as Entry No. 13765628 in Book 2021P at Page 223.**

**Tax Id No.: 26-22-179-011 and 26-22-179-010**