

E 142020 B 336 P 1233

Date: 06-Jul-2017 12:01PM

Fee: \$111.00 ACH

Filed By: CB

BRENDA NELSON, Recorder

MORGAN COUNTY

For: COTTONWOOD TITLE INSURANCE AGENCY, II
Recorded Electronically by Simplifile

WHEN RECORDED MAIL TO:

Maynard, Cooper & Gale, P.C.
1901 6th Avenue N, Ste 2400
Birmingham, Alabama 35203

SECOND TAX NOTICES TO:

Clayton Properties Group II, Inc.
5000 Clayton Road
Maryville, Tennessee 37804

File No.: 93259-TF

SPECIAL WARRANTY DEED

In Reference to Tax ID Number(s):

00-0075-1101, Serial No. 03-WHRID1-0101, 00-0075-1134, Serial No. 03-WHRID1-0134, 00-0075-1135,
Serial No. 03-WHRID1-0135, 00-0003-3330, Serial No. 03-005-015 and 00-0005-3056, Serial No.
03-005-015-01

WHEN RECORDED RETURN TO:

Maynard, Cooper & Gale, P.C.
1901 6th Ave. N, Ste 2400
Birmingham, Alabama 35203
Attention: Lee Sheppard, Esq.

SECOND TAX NOTICES TO:

Clayton Properties Group II, Inc.
5000 Clayton Road
Maryville, Tennessee 37804

Space above for County Recorder's use

SPECIAL WARRANTY DEED

OAKWOOD HOMES OF UTAH LLC, a Delaware limited liability company ("**Grantor**"), hereby **CONVEYS AND WARRANTS** only as against all claiming by, through or under Grantor, but not otherwise, to **CLAYTON PROPERTIES GROUP II, INC.**, a Colorado corporation, d/b/a Oakwood Homes, with an address of 5000 Clayton Road, Maryville, Tennessee 37804 ("**Grantee**"), for the sum of Ten and No/100 Dollars and other good and valuable consideration, the following described real property (the "**Property**"), which is located in Morgan County, State of Utah, and is more particularly described as follows:

See attached Exhibit "A",

SUBJECT TO those matters set forth on Exhibit "B" (the "**Permitted Encumbrances**").

(Signature appears on the following page)

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WITNESS the hand of said Grantor this 3rd day of July, 2017.

GRANTOR:

OAKWOOD HOMES OF UTAH LLC,
a Delaware limited liability company

By: *Patrick H. Hamill*
Name: Patrick H. Hamill
Title: Chief Executive Officer

STATE OF COLORADO)
COUNTY OF Denver)ss:

The foregoing instrument was acknowledged before me this 3rd day of July, 2017, by Patrick H. Hamill, the Chief Executive Officer of Oakwood Homes of Utah LLC, a Delaware limited liability company, on behalf of said limited liability company.

TIMOTHY M. KILLCOYNE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064025635
MY COMMISSION EXPIRES JULY 03, 2018

T Killcoyne
Notary Public

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EXHIBIT A

(Legal Description)

PARCEL 1:

Lots 101, 134 and 135, WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION, PRUD, according to the official plat thereof on file and of record in the Morgan County Recorder's office, recorded August 6, 2007 as Entry No. 108750 in Book 251 at Page 698.

TOGETHER WITH a right and easement of use and enjoyment in and to the Common Areas and Facilities as described and provided for in the Declaration of Covenants, Conditions and Restrictions and in the Record of Survey Map in the official records of said County Recorder.

PARCEL 2:

The North 495 feet of the Southeast quarter of the Southwest quarter of Section 22, Township 5 North, Range 1 East, Salt Lake Base and Meridian, also described as:

Beginning at a point which is West 1319.87 feet and North 825.00 feet from the South quarter corner of Section 22, Township 5 North, Range 1 East, Salt Lake Base and Meridian and running thence North 484.85 feet; thence North 89°24'46" East 1308.02 feet; thence South 00°30'57" East 498.31 feet; thence West 1312.44 feet to the point of beginning.

TOGETHER WITH a right of way being 30.0 feet on each side of and parallel to the following described centerline as disclosed by that certain Quit Claim Deed recorded February 3, 1995 as Entry No. 67446 in Book M110 at Page 319 of official records:

Beginning at a point South 0°07'42" East 2381.14 feet from the North quarter corner of Section 27, Township 5 North, Range 1 East and running thence North 83°07'06" West 309.82 feet; thence North 61°41'45" West 276.93 feet; thence North 14°05'39" West 249.88 feet; thence North 15°11'39" East 289.68 feet; thence North 03°13'12" East 241.46 feet; thence North 08°55'36" West 576.65 feet; thence North 11°06'18" West 228.19 feet; thence North 18°20'33" West 422.69 feet; thence North 30°13'48" East 130.31 feet; thence North 140.2 feet.

