When Recorded Return To:
Robert A. McConnell
PARR WADDOUPS BROWN GEE & LOVELESS
185 South State Street, Suite 1300
Salt Lake City, Utah 84111

Ent 106182 Bk 242 Pg 386
Date: 26-JAN-2007 5:00PM
Fee: \$49.00 Check
Filed By: BDN
BRENDA HELSON, Recorder
MORGAN COUNTY
For: MOUNTAIN VIEW TITLE & ESCROW I

## NOTICE OF OPTION—CLAIM OF INTEREST

1. Gardner Cottonwood Creek, L.C., a Utah limited liability company ("Gardner"), hereby gives notice, pursuant to the provisions of Section 57-9-4 of the Utah Code, of an interest in the real property described as:

#### SEE ATTACHED EXHIBIT A

- 2. Gardner's claim of interest is made pursuant to that certain Option Agreement, dated June 16, 2004, between Gardner, as Buyer, and Wilkinson Family Farm, L.L.C., a Utah limited liability company, as Seller ("Option Agreement").
- 3. Inquiries regarding this Notice of Option--Claim of Interest may be made at the applicable party's registered office that is on file with the Utah Department of Commerce, Division of Corporations and Commercial Code.

Dated this <u>L</u> day of January 2007

Gardner Cottonwood Creek, L.C., a

Utah limited liability company
By: Fuc. I'm many on
Rulon C. Gardner, Manager
STATE OF UTAH

: ss COUNTY OF SACT LAKE

On the <u>26</u> day of January, 2007, personally appeared before me Rulon C. Gardner, the signer of the foregoing instrument, who duly acknowledged to me that he executed same on behalf of Gardner Cottonwood Creek, L.C., having authority to so do, and that Gardner Cottonwood Creek, L.C. acknowledges the same.

NOTARY PUBLIC State of Utah

(seal)

03-005-108

# EXHIBIT A TO NOTICE OF OPTION—CLAIM OF INTEREST

(Legal Description of Property)

A parcel of land located in Sections 19, 20, 29 and 30 in Township 5 North, Range 2 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at the Center of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian, (Basis of bearing being South 88°42'14" East 1341.72 feet between the Center of Section and the South 1/4 corner of the Northeast corner of said Section 30) and running thence South 88°42'14" East 1336.65 feet; thence North 00°42'36" West 335.14 feet; thence North 76°23'47" East 32.94 feet; thence North 03°35'20" East 116.35 feet; thence North 00°57'41" West 470.92 feet; thence North 03°06'28" West 450.19 feet; thence North 03°10'42" West 248.07 feet; thence North 04°55'12" West 217.84 feet; thence South 85°04'48" West 42.16 feet; thence North 40°53'26" West 290.14 feet; thence North 32°23'57" West 139.58 feet; thence North 08°06'21" West 485.48 feet; thence South 89°29'51" West 20.18 feet; thence North 08°06'21" West 245.91 feet to a point of curvature of a 230.00 foot radius curve to the left, the center of which bears South 81°53'39" West; thence Northerly and Westerly along the arc of said curve 491.23 feet through a central angle of 122°22'16"; thence South 49°31'23" West 38.55 feet to a point of curvature of a 347.42 foot radius curve to the left, the center of which bears South 40°28'38" East; thence Southwesterly along the arc of said curve 118.83 feet through a central angle of 19°35'49"; thence South 29°55'33" West 313.18 feet; thence North 88°55'15" West 257.09 feet; thence North 46°46'42" East 2516.58 feet; thence North 43°13'18" West 239.61 feet; thence North 63°52'59" East 599.66 feet; thence North 52°17'58" East 568.66 feet; thence North 00°10'45" West 1266.12 feet; thence North 55°46'39" East 2698.42 feet; thence South 89°40'57" East 3160.13 feet; thence South 38°44'36" West 3015.81 feet; thence South 08°00'08" West 2521.21 feet; thence South 70°45'46" East 639.64 feet; thence South 30°41'13" West 1174.86 feet; thence South 39°58'09" West 970.07 feet; thence South 55°28'09" West 1050.90 feet; thence South 65°28'09" West 323.36 feet; thence South 73°18'09" West 389.10 feet; thence South 44°04'10" West 432.30 feet; thence South 89°48'23" West 660.00 feet; thence South 00°25'51" East 2606.16 feet; thence South 00°42'11" West 3391.42 feet; thence South 80°42'47" West 1557.72 feet to a point on a non tangent 2353.60 foot radius curve to the left, the center of which bears South 78°24'09" West; thence Northwesterly along the arc of said curve 1900.32 feet through a central angle of 46°15'40" to a point of non tangent compound curvature of a 752.56 foot radius curve to the right, the center of which bears North 33°21'13" East; thence Northwesterly along the arc of said curve 594.31 feet through a central angle of 45°14'52"; thence North 01°51'26" West 738.77 feet; thence North 09°47'07" West 170.00 feet; thence North 79°47'56" East 25.81 feet; thence North 01°53'19" West 403.69 feet; thence South 79°57'31" West 219.14 feet; thence North 07°29'19" West 973.52 feet; thence South 60°32'47" West 791.18 feet to a point on the right-of-way line of Old Highway 30; thence along said right-of-way line

