

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

12960733
4/2/2019 1:05:00 PM \$32.00
Book - 10766 Pg - 2587-2593
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 7 P.

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

(Tax Parcel Nos. 26-24-400-025, 26-24-400-026, 26-14-200-018, 26-14-202-010,
26-14-226-009, 26-24-176-001, 26-24-176-002, 26-24-456-012, 26-24-456-013, 26-24-456-014,
26-24-456-015, 26-24-456-016)

1934797HM

SPECIAL WARRANTY DEED

VP DAYBREAK INVESTMENTS 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 ("**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]

[Special Warranty Deed – Grantor Signature Page]

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

DATED: April 1, 2019 GRANTOR:

VP DAYBREAK INVESTMENTS LLC,
a Delaware limited liability company

By: DAYBREAK COMMUNITIES LLC,
a Delaware limited liability company
Its: Project Manager

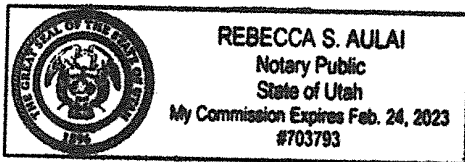
By: [Signature]
Name: Ty McCutcheon
Title: President & CEO

ACKNOWLEDGMENT

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

On April 1, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.



[Signature]
Notary Public in and for said State
My commission expires: 2/24/23

[SEAL]

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

Legal Description

Parcel 1: Daybreak VA Plat (26-24-400-025, 26-24-400-026)

All of Parcel A as shown on the Kennecott Daybreak Plat 3E Subdivision, recorded as Entry No. 11072222 in Book 2010P at Page 176 in the Office of the Salt Lake County Recorder, more particularly described as follows:

Beginning at the Southernmost Corner of Parcel A of the Kennecott Daybreak Plat 3E Subdivision, also being on the Easterly right-of-way line of Veruca Way, said point lies North 89°56'03" West 7326.768 feet along the Daybreak Baseline South (Basis of bearings is 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 1205.578 feet from the Southeast Corner of said Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 89°58'42" East 637.730 feet along the Section Line and North 1201.269 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Parcel A the following (12) courses: 1) North 36°32'54" West 331.988 feet; 2) North 54°53'01" East 310.991 feet to a point on a 1073.500 foot radius tangent curve to the left, (radius bears North 35°06'59" West); 3) along the arc of said curve 26.832 feet through a central angle of 01°25'56"; 4) North 53°27'06" East 45.145 feet to a point on a 130.500 foot radius non tangent curve to the left, (radius bears North 43°44'46" East); 5) along the arc of said curve 139.594 feet through a central angle of 61°17'18"; 6) South 36°32'54" East 67.114 feet; 7) South 53°27'06" West 67.000 feet to a point on a 41.000 foot radius tangent curve to the left, (radius bears South 36°32'54" East); 8) along the arc of said curve 64.403 feet through a central angle of 90°00'00"; 9) South 36°32'54" East 170.345 feet; 10) South 53°27'06" West 78.000 feet; 11) North 36°32'54" West 55.965 feet; 12) South 53°27'06" West 283.000 feet to the point of beginning.

Parcel 2: Daybreak North Station Campus (26-14-200-018, 26-14-202-010, 26-14-226-009)

Beginning at a point on the East Line of Mountain View Corridor, said point lies South 89°55'04" East 750.355 feet along the Section Line and South 940.024 feet from the North Quarter Corner of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°55'07" East 151.030 feet to the Northwest Corner of Lot P-120, Kennecott Daybreak Bingham Creek Amending Portions of Lots B1, B2, OS1, OS2, WTC1 and V3 of the Kennecott Master Subdivision #1 Amended; thence along said Bingham Creek Plat South 05°11'00" East 471.576 feet to a Northerly Line of a Utah Department of Transportation parcel; thence along said Utah Department of Transportation parcel the following (3) courses: 1) South 61°46'52" West 30.753 feet; 2) South 07°19'21" East 140.371 feet; 3) North 64°06'48" East 24.653 feet to the Westerly Line of Lot P-120 of said Bingham Creek Plat; thence along said Bingham Creek Plat the following (6) courses: 1) South 05°11'00" East 120.410 feet to a point on a 2050.000 foot radius non tangent curve to the right, (radius bears South 16°42'10" East); 2) along the arc of said curve 597.610 feet through a central angle of 16°42'10"; 3) East 519.548 feet to a point on a 950.000 foot radius non tangent curve to the left, (radius bears North); 4)

