

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

12510441  
04/06/2017 04:44 PM \$50.00  
Book - 10545 Pg - 3764-3775  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: DKP, DEPUTY - WI 12 P.

**PARCEL I.D.#** 26-22-400-004, 26-23-300-009, 26-23-100-006

**GRANTOR:** VP Daybreak Investments LLC  
and VP Daybreak Operations LLC  
(Daybreak Village 8 Plat 3)

Page 1 of 10

## **EASEMENTS**

Twenty (20) foot wide sanitary sewer easements located in the West Half of Section 23 and the Southeast 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 strips extending ten (10) feet on each side of and lying parallel and adjacent to lines of reference and projection thereof, more particularly described as follows:

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

Contains: 4.84 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 5<sup>th</sup> day of APRIL, 2017.

GRANTOR(S)

VP Daybreak Investments LLC,  
a Delaware limited liability company

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

By: [Signature]

Its: PRESIDENT & CEO  
Title

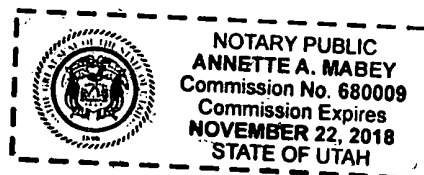
STATE OF UTAH )  
 )  
 )  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of April, 2017, 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 Investments 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.

[Signature]  
Notary Public

My Commission Expires: 11/22/2018

Residing in: South Jordan, Utah



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

By: gael

Its: PRESIDENT & CEO  
Title

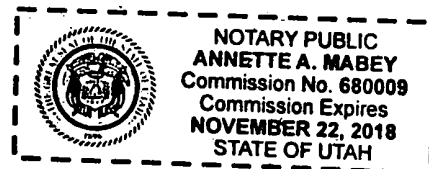
STATE OF UTAH )  
 )  
 ) :SS  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of April, 2017, 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 Operations 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: 11/22/2018

Residing in: South Jordan, Utah

*Annelle D. McVey*  
Notary Public



**Exhibit 'A'**

**DAYBREAK VILLAGE 8 PLAT 3  
SEWER EASEMENTS**

**(Line 1)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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°56'14" West 1557.245 feet along the Section Line and North 1128.551 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 88°13'27" West 214.138 feet; thence North 17°50'03" West 127.052 feet; thence North 88°26'33" East 128.136 feet; thence North 17°50'03" West 426.224 feet to the point of terminus.

Contains: (approx. 895 L.F.)

**(Line 2)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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°56'14" West 2544.105 feet along the Section Line and North 1480.638 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 89°49'44" East 150.019 feet; thence North 74°06'06" East 360.414 feet; thence South 17°50'03" East 356.487 feet; thence North 88°26'33" East 128.136 feet to the point of terminus.

Contains: (approx. 995 L.F.)

**(Line 3)**

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°56'14" West 2647.894 feet along the South Line of the Southwest Quarter of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian to the Southwest Corner of said Section 23 and North 89°49'08" West 256.634 feet along the South Line of the Southeast Quarter of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and North 1679.540 feet from the South Quarter Corner of said Section 23 and running thence North 00°10'16" West 57.752 feet to the point of terminus.

Contains: (approx. 58 L.F.)

**(Line 4)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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  $89^{\circ}56'14''$  West 2228.830 feet along the Section Line and North 1780.602 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North  $04^{\circ}32'21''$  West 250.592 feet; thence North  $04^{\circ}32'21''$  West 184.751 feet to the point of terminus.

Contains: (approx. 435 L.F.)

**(Line 5)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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  $89^{\circ}56'14''$  West 2554.944 feet along the Section Line and North 1985.115 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North  $81^{\circ}31'22''$  East 309.665 feet to the point of terminus.

Contains: (approx. 310 L.F.)

**(Line 6)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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  $89^{\circ}56'14''$  West 2044.425 feet along the Section Line and North 2310.336 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South  $81^{\circ}21'44''$  West 299.808 feet; thence South  $88^{\circ}44'55''$  West 216.454 feet; thence West 61.261 feet to the point of terminus.

Contains: (approx. 578 L.F.)

**(Line 7)**

A twenty (20) foot wide sanitary sewer easement, located in the West Half of Section 23, 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°56'14" West 2340.832 feet along the Section Line and North 2265.633 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 203.116 feet; thence North 19°05'04" West 226.689 feet; thence North 121.460 feet to the point of terminus.

