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11/19/2020 2:41:00 PM \$40.00
Book - 11064 Pg - 1774-1778
RASHELLE HOBBS
Recorder, Salt Lake County, UT
STEWART TITLE INS AGCY OF UT
BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED, MAIL TO:
Daybreak Communities LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, UT 84009
Attention: Scott R. Kaufmann

1009045

Parcel ID Nos. 26-24-456-010-0000
26-24-456-012-0000
26-24-456-013-0000
26-24-456-014-0000
26-24-456-015-0000
26-24-456-016-0000
26-24-456-017-0000
26-24-456-018-0000

**AMENDMENT TO
CROSS ACCESS AGREEMENT**

THIS AMENDMENT TO CROSS ACCESS AGREEMENT (“**Amendment**”) is made as of 18 Nov, 2020, by and between DAYBREAK CONVENIENCE, LLC, a Utah limited liability company (“**DB Convenience**”), and VP DAYBREAK DEVCO LLC, a Delaware limited liability company (“**VP Daybreak Devco**”).

WHEREAS, Kennecott Land Residential Development Company, a Delaware corporation (“**KLRDC**”) entered into that certain Cross Access Agreement dated June 2, 2011, and recorded on June 3, 2011, as Entry 11193390, in Book 9928, Pages 9152-9162 in the Office of the Salt Lake County Recorder (the “**Agreement**”), providing for certain easements for the mutual benefit of certain lots then owned by KLRDC, and known as Lot C-101, Lot C-102 and Lot C-103, as such real property is further described in the Agreement; and

WHEREAS, DB Convenience is the successor to KLRDC with regard to Lot C-101, and VP Daybreak Devco is the successor to KLRDC with regard to Lot C-102 and Lot C-103; and

WHEREAS, as successors to KLRDC and Owners of the Lots (as such terms are defined in the Agreement), DB Convenience and VP Daybreak Devco desire to amend the Agreement to modify the Agreement to reflect the subdivision of Lot C-102 and Lot C-103 and to extend the term of such Agreement as set forth herein,

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DB Convenience and VP Daybreak Devco agree as follows:

1. **Capitalized Terms.** Capitalized terms used but not defined herein shall have the meanings given them in the Agreement.
2. **Additional Lots.** VP Daybreak Devco has subdivided Lot C-102 and Lot C-103, which lots are now described as Lot C-102, Lot C-103, Lot C-104, Lot C-105, Lot C-106, Lot C-107 and Lot C-108, as shown on the drawing attached hereto as **Exhibit A** and incorporated herein by reference (the “**Subdivided**”).

Lots”). The Agreement is hereby amended to reflect that Lot C-102 and Lot C-103, as identified in the Agreement, shall now mean the Subdivided Lots, which shall be included in the definition of “Lot” as defined in the Agreement.

3. Duration. Section 7.5 of the Agreement is hereby amended to provide that the term of the Agreement shall be for a period of One Hundred Forty (140) years from the date of the Agreement.

4. Remaining Provisions. Except as otherwise expressly set forth herein, the Agreement is hereby ratified and confirmed and remains in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF the parties have executed this Amendment as of the date set forth above.

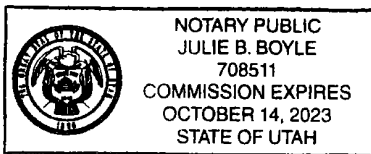
DAYBREAK CONVENIENCE, LLC,
a Utah limited liability company

By: [Signature]
Name: SPENCER H. WRIGHT
Its: MANAGER

STATE OF UTAH
COUNTY OF SALT LAKE

On the 18th day of November 2020, personally appeared before me Spencer H. Wright, who duly acknowledged to me that he executed the foregoing document as Manager of DAYBREAK CONVENIENCE, LLC.

[Signature]
Notary Public



VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

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

By: [Signature]
Name: Ty McCutcheon
Its: President & CEO

STATE OF UTAH
COUNTY OF SALT LAKE

On Nov 18, 2020, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK DEVCO LLC, a Delaware limited liability 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 executed the above instrument on behalf of VP DAYBREAK DEVCO LLC, a Delaware limited liability company.

