

Prepared by and return to:

Donna Prete

M.D.C. Holdings, Inc.

4350 South Monaco Street, #500

Denver, Colorado 80237

Tax Id No.: 05-027-0-0029, 05-034-0-0064, 05-034-0-0081, 05-034-0-0104, 05-034-0-0105, 05-034-0-0106
and 21-068-0-0601

PARTIAL ASSIGNMENT OF DECLARANT'S RIGHTS

THIS PARTIAL ASSIGNMENT OF DECLARANT'S RIGHTS ("Assignment") is executed as of August 28, 2024, by **PENELOPE ROSE, LLC**, a Utah limited liability company ("Assignor"), and **RICHMOND AMERICAN HOMES OF Utah, Inc.**, a Colorado corporation ("Assignee").

RECITALS

A. Assignor, as the Declarant, executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for the Wild Horse Ranch Subdivision, recorded April 17, 2016, as Entry No. 428036 in the Official Records of the Office of the Tooele County Recorder (as amended, the "**Declaration**").

B. Assignor, as Seller, and Assignee, as Purchaser, have executed that certain Purchase and Sale Agreement (Wild Horse Ranch Phases 13-16) dated effective as of May 2, 2024 (as may be amended, the "**Purchase and Sale Agreement**"), which provides for the sale by Assignor and the purchase by Assignee, upon the terms and conditions set forth therein, of the single-family detached lots more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "**Lots**"), which Lots are subject to the Declaration.

C. As a condition to its agreement to proceed with the purchase of the Lots, Assignee has requested a partial assignment of certain of Declarant's rights under the Declaration, as authorized by the definition of the term "Declarant" in the Declaration, and Assignor has agreed to make such partial assignment upon and subject to the terms set forth in this Assignment.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged and affirmed, Assignor and Assignee agree as follows:

1. The above Recitals are incorporated into and are made a part of this Assignment by this reference.

2. Assignor hereby assigns and transfers to Assignee Assignor's rights and/or exemptions as Declarant under the following Sections under the Declaration as to the Lots conveyed to Assignee: Sections 5.4, 5.6(a), 5.10, 5.19, 8.2, 8.3(c).

3. In accordance with the definition of the term "Declarant" in the Declaration, Assignee shall not be deemed to be the Declarant under the Declaration, but may exercise those rights of the Declarant that have been assigned to it in accordance with this Assignment. Accordingly, Assignor expressly retains all of its rights as the Declarant and Assignee shall not be deemed to have assumed any of the duties or obligations of the Declarant in accordance with the Declaration.

4. Nothing contained in the Assignment shall affect the rights and obligations of Assignor and Assignee in accordance with the terms of the Purchase and Sale Agreement, which agreement shall remain in full force and effect in accordance with its terms. If there is any inconsistency between the terms of this Assignment and the terms of the Purchase and Sale Agreement, the terms of the Purchase and Sale Agreement shall control and govern the rights and duties of Assignor and Assignee.

5. Subject to the foregoing restriction, this Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

6. This Assignment shall be governed by and shall be construed in accordance with the laws of the State of Utah.

7. This Assignment may be executed in counterparts and the signature pages combined to constitute one document.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the date first above written.

ASSIGNOR:

PENELOPE ROSE, LLC,
a Utah limited liability company

By: Micah W. Peters
Signed with Stavvy

Name: Micah W. Peters

Title: Manager

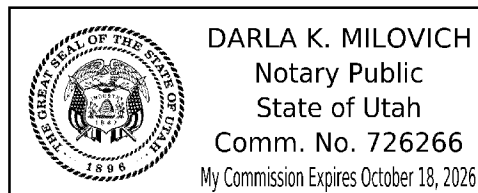
STATE OF UTAH)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this 28th day of August, 2024, by Micah W. Peters, in his capacity as Manager of Penelope Rose, LLC, a Utah limited liability company. This act was performed via remote online audio-visual communication.

Darla K. Milovich
Signed with Stavvy

Notary Public


My commission expires:
10/18/2026



Notarized remotely via audio/video communication using Stavvy

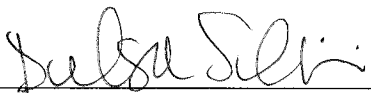
ASSIGNEE:

**RICHMOND AMERICAN HOMES OF UTAH,
INC.,** a Colorado corporation

By: 
Name: PAUL J. PETERSON
Title: REGIONAL PRESIDENT

STATE OF Utah)
)
County of Salt Lake) ss.

The foregoing instrument was acknowledged before me this 28 day of August, 2024, by Paul J. Peterson, Regional President.


