

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

12975985
4/26/2019 2:58:00 PM \$18.00
Book - 10774 Pg - 2657-2661
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 5 P.

University of Utah – Real Estate Administration
505 Wakara Way, Suite 210
Salt Lake City, Utah 84108
Jonathon Bates, Executive Director

SENT TAX NOTICES TO:

University of Utah – Real Estate Administration
505 Wakara Way, Suite 210
Salt Lake City, Utah 84108
Jonathon Bates, Executive Director

(Tax Identification Nos. 26-14-200-018, 26-14-202-010, 26-14-226-009)

18 29 2154M-1

SPECIAL WARRANTY DEED

VP DAYBREAK DEVCO LLC, a Delaware limited liability company with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 (“**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 all who claim by, through, or under the Grantor to THE UNIVERSITY OF UTAH, a body politic and corporate of the State of Utah, with its principal office at 505 Wakara Way, Suite 210, Salt Lake City, Utah 84108 (“**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, (ii) any and all rights, privileges and easements appurtenant to the Land, and (iii) 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 applicable 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 surface and 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; 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; provided the reservation of geothermal rights by Grantor will not prohibit Grantee from

installing and operating a ground source heat exchange system on the Land to service the building improvements constructed on 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.

[Signatures on Following Pages]

[U of U Daybreak Campus – Special Warranty Deed – Grantor Signature Page]


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

DATED: April 24, 2019

GRANTOR:

VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

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

By: 
Name: Ty McCutcheon
Its: President & CEO

[Acknowledgement on Following Page]

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

Legal Description

Lot C-101, DAYBREAK NORTH STATION CAMPUS SUBDIVISION, amending Lots T3, OS2 & WTCI of the Kennecott Master Subdivision #1 Amended, recorded April 2, 2019 as Entry No. 12961137 in Book 2019P of Plats at Page 112, on file in the office of the Salt Lake County Recorder, State of Utah.