

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

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05/26/2017 12:39 PM \$0.00
Book - 10561 Pg - 5552-5558
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 629
RIVERTON UT 84065
BY: CBA, DEPUTY - WI 7 P.

PARCEL I.D.# 27-18-351-003
GRANTOR: VP Daybreak Operations LLC
(Daybreak Lake Island Plat 1)
Page 1 of 5

EASEMENTS

Twenty (20) foot wide sanitary sewer easements located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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: 2.01 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 25th day of MAY, 2017.

GRANTOR(S)

VP Daybreak Operations 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 25 day of May, 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.

[Signature: Patrice L. Lemasney]
Notary Public

My Commission Expires: Dec 1, 2019

Residing in: South Jordan, Ut

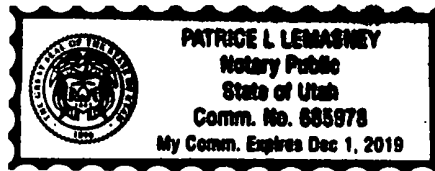


Exhibit 'A'

**DAYBREAK LAKE ISLAND PLAT 1
SEWER EASEMENTS**

(Line 1)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 824.458 feet along the Section Line and South 4479.664 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 218.001 feet; thence South 53°27'06" West 580.000 feet; thence South 36°32'54" East 208.000 feet; thence North 53°27'06" East 142.000 feet; thence South 36°32'54" East 237.000 feet; thence South 53°27'06" West 142.000 feet; thence South 36°32'54" East 287.141 feet to the point of terminus.

Contains: (approx. 1814 L.F.)

(Line 2)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 1112.535 feet along the Section Line and South 4871.881 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 239.677 feet; thence South 63°23'34" West 144.165 feet; thence North 36°32'54" West 233.885 feet; thence South 53°27'06" West 143.000 feet; thence North 36°33'34" West 206.001 feet to the point of terminus.

Contains: (approx. 967 L.F.)

(Line 3)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 1023.032 feet along the Section Line and South 4969.369 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 53°27'06" West 234.000 feet to the point of terminus.

Contains: (approx. 234 L.F.)

(Line 4)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section

18, Township 3 South, Range 1 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°57'12" East 840.909 feet along the Section Line and South 4743.682 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 52°49'44" West 151.009 feet; thence South 36°32'54" East 288.001 feet to the point of terminus.

Contains: (approx. 439 L.F.)

(Line 5)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 564.483 feet along the Section Line and South 4367.191 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 36°32'54" East 27.000 feet to the point of terminus.

Contains: (approx. 27 L.F.)

(Line 6)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 1122.675 feet along the Section Line and South 5123.692 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 48°31'12" East 30.000 feet to the point of terminus.

