

**162775-CPI
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
DEED AND TAX STATEMENTS TO:**

14023265 B: 11376 P: 1659 Total Pages: 4
09/29/2022 04:33 PM By: CSelman Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: COTTONWOOD TITLE INSURANCE AGENCY INC
1996 E 6400 S STE 120MURRAY, UT 841212162

Holmes Homes, Inc.
126 West Segoe Lily Drive, Suite 250
Sandy, UT 84070
Attn: Patrick H. Holmes
Tax ID: 26-22-179-015, 26-22-179-014, 26-22-179-013, 26-22-179-012, 26-22-179-011, 26-22-179-010

SPECIAL WARRANTY DEED

VP DAYBREAK DEVCO LLC, a Delaware limited liability company, with its principal office at 9350 South 150 East, Suite 140, Sandy, Utah 84070-2721 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: September 22 2022 **GRANTOR:**

VP DAYBREAK DEVCO LLC,
a Delaware limited liability company

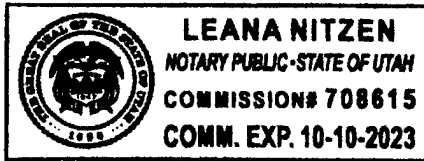
By: Miller Family Real Estate, L.L.C.
a Utah Limited Liability Company
Its: Authorized Manager

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

ACKNOWLEDGMENT

STATE OF UTAH)
)
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COUNTY OF SALT LAKE)

On September 02, 2022, personally appeared before me, a Notary Public, Tara B. 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]

Tara B. Donnelly

NOTARY PUBLIC

Exhibit A to Deed

Legal Description

Lots 166, 167, 168, 169, 170, and 171 of that plat map entitled "DAYBREAK VILLAGE 12A PLAT 1 AMENDING LOT V5 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED AND LOT Z101 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1" recorded on September 7, 2021, as Entry No. 13765628, Book 2021P, Page 223 of the Official Records of Salt Lake County, Utah.