

**156484-CPI  
RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL  
DEED AND TAX STATEMENTS TO:**

**13922410 B: 11323 P: 809 Total Pages: 4  
03/30/2022 01:39 PM By: zjorgensen Fees: \$40.00  
SWD- SPECIAL WARRANTY DEED  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: COTTONWOOD TITLE INSURANCE AGENCY, INC.  
1996 EAST 6400 SOUTH SUITE 120 SALT LAKE CITY, UT 84121**

Holmes Homes, Inc.  
126 West Sego Lily Drive, Suite 250  
Sandy, UT 84070  
Attn: Patrick H. Holmes  
**Tax ID: Not Yet Assigned. PT of 26-22-102-001, ~~26-22-103-001~~, 26-22-127-001**

*26-22-103-002,*

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**SPECIAL WARRANTY DEED**

**VP DAYBREAK DEVCO LLC**, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Rd, Suite 201, 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 HOLMES 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.

**[SIGNATURES ON NEXT PAGE]**

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

**DATED:** March 29 2022      **GRANTOR:**

**VP DAYBREAK DEVCO LLC,**  
a Delaware limited liability company

By: Miller Family Real Estate, L.L.C.  
a Utah Limited Liability Company  
Its: Authorized Manager

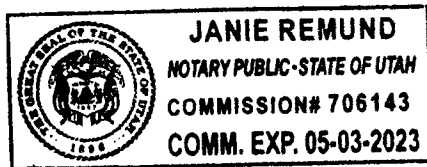
By: Tara Donnelly  
Name: Tara Donnelly  
Its: Director of Residential Contracts and Closings

## ACKNOWLEDGMENT

STATE OF UTAH )  
 )  
 ) :ss.  
 )  
COUNTY OF SALT LAKE )

On March 29, 2022, personally appeared before me, a Notary Public, Tara Donnelly, the Director of Residential Contracts and Closings for Miller Family Real Estate, L.L.C., a Utah 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.

[SEAL]



NOTARY PUBLIC

Exhibit A to Deed

**Legal Description**

Lots 284, 285, 286, 287, 288, 289, and 290 of that plat map entitled "DAYBREAK VILLAGE 12A PLAT 3 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED" recorded on March 16, 2022 as Entry No. 13912513, Book 2022P, at Page 81 of the Official Records of Salt Lake County, Utah.