along the arc of said curve 233.045 feet through a central angle of 14°03'19"; 5) North 75°56'41" East 221.429 feet; 6) North 00°04'56" East 561.555 feet to the Northeast Corner of Lot P-111 of said Bingham Creek Plat, also being a point on the South line of a Utah Power & Light parcel; thence along said South Line South 89°55'07" East 32.486 feet a point on the West Line of a South Jordan City Parcel; thence along said South Jordan City parcel the following (14) courses: 1) South 02°35'23" East 59.719 feet; 2) South 225.904 feet; 3) South 03°48'51" West 165.366 feet; 4) South 117.576 feet; 5) South 75°56'41" West 10.309 feet; 6) South 494.778 feet; 7) South 01°44'09" West 346.620 feet; 8) South 705.707 feet to a point on a 516.500 foot radius tangent curve to the left, (radius bears East); 9) along the arc of said curve 18.629 feet through a central angle of 02°04'00"; 10) South 02°04'00" East 489.849 feet; 11) South 43.872 feet to a point on a 1263.500 foot radius tangent curve to the left, (radius bears East); 12) along the arc of said curve 246.433 feet through a central angle of 11°10'30" to a point of reverse curvature with a 83.500 foot radius tangent curve to the right, (radius bears South 78°49'30" West); 13) along the arc of said curve 5.128 feet through a central angle of 03°31'07" to a point of reverse curvature with a 1269.000 foot radius tangent curve to the left, (radius bears North 82°20'37" East); 14) along the arc of said curve 124.906 feet through a central angle of 05°38'22" to the North Line of The Last Holdout, LLC parcel; thence along said North Line and North Line Extended North 89°51'12" West 1552.664 feet more or less to a point on a 4958.577 foot radius non tangent curve to the right, (radius bears North 76°08'59" East), also being a point on said East Line of Mountain View Corridor; thence along said East Line the following (23) courses: 1) along the arc of said curve 108.319 feet through a central angle of 01°15'06"; 2) North 32°33'39" East 21.270 feet; 3) North 12°16'47" West 57.001 feet; 4) North 69°39'33" West 28.160 feet to a point on a 4967.578 foot radius non tangent curve to the right, (radius bears North 78°24'31" East); 5) along the arc of said curve 754.322 feet through a central angle of 08°42'01"; 6) North 01°43'15" East 134.472 feet to a point on a 4958.577 foot radius non tangent curve to the right, (radius bears North 88°39'29" East); 7) along the arc of said curve 16.070 feet through a central angle of 00°11'08"; 8) North 01°09'23" West 154.672 feet; 9) North 46°46'04" East 22.270 feet; 10) North 06°17'04" West 135.852 feet; 11) North 43°21'51" West 20.050 feet to a point on a 8032.625 foot radius non tangent curve to the left, (radius bears South 88°34'46" West); 12) along the arc of said curve 293.785 feet through a central angle of 02°05'44"; 13) North 00°11'59" West 135.822 feet to a point on a 8041.320 foot radius non tangent curve to the left, (radius bears South 85°31'04" West); 14) along the arc of said curve 94.631 feet through a central angle of 00°40'27"; 15) North 05°09'23" West 118.162 feet; 16) North 33°35'38" East 36.751 feet; 17) North 05°30'25" West 101.902 feet; 18) North 56°24'22" West 40.241 feet; 19) North 05°09'23" West 154.812 feet; 20) North 84°50'37" East 16.420 feet; 21) North 05°09'23" West 252.674 feet; 22) South 84°50'37" West 16.420 feet; 23) North 05°09'23" West 434.801 feet to the point of beginning.

