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When Recorded Return to:
Mr. Craig L. White
South Valley Sewer District
P.O. Box 629
Riverton, UT 84065

13185892
02/04/2020 11:19 AM \$0.00
Book - 10892 Ps - 3919-3930
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 629
RIVERTON UT 84065
BY: STA. DEPUTY - WI 12 P.

PARCEL I.D.# 26-22-328-001, 26-22-404-001, 26-22-376-001, 26-22-326-001
GRANTOR: VP Daybreak Devco LLC, VP Daybreak Investco 2 LLC, and
VP Daybreak Investco 3 LLC
(Daybreak Village 11A Plat 2)
Page 1 of 10

EASEMENTS

Twenty (20) foot wide sanitary sewer easements located in the South half Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey.

For the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned as GRANTORS hereby grant, convey, sell, and set over unto South Valley Sewer District, a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, perpetual rights-of-way and easements to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, said rights-of-way and easements, being situate in Salt Lake County, State of Utah, over and through a parcel(s) of the GRANTORS' land lying within strips twenty (20) feet wide, said strip extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Less and excepting any part of said Exhibit that falls within Public Right of Way.

Contains: 104,621 square feet or 2.402 acres

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment and vehicles as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE and its contractors may use such portion of GRANTORS' property along and adjacent to the rights-of-way and easements as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible. GRANTORS shall have the right to use

the above-described property except for the purposes for which these rights-of-way and easements are granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of sewage through the FACILITIES, or any other rights granted to the GRANTEE hereunder. GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across these rights-of-way and easements nor change the contour thereof without the written consent of GRANTEE. These rights-of-way and easement grants shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have executed these rights-of-way and Easements this 17 day of January, 2020.

GRANTOR(S)

VP Daybreak Devco LLC
a Delaware limited liability company

By: Daybreak Communities LLC
a Delaware limited liability company
Its: Project Manager

By: [Signature]

Its: PRESIDENT & CEO
Title

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On the 17th day of January, 2020 personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of VP Daybreak Devco LLC, a Delaware limited liability company and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

My Commission Expires: 5-10-23

Residing in: SLC-Utah

Tara Betty Donnelly
Notary Public



VP Daybreak Investco 2 LLC
a Utah limited liability company

By: Daybreak Communities LLC
a Delaware limited liability company
Its: Project Manager

By: [Signature]

Its: PRESIDENT & CEO
Title

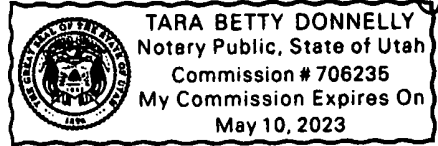
STATE OF UTAH)
)
:SS
COUNTY OF SALT LAKE)

On the 17th day of JANUARY, 2020 personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of VP Daybreak Investco 2 LLC, a Utah limited liability company and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

My Commission Expires: 5-10-23

Residing in: SLC - Utah

Tara Betty Donnelly
Notary Public



VP Daybreak Investco 3 LLC
a Utah limited liability company

By: Daybreak Communities LLC
a Delaware limited liability company
Its: Project Manager

By: [Signature]

Its: President of LEO
Title

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

On the 17th day of January, 2020 personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of VP Daybreak Investco 3 LLC, a Utah limited liability company and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

My Commission Expires: 5-10-23

Residing in: SLC - Utah

[Signature: Tara Betty Donnelly]
Notary Public



Exhibit 'A'

**DAYBREAK VILLAGE 11A PLAT 2
SEWER EASEMENTS**

(Line 1)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 477.980 feet along the Section Line and North 2234.382 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 68°48'53" East 67.500 feet; thence South 68°48'53" East 319.000 feet to the point of terminus.

Contains: (approx. 387 L.F.)

(Line 2)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 415.041 feet along the Section Line and North 2210.177 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 21°10'38" East 58.848 feet to the point of terminus.

Contains: (approx. 59 L.F.)

(Line 3)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 96.324 feet along the Section Line and North 2150.763 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 21°10'38" West 58.893 feet; thence South 21°10'38" West 131.107 feet; thence South 68°49'22" East 105.000 feet; thence South 61°15'46" East 60.702 feet to the point of terminus.

Contains: (approx. 356 L.F.)

(Line 4)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 595.116 feet along the Section Line and North 1778.738 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 85°58'43" East 59.257 feet; thence North 89°02'45" East 222.820 feet; thence North 05°54'49" East 234.812 feet; thence North 68°49'22" West 121.956 feet to the point of terminus.