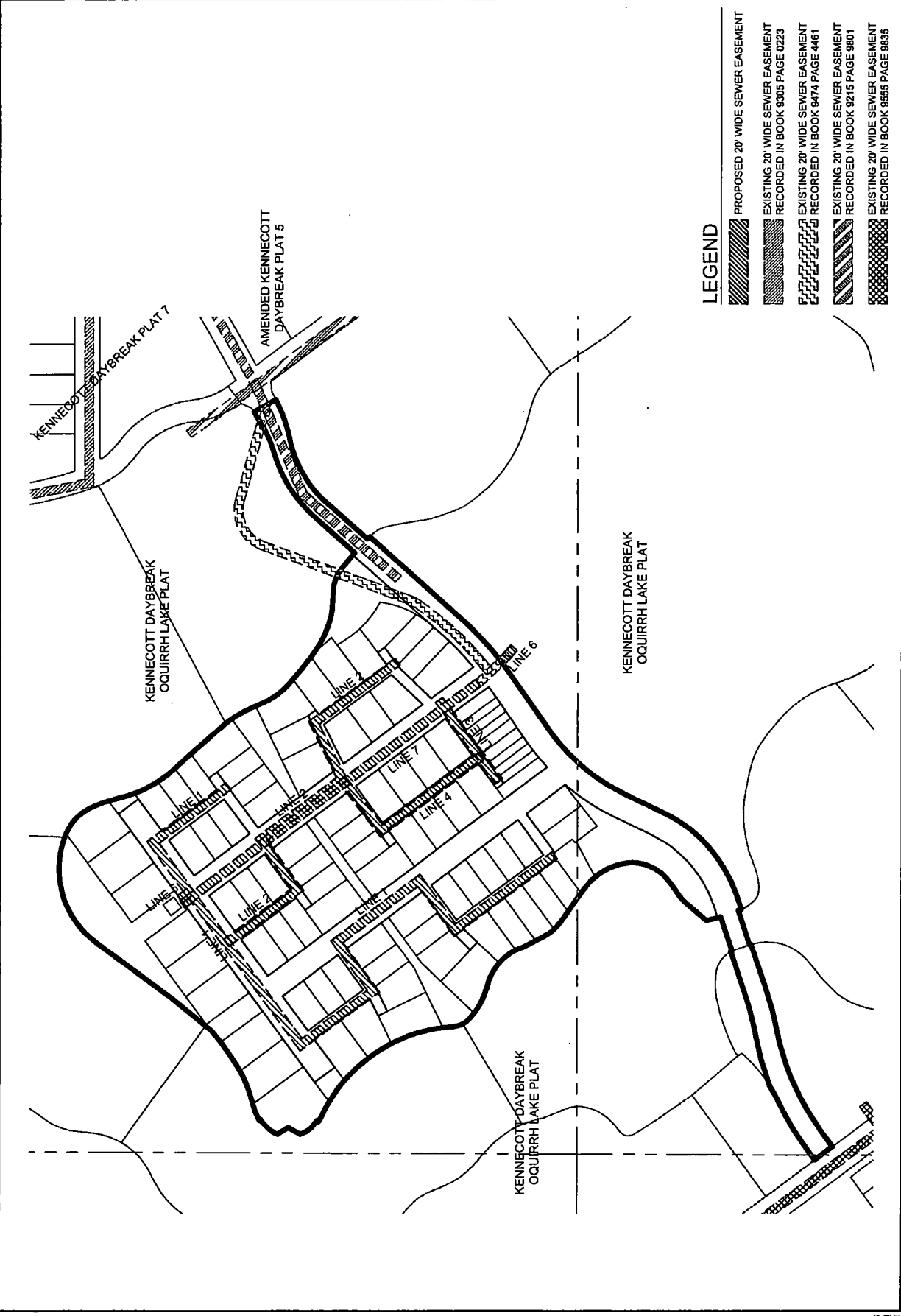
Contains: (approx. 30 L.F.)

(Line 7)

A twenty (20) foot wide sanitary sewer easement, located in the Southwest Quarter of Section 18, Township 3 South, Range 1 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°57'12" East 552.080 feet along the Section Line and South 4372.628 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 36°32'54" East 10.542 feet; thence South 37°32'54" East 69.236 feet; thence South 36°32'54" East 776.310 feet to the point of terminus.

Contains: (approx. 856 L.F.)



LEGEND

- [Hatched pattern] PROPOSED 20' WIDE SEWER EASEMENT
- [Hatched pattern] EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 9305 PAGE 0223
- [Hatched pattern] EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 9474 PAGE 4461
- [Hatched pattern] EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 9215 PAGE 9801
- [Hatched pattern] EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 9555 PAGE 9835

LENDER'S CONSENT AND SUBORDINATION

EASEMENTS – DAYBREAK LAKE ISLAND PLAT 1

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THE EASEMENTS DATED AS OF MAY 25, 2017 FROM VP DAYBREAK OPERATIONS, 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: Carl F. Swanson
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 May 24, 2017, before me, **Lori Beckman, a Notary Public**, 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]