Parcel 3: Daybreak South Jordan City Public Safety Center (26-14-176-001, 26-14-176-002)

Beginning at a Southwest Corner of the Daybreak Lake Avenue East subdivision, said point also being on the Easterly line of a parcel owned by Utah Power & Light Company, said point lies North 89°56'03" West 9795.540 feet along the Daybreak Baseline South (Being North 89°56'03" West 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3162.707 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South

0°00'12" West 2123.444 feet along the Section Line and East 845.885 feet from the Northwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the Southerly Line of said Daybreak Lake Avenue East North 53°27'06" East 489.988 feet; thence South 36°32'54" East 305.000 feet; thence South 53°27'06" West 484.949 feet to said Easterly Line; thence along said Easterly Line North 37°29'42" West 305.042 feet to the point of beginning.

Parcel 4: Daybreak Communities/DEVCO Transfer Parcel (26-14-176-001, 26-14-176-002)

Beginning at the Westernmost corner of Lot C-106 of the Daybreak University Medical #2 subdivision, said point also being on the Southwest line of Lot T4 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°58'44" West 602.643 feet along the Section Line and North 1559.595 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot T4 and Lot T3 of said Kennecott Master Subdivision #1 Amended North 37°29'42" West 2018.099 feet to a Southerly corner of Daybreak Lake Avenue East subdivision; thence along said Lake Avenue North 53°27'06" East 1256.488 feet to an Easterly Corner of said Daybreak Lake Avenue East, also being a point on a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed the following (3) courses: 1) South 36°32'54" East 49.383 feet to a point on a 35063.500 foot radius tangent curve to the left, (radius bears North 53°27'06" East, Chord: South 36°38'04" East 105.291 feet); 2) along the arc of said curve 105.291 feet through a central angle of 00°10'19"; 3) South 36°43'14" East 862.138 feet to the Northerly Corner of the proposed Daybreak South Station Library subdivision; thence along said Daybreak South Station Library the following (3) courses: 1) South 53°28'22" West 367.747 feet; 2) South 53°27'06" West 69.000 feet; 3) South 36°32'54" East 303.814 feet to the Southeast line of Tax Parcel Number 26-24-176-004; thence along said Tax Parcel Number 26-24-176-004 the following (5) courses: 1) South 53°04'59" West 318.872 feet to a point on a 97.996 foot radius non tangent curve to the left, (radius bears South 25°41'53" West, Chord: North 85°06'55" West 69.640 feet); 2) along the arc of said curve 71.196 feet through a central angle of 41°37'35"; 3) North 36°32'54" West 3.916 feet; 4) South 53°27'06" West 381.520 feet; 5) South 37°29'42" East 745.390 feet to the Northwesterly line of said Lot C-106; thence along said Northwesterly line South 53°27'06" West 48.871 feet to the point of beginning.

LESS AND EXCEPTING Daybreak South Jordan City Public Safety Center:

Beginning at a Southwest Corner of the Daybreak Lake Avenue East subdivision, said point also being on the Easterly line of a parcel owned by Utah Power & Light Company, said point lies North 89°56'03" West 9795.540 feet along the Daybreak Baseline South (Being North 89°56'03" West 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3162.707 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 0°00'12" West 2123.444 feet along the Section Line and East 845.885 feet from the Northwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the Southerly Line of said Daybreak Lake Avenue East North 53°27'06" East 489.988 feet; thence South 36°32'54" East 305.000 feet; thence South 53°27'06" West

484.949 feet to said Easterly Line; thence along said Easterly Line North 37°29'42" West
305.042 feet to the point of beginning.

Parcel 5: (26-24-456-012, 26-24-456-013, 26-24-456-014, 26-24-456-015, 26-24-456-016)

Lots C-102, C-103, C-104, C-105 and C-106, KENNECOTT DAYBREAK AMENDED
11400/MVC SE COMMERCIAL #1 SUBDIVISION, according to the official plat thereof on
file and of record in the Salt Lake County Recorder's Office.

Together with a Cross Access Agreement recorded June 3, 2011 as Entry No. 11193390 in Book
9928 at Page 9152 of Official Records.