Contains: (approx. 639 L.F.)

(Line 5)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 741.455 feet along the Section Line and North 1567.545 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 89°02'45" East 65.000 feet; thence North 89°02'45" East 50.000 feet to the point of terminus.

Contains: (approx. 115 L.F.)

(Line 6)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 530.332 feet along the Section Line and North 1360.356 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 89°50'14" West 74.622 feet; thence North 64°11'34" West 76.184 feet; thence North 00°57'15" West 175.549 feet to the point of terminus.

Contains: (approx. 326 L.F.)

(Line 7)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 570.436 feet along the Section Line and North 1200.617 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 14°06'13" East 164.580 feet; thence North 00°46'08" West 422.769 feet to the point of terminus.

Contains: (approx. 587 L.F.)

(Line 8)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 286.086 feet along the Section Line and North 1240.437 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 09°27'05" West 109.361 feet; thence North 04°18'48" West 216.318 feet; thence South 89°02'45" West 102.000 feet to the point of terminus.

Contains: (approx. 428 L.F.)

(Line 9)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°49'44" West 391.960 feet along the Section Line and North 1275.006 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 71°45'46" East 111.473 feet; thence South 71°45'46" East 163.527 feet to the point of terminus.

Contains: (approx. 275 L.F.)

(Line 10)

A twenty (20) foot wide sanitary sewer easement, located in the South Half of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North $89^{\circ}49'44''$ West 894.285 feet along the Section Line and North 1262.307 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence East 133.689 feet; thence South $71^{\circ}45'46''$ East 200.214 feet; thence South $71^{\circ}45'46''$ East 428.201 feet; thence South $71^{\circ}45'46''$ East 246.866 feet to the point of terminus.

Contains: (approx. 1009 L.F.)

(Line 11)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North $89^{\circ}49'44''$ West 163.742 feet along the Section Line and North 1067.827 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $15^{\circ}08'46''$ East 126.184 feet; thence North $14^{\circ}25'19''$ East 193.060 feet to the point of terminus.

Contains: (approx. 319 L.F.)

(Line 12)

A twenty (20) foot wide sanitary sewer easement, located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies South $89^{\circ}49'08''$ East 176.688 feet along the Section Line and North 1367.761 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South $74^{\circ}51'14''$ East 164.371 feet to the point of terminus.

Contains: (approx. 164 L.F.)

(Line 13)

A twenty (20) foot wide sanitary sewer easement, located in the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies South $89^{\circ}49'08''$ East 301.079 feet along the Section Line and North 918.738 feet from the South Quarter Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North $15^{\circ}59'48''$ East 404.233 feet; thence South $74^{\circ}51'14''$ East 162.997 feet to the point of terminus.

