

FORM OF DEED

RECORDING REQUESTED BY:

HOLMES HOMES, INC.

AND WHEN RECORDED MAIL  
DEED AND TAX STATEMENTS TO:

Holmes Homes, Inc.  
45 West 10000 South, Suite 206  
Sandy, Utah 84070  
Attn: Patrick H. Holmes  
Telephone: (801) 572-6363  
Telecopy: (801) 572-6598

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08/10/2004 12:31 PM \$39.00  
Book - 9024 Pg - 1801-1804  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: SEM, DEPUTY - WI 4 P.

SPECIAL WARRANTY DEED

**KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**, a Delaware corporation, with its principal office at 5295 South 300 West, Suite 475, Murray, 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.

THE TALON GROUP  
LS# NCS 100121 - SLC

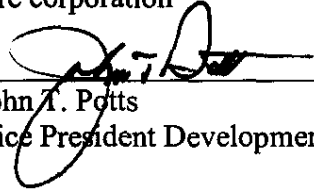
**IN WITNESS WHEREOF**, Grantor has caused its duly authorized representative to execute this instrument as of the date hereinafter written.

**DATED: August 10, 2004**

**GRANTOR:**

**KENNECOTT LAND RESIDENTIAL  
DEVELOPMENT COMPANY**  
a Delaware corporation

By: \_\_\_\_\_

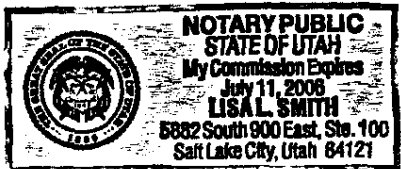
  
John T. Potts  
Vice President Development

**ACKNOWLEDGMENT**

STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

On August 10, 2004, personally appeared before me, a Notary Public, John T. Potts, the Vice President Development of **KENNECOTT LAND RESIDENTIAL DEVELOPMENT 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 **KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY**.

WITNESS my hand and official Seal.



Lisa L. Smith  
Notary Public in and for said State

My commission expires: \_\_\_\_\_

[SEAL]

**EXHIBIT A TO DEED**

**Legal Description**

Lots 21 through 44, inclusive, of that certain map entitled "Daybreak Townhome 1 Subdivision being Parcel A & B Amended Kennecott Daybreak Phase 1 Subdivision" recorded on July 21, 2004 as Entry No. 9125568, in Book 2004P, beginning at Page 198 of the Official Records of Salt Lake County.

Tax Parcel #s 27-19-383-001