Contains: (approx. 551 L.F.)

**(Line 8)**

A twenty (20) foot wide sanitary sewer easement, located in the Northeast Quarter of Section 22 and the West Half of Section 23, 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°56'14" West 2557.235 feet along the Section Line and North 2261.143 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 00°06'04" West 166.874 feet; thence North 07°54'26" West 132.689 feet; thence North 00°42'43" West 344.934 feet; thence North 29°32'04" West 236.668 feet to the point of terminus.

Contains: (approx. 881 L.F.)

**(Line 9)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 2580.070 feet along the Section Line and North 2904.377 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 60°30'25" East 102.884 feet to the point of terminus.

Contains: (approx. 103 L.F.)

**(Line 10)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 2493.190 feet along the Section Line and North 3102.995 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 60°43'42" West 125.214 feet to the point of terminus.

Contains: (approx. 125 L.F.)

**(Line 11)**

A twenty (20) foot wide sanitary sewer easement, located in the West Half of Section 23, 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°56'14" West 1767.858 feet along the Section Line and North 1927.562 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 35°46'39" West 80.445 feet; thence North 35°53'24" West 391.544 feet; thence North 29°31'46" West 411.835 feet; thence North 29°32'01" West 498.615 feet; thence North 20°29'35" West 103.118 feet to the point of terminus.

Contains: (approx. 1486 L.F.)

**(Line 12)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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°56'14" West 1814.889 feet along the Section Line and North 1992.878 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 69°11'36" West 122.231 feet; thence South 83°18'15" West 181.665 feet to the point of terminus.

Contains: (approx. 304 L.F.)

**(Line 13)**

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 23, 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°56'14" West 1929.149 feet along the Section Line and North 1949.584 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 35°59'22" West 219.405 feet to the point of terminus.

Contains: (approx. 219 L.F.)

**(Line 14)**

A twenty (20) foot wide sanitary sewer easement, located in the West Half of Section 23,

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°56'14" West 1546.902 feet along the Section Line and North 2038.913 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 30°42'11" West 165.905 feet; thence North 35°59'22" West 328.499 feet; thence North 29°32'01" West 331.882 feet; thence North 29°32'01" West 402.921 feet; thence North 09°20'43" East 54.235 feet to the point of terminus.

Contains: (approx. 1283 L.F.)

**(Line 15)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 1988.245 feet along the Section Line and North 2736.601 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 73°12'50" West 136.361 feet; thence North 29°32'01" West 338.600 feet; thence North 12°40'28" West 165.169 feet; thence North 79°54'04" West 57.071 feet; thence South 71°54'47" West 73.844 feet to the point of terminus.

Contains: (approx. 771 L.F.)

**(Line 16)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 1775.596 feet along the Section Line and North 2870.222 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 29°32'01" West 172.454 feet; thence North 02°26'21" East 70.524 feet to the point of terminus.

Contains: (approx. 243 L.F.)

**(Line 17)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 1454.733 feet along the Section Line and North 2965.002 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 23°22'48" West 183.335 feet to the point of terminus.

Contains: (approx. 183 L.F.)

**(Line 18)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 1138.546 feet along the Section Line and North 3166.101 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 47°21'22" West 86.391 feet; thence South 47°22'23" West 144.257 feet; thence North 42°42'49" West 123.675 feet; thence North 26°02'37" West 70.797 feet to the point of terminus.