ALSO TOGETHER WITH a right of way appurtenant to Parcel 2, 30 feet wide, being 5 feet East of and 25 feet West of the centerline of an existing water pipe line running through said property as disclosed by that certain Quit Claim Deed recorded February 3, 1995 as Entry No. 67446 in Book M110 at Page 319 of official records.

ALSO:

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(Property North of Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD)

This parcel being located in Section 22 and 27, Township 5 North, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the South quarter corner of Section 22, Township 5 North, Range 1 East, Salt Lake Base and Meridian and running thence South 00°13'58" West along the quarter section line 1378.05 feet; thence East 11.15 feet; thence South 00°34'30" West 319.37 feet; thence South 15°05'17" East 136.51 feet; thence South 15°05'11" East 452.73 feet; thence South 15°10'00" East 135.77 feet; thence South 38°15'00" East 75.00 feet; thence South 41°30'00" West 29.88 feet; thence North 75°07'24" West 171.95 feet; thence South 43°33'36" West 34.13 feet; thence Southeasterly 59.18 feet along a 144.50 foot radius curve to the left, chord bears South 12°37'47" East for 58.77 feet; thence Southeasterly 22.13 feet along a 111.80 foot radius curve to the right, chord bears South 18°41'02" East for 22.09 feet; thence South 13°01'24" East 637.50 feet to a UDOT right of way line; thence South 70°33'08" West 27.56 feet along said UDOT right of way line; thence South 77°57'06" West 147.20 feet along said UDOT right of way line; thence Southeasterly 231.51 feet along a 1372.40 foot radius curve to the right (chord bears South 82°47'04" West for 231.23 feet along said UDOT right of way line; thence Northerly along the centerline of Strawberry Creek the following 2 courses: North 21°44'52" East 55.70 feet; thence North 41°08'45" East 49.10 feet; thence North 02°16'28" West 54.97 feet to a point on the Westerly line of Strawberry Creek; thence along said Westerly line the following three courses: North 32°46'31" East 29.48 feet; thence North 45°01'22" East 81.05 feet; thence North 04°25'28" East 38.25 feet; thence North 00°22'15" East 97.89 feet to a

point on the centerline of said Strawberry Creek; thence along said centerline the following four courses: North 16°49'50" West 38.94 feet; thence North 01°38'14" West 48.79 feet; thence North 17°41'20" West 61.16 feet; thence North 17°37'52" East 16.45 feet; thence leaving said centerline and running South 89°22'05" East 132.01 feet; thence North 13°01'24" West 160.43 feet; thence North 00°13'58" East 170.02 feet; thence North 82°45'25" West 309.81 feet; thence North 61°20'04" West 276.93 feet; thence North 13°43'58" West 249.88 feet; thence North 15°33'20" East 289.68 feet; thence North 03°40'30" East 242.04 feet; thence North 08°19'22" West 578.89 feet; thence North 10°32'01" West 228.19 feet; thence North 17°42'21" West 200.95 feet; thence North 17°45'20" West 223.07 feet; thence North 30°49'15" East 130.31 feet; thence North 00°35'27" East 140.20 feet to the section line; thence North 89°24'33" West 607.26 feet; thence North 00°35'27" East 824.97 feet; thence South 89°24'33" East 1312.44 feet; thence South 00°04'30" West 825.00 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM that portion lying Easterly of the line as described in Boundary Line Agreements recorded as Entry Nos. 108328, 108329, 108330, 108331, 108743,

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108744, 108745 and 108746, said land lying East of said boundary lines was also reconveyed by a Partial Reconveyance recorded in Book 250 at Page 113.

ALSO LESS: All of Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD, according to the official plat thereof and of record in the Morgan County Recorder's office.

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EXHIBIT B

(Permitted Encumbrances)

1. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 00-0075-1101, Serial No. 03-WHRID1-0101. (affects Lot 101)

Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 00-0075-1134, Serial No. 03-WHRID1-0134. (affects Lot 134)

Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 00-0075-1135, Serial No. 03-WHRID1-0135. (affects Lot 135)

2. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 00-0003-3330, Serial No. 03-005-015.

3. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 00-0005-3056, Serial No. 03-005-015-01.

4. Property lies within the boundaries of Morgan County, Weber Basin Water Conservancy District, Mountain Green Fire Protection District and the Mountain Green Sewer Improvement District, and is subject to any and all charges and assessments levied thereunder.

5. Easements, notes and restrictions as shown on the recorded plat for Whisper Ridge at Stone Canyon Phase 1 Subdivision, PRUD, recorded August 6, 2007 as Entry No. 108750 in Book 251 at Page 698.