[Signature]
Notary Public

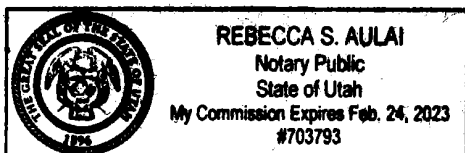
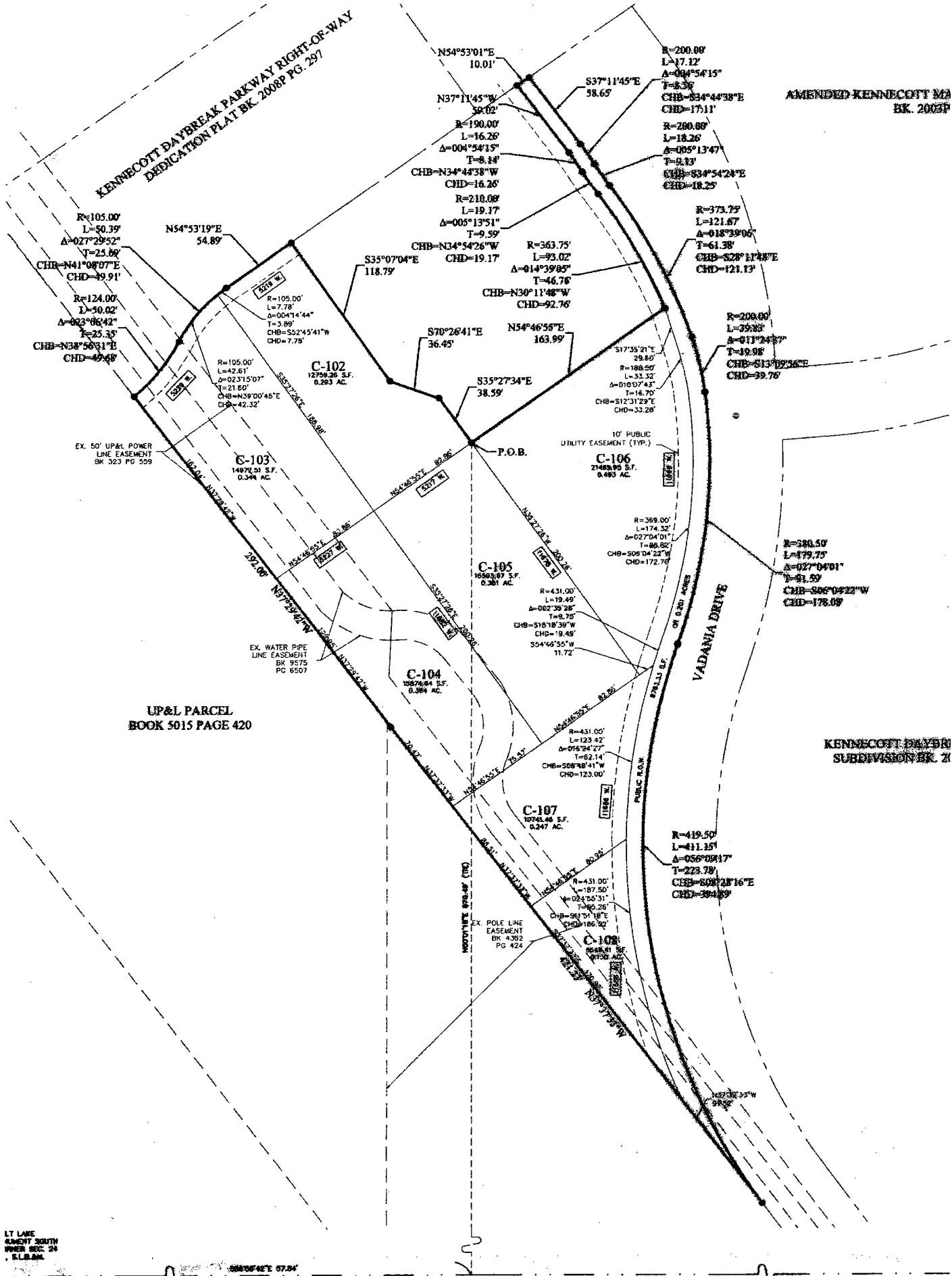


EXHIBIT A



KENNECOTT DAYBREAK PARKWAY RIGHT-OF-WAY
DEDICATION PLAT BK. 2008P PG. 297

AMENDED KENNECOTT MA
BK. 2003P

UP&L PARCEL
BOOK 5015 PAGE 420

KENNECOTT DAYBREAK
SUBDIVISION BK. 21

LT LAKE
ADJACENT SOUTH
UNDER SEC. 24
S.L.B.M.

BASE OF BEARING S89°50'42" 28779.82' (GEO TO MON)

Exhibit "A" Continued

BEG S 89°58'42" E 57.84 FT & N 0°01'18" E 970.49 FT FR S 1/4 COR SEC 24, T3S, R2W, SLM; N 35°27'34" W 38.59 FT; N 70°26'41" W 36.45 FT; N 35°07'04" W 118.79 FT; N 54°53'01" E 191.29 FT; S 37°11'45" E 59.02 FT; SE'LY 16.26 FT ALG A 190 FT RADIUS CURVE TO R (CHORD S 34°44'38" E 16.26 FT); SE'LY 19.17 FT ALG A 210 FT RADIUS CURVE TO L (CHORD S 34°54'26" E 19.17 FT); SE'LY 93.02 FT ALG A 363.75 FT RADIUS CURVE TO R (CHORD S 30°11'48" E 92.76 FT); S 54°46'55" W 163.99 FT TO BEG. (BEING PT OF LOT C-101 KENNECOTT DAYBREAK 11400/MVC SE COMMERCIAL #1).

LOTS C-102, C-103, C-104, C-105, C-106, C-107 AND C-108 KENNECOTT DAYBREAK AMENDED 11400/MVC SE COMMERCIAL #1 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER, STATE OF UTAH.