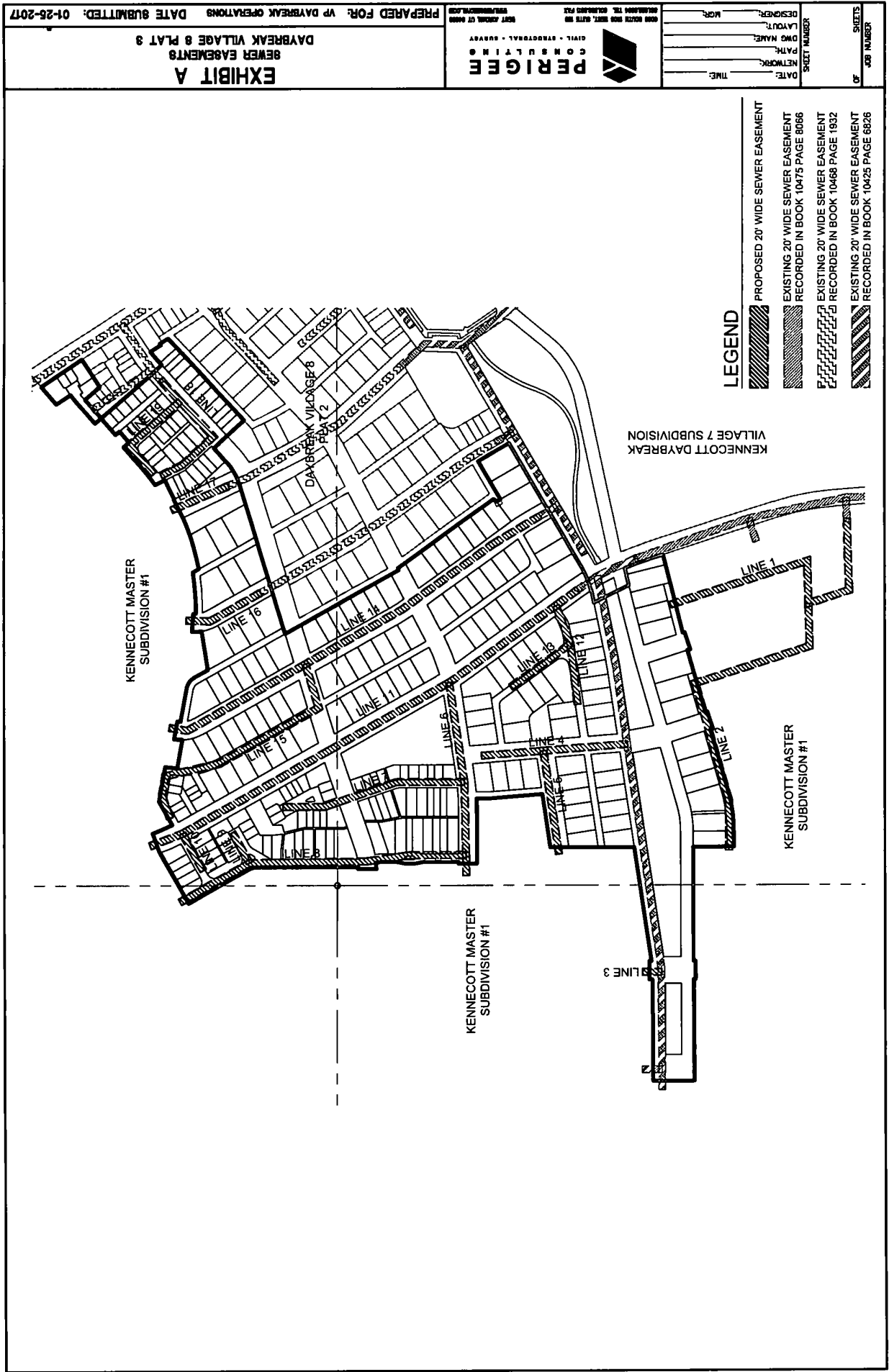
Contains: (approx. 425 L.F.)

**(Line 19)**

A twenty (20) foot wide sanitary sewer easement, located in the Northwest Quarter of Section 23, 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°56'14" West 1202.093 feet along the Section Line and North 3107.646 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 41°08'21" West 199.436 feet; thence South 49°17'42" West 112.228 feet to the point of terminus.

Contains: (approx. 312 L.F.)



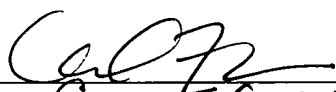
**LENDER'S CONSENT AND SUBORDINATION**

**EASEMENTS – DAYBREAK VILLAGE 8 PLAT 3**

THE UNDERSIGNED, THE BENEFICIARY UNDER THOSE CERTAIN DEEDS OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (COLLECTIVELY, THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THE EASEMENTS DATED AS OF April 4, 2017 FROM VP DAYBREAK OPERATIONS, LLC AND VP DAYBREAK INVESTMENTS, LLC, TO SOUTH VALLEY SEWER DISTRICT (THE "EASEMENTS") TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENTS AND MAKES THE LIEN OF THE DEED 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 LIEN OF THE DEED 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: CARL F. SWANSON  
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 April 4, 2017 before me, Maria R. Payne, 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 Maria R. Payne (Seal)