6. Right of Way Easement in favor of the Mountain States Telephone and Telegraph Company, to construct, operate, maintain and remove communication equipment and other facilities, from time to time, upon over, under and across a portion of the subject property, recorded May 8, 1973, as Entry No. 39526, in Book M12, at Page 345.

7. Easement in favor of Dean Morgan, Helen Morgan, Leroy M. Kapp, Colleen R. Kapp, Max T. Robinson, Elizabeth D. Robinson, John F. Stucki and Wanda H. Stucki for a secondary water line over, across or through said property and incidental purposes, by instrument recorded June 3, 1982, as Entry No. 48463, in Book M36, at Page 420. (exact location not disclosed)

8. Easements as reserved in that certain Special Warranty Deed wherein Wells D. Robinson appears as Grantor and Centerville Partners appears as Grantee recorded May 2, 2007 as Entry No. 107385 in Book 246 at Page 875 of official records.

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9. Water Line Easement in favor of Highlands Water Company for a perpetual easement for the purpose of constructing and maintaining thereon a culinary water line and appurtenant parts thereof and incidental purposes, by instrument dated July 3, 2007 and recorded July 3, 2007, as Entry No. 108291, in Book 250, at Page 27.

10. Agreement for Access Easement by and between David Tolman, an individual, Richard Lloyd, an individual and Oakwood Homes of Utah, LLC, dated January 28, 2016 and recorded January 28, 2016 as Entry No. 137266 in Book 324 at Page 1834.

11. Note of Prescriptive Easement wherein Michael N. Cragun does hereby assert and claim prescriptive easement over and across a portion of said property, dated August 22, 2016 and recorded August 22, 2016 as Entry No. 139093 in Book 329 at Page 1099.

12. Right of Way for Strawberry Creek running through the herein described property, and any facilities appurtenant thereto, including but not limited to, water pipelines and ditches, as the same may be found to intersect the herein described land, together with any rights or asserted rights in and to said Creek or pertaining to the use and maintenance of said Creek. The Company further excepts any adverse claim based on (i) the assertion that some of the boundaries of the herein described land have been affected by a change in the course of said Creek; (ii) the uncertainty of the boundaries of said Creek; and (iii) the assertion that the land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.

13. Reservations, Protective Covenants, Conditions and Restrictions as contained in the patent from the United States of America, but deleting any covenant condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate Title 42, USC 3604. Recorded May 10, 1897 as Entry No. 1401 in Book F at Page 576.

14. Reservations contained in that certain Warranty Deed from the Union Pacific Railroad to J.H. Robinson recorded November 10, 1928 as Entry No. 13998 in Book L at Page 437. (exact location not disclosed)

15. Reservation to Ostler Land and Livestock Company, a corporation, its successors and assigns, a right of way for wagons, horse and vehicles, including trucks, to the adjoining property owned by the Grantor, this right of way, however, not to include the passage of livestock, and incidental purposes, as reserved in Special Warranty Deed recorded October 30, 1959 as Entry No. 30134 in Book R at Page 323.

16. Whisper Ridge at Stone Canyon Development Agreement, dated July 27, 2007 and recorded August 6, 2007 as Entry No. 108742 in Book 251 at Page 617.

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Amended January 22, 2014 as Entry No. 131288 in Book 310 at Page 1709.

Amended January 12, 2016 as Entry No. 137118 in Book 324 at Page 1299.

17. Protective Covenants, Conditions and Restrictions, but deleting any covenant condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate Title 42, USC 3604. Recorded June 25, 2008 as Entry No. 112595 in Book 265 at Page 862.

Assignment and Quit Claim Conveyance recorded October 3, 2012 as Entry No. 127141 in Book 300 at Page 1885.

Amended December 11, 2012 as Entry No. 127826 in Book 302 at Page 1425.

Assignment of Declarant's Rights recorded December 11, 2012 as Entry No. 127827 in Book 302 at Page 1466.

Assignment of Declarant Rights for Whisper Ridge at Stone Canyon in favor of Oakwood Homes of Utah LLC, a Delaware limited liability company, recorded April 28, 2014 as Entry No. 131916 in Book 312 at Page 512.

Amended November 18, 2014 as Entry No. 133409 in Book 315 at Page 1848.

18. Notice of Reinvestment Fee Covenant in favor of Whisper Ridge at Stone Canyon Association, dated March 19, 2013 and recorded March 19, 2013 as Entry No. 128688 in Book 304 at Page 1593.

19. Affidavit Address Correction wherein the address for said property has been changed from 5631 North Whisper Ridge Parkway to 5631 North Robinson Lane, dated September 10, 2013 and recorded September 10, 2013 as Entry No. 130346 in Book 308 at Page 1280. (affects Lot 101)

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