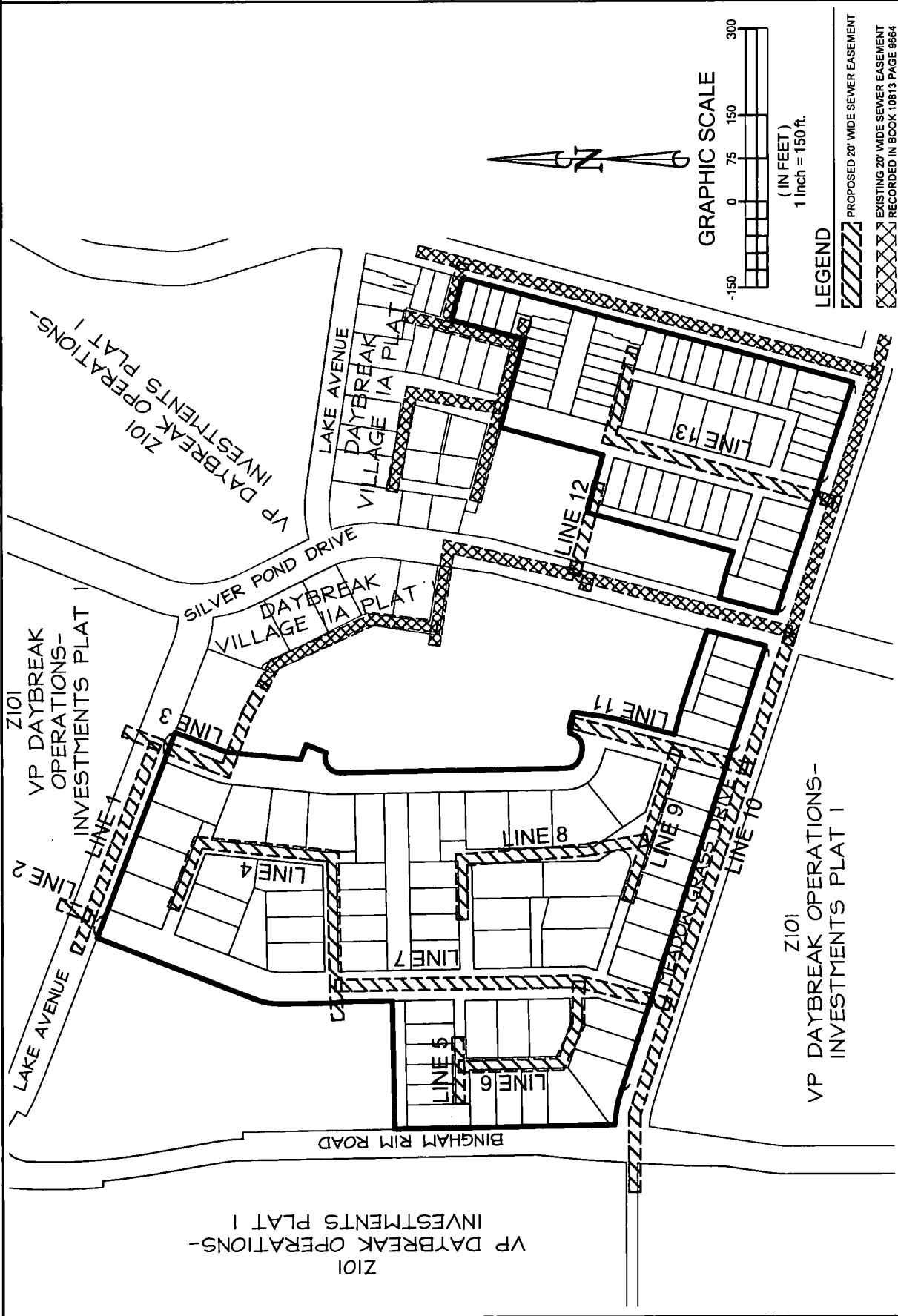
Contains: (approx. 567 L.F.)

EXHIBIT A
SEWER EASEMENTS
DAYBREAK VILLAGE IIA PLAT 2

PERIGEE CONSULTING
CIVIL - SURVEYING - PLANNING
1100 NORTH 10TH STREET, SUITE 200
DENVER, COLORADO 80202
TEL: 303.733.8888 FAX: 303.733.8889
WWW.PERIGEECONSULTING.COM

DATE: _____ TIME: _____
NETWORK: _____
PATH: _____
JOB NAME: _____
LAYOUT: _____
DESIGNER: _____
SHEET NUMBER: _____

JOB NUMBER
000898



PREPARED FOR: DAYBREAK COMPANIES
DATE SUBMITTED: 08-21-2018

LENDER'S CONSENT AND SUBORDINATION

EASEMENTS AGREEMENT (SEWER)

Daybreak Village 11A Plat 2

PARCEL I.D. #'s 26-22-328-001, 26-22-404-001, 26-22-376-001, and 26-22-326-001

THE UNDERSIGNED, THE BENEFICIARY UNDER THOSE CERTAIN CONSTRUCTION DEEDS OF TRUST, DATED DECEMBER 19, 2019, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (COLLECTIVELY, THE "DEEDS OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THAT CERTAIN EASEMENTS AGREEMENT (SEWER), DATED AS OF _____, 20___, BETWEEN VP DAYBREAK DEVCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY, VP DAYBREAK INVESTCO 2, LLC, A UTAH LIMITED LIABILITY COMPANY, AND VP DAYBREAK INVESTCO 3, LLC, A UTAH LIMITED LIABILITY COMPANY (COLLECTIVELY, AS GRANTOR), AND SOUTH VALLEY SEWER DISTRICT, A BODY POLITIC OF THE STATE OF UTAH (AS GRANTEE) (THE "EASEMENTS"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENTS AND MAKES THE LIENS OF THE DEEDS OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIENS OF THE DEEDS OF TRUST TO THE EASEMENTS. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

U.S. BANK NATIONAL ASSOCIATION
d/b/a Housing Capital Company

By: 

Name: CARY R. SWANBORN

Title: SVP

[SIGNATURE MUST BE NOTARIZED]
[Notary acknowledgement on following page]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Fresno

On 1/17/2020 before me, Lori Beckman, Notary Public,
(here insert name of the officer)

personally appeared Carl F. Swanson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lori Beckman (Seal)

