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ADAM GARDINER
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 5 P.

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

DESTINATION HOMES, INC.
2246 N. University Park Blvd.
Layton, Utah 84041

act# 1829714SM

SPECIAL WARRANTY DEED

VP DAYBREAK OPERATIONS, LLC, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Rd, South Jordan, Utah 84009, 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 **DESTINATION 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 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.

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

DATED: June 1, 2017

GRANTOR:

VP DAYBREAK OPERATIONS, LLC, a
Delaware limited liability company

By: Daybreak Communities LLC, a Delaware
limited liability company

Its: Project Manager


By: 
Ty McCutcheon
Its: President & CEO

EXHIBIT A

File No.: 1829714JM

LEGAL DESCRIPTION

New Lot 129:

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 873.633 feet along the Section Line and South 5087.461 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.250 feet from the West Corner of Lot 129 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 29.250 feet; thence South 36°32'54" East 101.017 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line South 55°13'35" West 29.264 feet; thence North 36°32'54" West 100.111 feet to said Southerly right-of-way line and the point of beginning.

New Lot 130:

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 873.633 feet along the Section Line and South 5087.461 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.250 feet from the North Corner of Lot 130 of the Daybreak Lake Island Plat 1 subdivision and running thence South 36°32'54" East 100.111 feet to the Northerly right-of-way line of Isla Daybreak Road; thence along said Northerly right-of-way line the following (2) courses: 1) South 55°13'35" West 6.567 feet to a point on a 529.000 foot radius tangent curve to the left, (radius bears South 34°46'25" East); 2) along the arc of said curve 14.730 feet through a central angle of 01°35'43"; thence North 36°32'54" West 99.657 feet to said Southerly right-of-way line; thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet to the point of beginning.

New Lot 131:

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 839.423 feet along the Section Line and South 5112.791 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.000 feet from the West Corner of Lot 131 of the Daybreak Lake Island Plat 1 subdivision and running thence along said Southerly right-of-way line North 53°27'06" East 21.292 feet; thence South 36°32'54" East 99.657 feet to the Northerly right-of-way line of Isla Daybreak Road and a point on a 529.000 foot radius non tangent curve to the left, (radius bears South 36°22'09" East); thence along Northerly right-of-way line and the arc of said curve 21.296 feet through a central angle of 02°18'24"; thence North 36°32'54" West 100.019 feet to said Southerly right-of-way line and the point of beginning.

New Lot 132:

Beginning at a point on the Southerly right-of-way line of Topsail Lane that lies North 89°57'12" East 839.423 feet along the Section Line and South 5112.791 feet from the Northwest Corner of Section 18,

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Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being North 53°27'06" East 1.000 feet from the North Corner of Lot 132 of the Daybreak Lake Island Plat 1 subdivision and running thence South 36°32'54" East 100.019 feet to the Northerly right-of-way line of Isla Daybreak Road and a point on a 529.000 foot radius non tangent curve to the left, (radius bears South 38°40'32" East); thence along said Northerly right-of-way line and the arc of said curve 41.129 feet through a central angle of 04°27'17" to the South Corner of said Lot 132; thence along the Southwest Line of said Lot 132 North 36°32'54" West 103.141 feet to said Southerly right-of-way line; thence along said Southerly right-of-way line North 53°27'06" East 41.000 feet to the point of beginning.

(The following is for informational purposes only: Tax ID No.) 27-18-357-016,
27-18-357-015, 27-18-357-014, 27-18-357-018