

**RECORDING REQUESTED BY:**

HOLMES HOMES, INC.

**AND WHEN RECORDED MAIL  
DEED AND TAX STATEMENTS TO:**126 W. Sego Lily Drive, Suite 250  
Sandy, Utah 8407011097779  
12/15/2010 4:44:00 PM \$18.00  
Book - 9889 Pg - 5292-5295  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN TITLE  
BY: eCASH, DEPUTY - EF 4 P.

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~~FIRST AMERICAN TITLE~~  
CV# 535-77227

**SPECIAL WARRANTY DEED**

**KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation, with its principal office at 4700 Daybreak Parkway, South Jordan, 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 **HOLMES HOMES, INC.**, a Utah corporation ("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 grantees, 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: December 14, 2010**

**GRANTOR:**

**KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY**  
a Delaware corporation

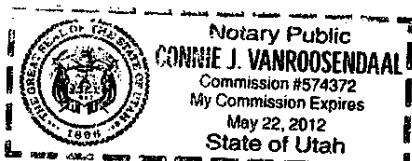
By: Ty McCutcheon  
Name: Ty McCutcheon  
Its: Vice President Daybreak

## ACKNOWLEDGMENT

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

On December 15, 2010, personally appeared before me, a Notary Public, Ty McCutcheon, the Vice President Daybreak of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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/she executed the above instrument on behalf of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.



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

My commission expires: 5-22-2012

[SEAL]

**EXHIBIT A TO DEED**

**Legal Description**

**LOTS DESIGNATED AS MNS:**

Lots 587, 588, and 589 inclusive of that plat map entitled "Kennecott Daybreak **Plat 9** Subdivision Amending Lots OS2, T1, V1 & V3 of the Kennecott Master Subdivision #1" recorded on **November 2, 2007**, as Entry No. 10265526, Book 2007P, at Page 425 of the Official Records of Salt Lake County, Utah.

Tax Parcel Nos. 27-18-106-006-0000, 27-18-106-005-0000, 27-18-106-004-0000