Notary Public

My commission expires:
June 17, 2025

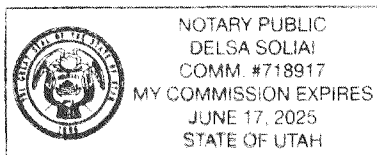


EXHIBIT "A"**LEGAL DESCRIPTION OF PROPERTY****PARCEL 1:**

Proposed WILD HORSE RANCH PHASE 13, being more particularly described as follows:

A portion of the SW1/4 of Section 9 and the NW1/4 of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the Southeasterly line of that Real Property described in Deed Entry No. 335721 of the Official Records of Tooele County located S89°42'06"W along the Section line 717.38 feet and South 95.03 feet from the North 1/4 Corner of Section 16, T1S, R4W, SLB&M; thence along said deed the following (2) two courses: 1) N27°19'59"E 585.85 feet; 2) N50°41'33"W 54.00 feet to the southerly line of that Real Property described in Deed Entry No. 380004 of the Official Records of Tooele County; thence N38°59'38"E along said deed 488.99 feet to the southerly line of that Real Property described in Deed Entry No. 329649 of the Official Records of Tooele County; thence S74°38'58"E along said deed 46.17 feet; thence S06°52'01"W 268.49 feet; thence Easterly along the arc of a non-tangent curve to the right having a radius of 130.00 feet (radius bears: S06°52'01"W) a distance of 7.69 feet through a central angle of 03°23'24" Chord: S81°26'16"E 7.69 feet; thence S79°44'34"E 29.75 feet; thence S10°15'26"W 60.00 feet; thence S14°35'31"W 100.29 feet; thence S27°18'58"W 457.27 feet; thence S09°07'10"E 16.72 feet; thence S26°51'57"E 160.00 feet; thence S63°08'03"W 96.60 feet; thence S70°35'46"W 112.27 feet; thence S24°05'51"E 114.48 feet; thence N63°08'36"E 22.95 feet; thence S26°51'45"E 160.24 feet; thence N63°08'19"E 163.48 feet; thence S26°51'41"E 80.00 feet to the Northwesterly line of Lot 231, OLD MILL P.U.D. Phase 2, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence along said plat the following (3) three courses: 1) S63°08'19"W 140.58 feet; 2) S26°51'41"E (plat: S26°51'57"E) 82.00 feet; 3) S54°40'48"E (plat: S54°41'04"E) 9.84 feet to the northerly right-of-way line of Porter Way as described and dedicated as part of STARSIDE PHASE 2-PARCEL 9 P.U.D. according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence S62°48'02"W (plat: S62°47'46"W) along said plat 270.65 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 23.70 feet through a central angle of 90°32'03" Chord: N71°55'57"W 21 31 feet; thence N26°39'55"W 59.32 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 23.56 feet through a central angle of 90°00'00" Chord: N18°20'05"E 21.21 feet; thence N26°39'55"W 80.00 feet; thence S63°20'05"W 153.87 feet; thence N00°49'35"W 571.61 feet to the point of beginning.

And also a portion of the NW1/4 of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located S89°42'06"W along the Section line 596.01 feet and South 716.71 feet from the North 1/4 Corner of Section 16, T1S, R4W, SLB&M; thence S26°39'55"E 60.16 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 23.42 feet through a central angle of 89°27'57" Chord: S18°04'03"W 21.11 feet to the northerly right-of-way line of Porter Way as described and dedicated as part of STARSIDE PHASE 2-PARCEL 9 P.U.D. according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence S62°48'02"W along said right-of-way and extension thereof 222.61 feet; thence N27°10'09"W 18.60 feet; thence S62°34'10"W 21.27 feet to the Southerly right-of-way line of Castle Rock Drive, according to the Official Road Dedication Plat Entry No. 557967, recorded on 10/21/21 in the Office of the Tooele County Recorder; thence along said right-of-way the following three (3) courses: (1) Northeasterly along the arc of a non-tangent curve to the left having a radius of 194.00 feet (radius bears: N45°51'46"W) a distance of 82.40 feet through a central angle of 24°20'06" Chord: N31°58'12"E 81.78 feet; to a point of reverse curvature; (2) thence along the arc of a curve to the right having a radius of 114.00 feet a distance of 86.62 feet through a central angle of 43°31'56" Chord: N41°34'07"E 84.55 feet; (3) thence N63°20'05"E 95.54 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 23.56 feet through a central angle of 90°00'00" Chord: S71°39'55"E 21.21 feet to the point of beginning.

PARCEL 2:

Proposed WILD HORSE RANCH PHASE 14 SUBDIVISION, being more particularly described as follows:

A portion of the SW1/4 & SE1/4 of Section 9 and the NW1/4 & NE1/4 of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located S89°42'06"W along the Section line 303.99 feet and South 169.32 feet from the North 1/4 Corner of Section 16, T2S, R4W, SLB&M; thence N26°51'57"W 160.00 feet; thence N09°07'10"W 16.72 feet; thence N27°18'58"E 457.27 feet; thence N14°35'31"E 100.29 feet; thence N10°15'26"E 60.00 feet; thence N79°44'34"W 29.75 feet; thence along the arc of a curve to the left with a radius of 130.00 feet a distance of 7.69 feet through a central angle of 03°23'24" Chord: N81°26'16"W 7.69 feet; thence N06°52'01"E 268.49 feet to the Southerly line of that Real Property described in Deed Entry No. 329649 of the Official Records of Tooele County; thence along said deed the following (4) four courses: 1) S74°38'58"E 35.53 feet; 2) S45°00'50"E 114.41 feet; 3) East 248.35 feet; 4) S73°30'11"E 25.62 feet; thence S05°05'45"W 191.55 feet; thence S83°46'15"W 47.38 feet; thence S17°11'43"E 149.43 feet; thence S79°40'24"W 11.64 feet; thence S63°08'03"W 11.25 feet; thence S26°51'57"E 100.00 feet; thence N63°08'03"E 30.22 feet; thence S26°51'57"E 160.00 feet; thence S63°08'03"W 736.69 feet to the point of beginning.

PARCEL 3:

Proposed WILD HORSE RANCH PHASE 15 SUBDIVISION, being more particularly described as follows:

A portion of the SE1/4 of Section 9 and the NW1/4 & NE1/4 of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located S89°42'06"W along the Section line 496.06 feet and South 249.27 feet from the North 1/4 Corner of Section 16, T2S, R4W, SLB&M; thence N70°35'46"E 112.27 feet; thence N63°08'03"E 974.27 feet; thence S26°51'57"E 13.79 feet; thence N63°08'03"E 100.00 feet; thence S26°51'57"E 146.17 feet; thence S63°08'36"W 19.49 feet; thence S26°51'57"E 100.14 feet; thence S63°08'19"W 65.51 feet; thence S26°51'41"E 80.00 feet to the Northwesterly line of OLD MILL P.U.D. Phase 1, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence along said plat S63°08'19"W 919.70 feet to and along the Northwesterly line of OLD MILL P.U.D. Phase 2, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence N26°51'41"W 80.00 feet; thence S63°08'19"W 163.48 feet; thence N26°51'45"W 160.24 feet; thence S63°08'36"W 22.95 feet; thence N24°05'51"W 114.48 feet to the point of beginning.

PARCEL 4:

Proposed WILD HORSE RANCH PHASE 16 SUBDIVISION, being more particularly described as follows:

A portion of the SE1/4 of Section 9 and the NE1/4 of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located N89°56'09"E along the Section line 353.18 feet and North 161.61 feet from the North 1/4 Corner of Section 16, T2S, R4W, SLB&M (Basis of Bearing: S89°42'06"W along the Section line between the North 1/4 Corner and Northwest Corner of said Section 16); thence N26°51'57"W 160.00 feet; thence S63°08'03"W 30.22 feet; thence N26°51'57"W 100.00 feet; thence N63°08'03"E 11.25 feet; thence N79°40'24"E 11.64 feet; thence N17°11'43"W 149.43 feet; thence N83°46'15"E 47.38 feet; thence N05°05'45"E 191.55 feet to the Southerly line of that Real Property described in Deed Entry No. 329649 of the Official Records of Tooele County; thence along said deed the following (15) fifteen courses: 1) S73°30'11"E 55.76 feet; 2) N30°35'29"E 73.82 feet; 3) N87°23'55"E 63.64 feet; 4) S46°08'14"E 104.21 feet; 5) N66°48'41"E 66.02 feet; 6) N26°34'34"E 64.60 feet; 7) S72°15'48"E 151.71 feet; 8) S23°45'35"E 78.90 feet; 9) S40°29'59"E 155.75 feet; 10) S04°16'06"W 64.08 feet; 11) S50°43'27"E 36.15 feet; 12) N86°49'18"E 45.87 feet; 13) S48°41'18"E 196.47 feet; 14) S15°26'26"E 84.25 feet; 15) S57°55'49"E 108.70 feet to a point on the Northeasterly extension of the Northwesterly line of OLD MILL P.U.D. Phase 1, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence along said plat S63°08'19"W 596.40 feet; thence N26°51'41"W 80.00 feet; thence N63°08'19"E

65.51 feet; thence N26°51'57"W 100.14 feet; thence N63°08'36"E 19.49 feet; thence N26°51'57"W 146.17 feet; thence S63°08'03"W 100.00 feet; thence N26°51'57"W 13.79 feet; thence S63°08'03"W 140.98 feet to the point of beginning.

PARCEL 5:

Lot 601, WILD HORSE RANCH SUBDIVISION PHASE 6, according to the official plat thereof as recorded in the office of the Tooele County Recorder on March 24, 2021 as Entry No. 539141.