North 44°07'19" West 1159.71 feet to the Southwest corner of the Caton Investment Co. - Book M92 Page 388 as recorded in the Morgan County recorders Office; thence leaving said right-of-way line and along said property line North 45°53'37" East 200.00 feet to the Southeast corner of said property; thence North 44°06'23" West 200.00 feet to the Northeast corner of said property, said point being on the south property line of the Church of Jesus Christ of Latter Day Saints – Entry No. 31367 as recorded in the Morgan County recorders Office; thence along said property line North 45°53'37" East 49.95 feet to the southeast corner of said property; thence North 44°06'23" West 7.65 feet to a point on the South line of Rose Hill Subdivision Phase 1 as recorded in the Morgan County Recorders office; thence along Rose Hill Subdivision Phases 1, 2, and 3 the following ten calls (1)thence North 56°14'35" East 557.97 feet; (2)thence North 59°31'30" East 626.22 feet; (3)thence North 67°30'25" East 38.59 feet; (4)thence North 27°31'12" East 17.84 feet; (5)thence North 45°15'38" East 151.85 feet; (6)thence North 29°29'27" East 81.04 feet; (7)thence North 19°52'05" East 84.07 feet; (8)thence North 06°29'04" East 130.57 feet; (9)thence North 64°53'04" East 64.25 feet; (10)thence North 17°11'38" East 258.66 feet to a point on the center of section line and on the South line of the Silver Stone Subdivision as recorded in the Morgan County Recorders Office; thence along said center of section line South 88°42'14" East 731.88 feet to the point of beginning.

Containing 52,074,130 square feet or 1,194.458 Acres more of less.

Less and Excepting therefrom, the following described tracts of land previously conveyed to Buyer:

Phase I, Phase II, Phase III-a, Phase IV-a, Phase III-b, Gravel Pit #1 and #2, and Wilkinson Reservoir.

# Phase 1

A parcel of land located in the Southwest Quarter of Section 30, Township 5 North, Range2 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point which is South 88°42'14" East 620.66 feet and North 01°17'46" East 1385.08 feet from the West ¼ Corner of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian, (Basis of bearing being South 88°42'14" East 2731.52 feet between the West 1/4 Corner and the Center of said Section 30) and running thence North 46°00'00" East 46.99 feet; thence along Rose Hill Subdivision Phases 1, 2, and 3 the following twelve calls (1) thence North 56°14'43" East 354.66 feet; (2)thence North 56°14'35" East 207.04 feet; (3)thence North 59°31'30" East 220.00 feet; (4)thence North 59°31'30" East 406.22 feet; (5)thence North 67°30'25" East 38.59 feet; (6)thence North 27°31'12" East 17.84 feet; (7)thence North 45°15'38" East 151.85 feet; (8)thence North 29°29'27" East 81.04 feet; (9)thence North 19°52'05" East 84.07 feet; (10)thence North 06°29'04" East 130.57 feet; (11)thence North 64°53'04" East 64.25 feet; (12)thence North 17°11'38" East 258.66 feet to a point on the center of section line; thence along said center of section line South 88°42'14" East 1550.09 feet; thence leaving said center of section line South 00°00'0" East 2050.29 feet; thence North 90°00'00" West 1461.56 feet; thence South 60°32'47" West 791.18 feet; to the north right of way line of Old Highway; thence along said right-of-way line North 44°07'19" West 1161.83 feet; thence leaving said right-of-way line North 45°35'13" East 199.09 feet; thence North 44°03'00" West 205.23 feet to the point of beginning; less and excepting reservoir parcel 00-0004-8551 (15.42 ac).

Containing 100.00 Acres more or less.

[Continued on the next page.]

#### Phase 2

A parcel of land located in Sections 19, 20, 29 & 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point which is South 88°42'14" East 818.21 feet from the Center of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian, (Basis of bearing being South 88°42'14" East 1341.72 feet between the Center of Section and the South 1/4 corner of the Northeast quarter of said Section 30) said point also being a point on the South boundary line of Fox Hollow P.R.U.D. Phase 1 Subdivision as recorded in the Morgan County Recorders Office, and running thence along said Fox Hollow P.R.U.D. Phase 1 subdivision the following seventeen (17) calls: 1) South 88°42'14" East 518.44 feet; 2)thence North 00°42'36" West 335.14 feet; 3)thence North 76°23'47" East 32.94 feet; 4)thence North 03°35'20" East 116.35 feet; 5)thence North 00°57'41" West 470.92 feet; 6)thence North 03°06'28" West 450.19 feet; 7)thence North 03°10'42" West 248.07 feet; 8)thence North 04°55'12" West 217.84 feet; 9)thence South 85°04'48" West 42.16 feet; 10)thence North 40°53'26" West 290.14 feet; 11)thence North 32°23'57" West 139.58 feet; 12)thence North 08°06'21" West 485.48 feet; 13)thence South 89°29'51" West 20.18 feet: 14)thence North 08°06'21" West 245.91 feet to a point of curvature of a 230.00 foot radius curve to the left, the center of which bears South 81°53'39" West; 15)thence Northerly and Westerly along the arc of said curve 491.23 feet through a central angle of 122°22'16"; 16)thence South 49°31'23" West 38.55 feet to a point of curvature of a 347.42 foot radius curve to the left, the center of which bears South 40°28'38" East; 17)thence Southwesterly along the arc of said curve 15.56 feet through a central angle of 02°33'59"; thence North 46°53'30" East 706.79 feet; thence South 64°08'42" East 2022.575 feet; thence South 02°34'02" West 2642.82 feet; thence South 00°25'48" East 472.11 feet; South 89°41'34" West 1862.06 feet; thence North 524.30 feet to the point of beginning.

Containing 132.002 Acres more of less.

#### PARCEL 3B

A PARCEL OF LAND LYING WITHIN SECTION 20 AND 29, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT LIES 108.21 FEET EAST AND 941.79 FEET SOUTH FROM THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN;

THENCE NORTH 02DEG 34MIN 04SEC EAST 888.99 FEET; THENCE NORTH 04DEG 08MIN 42SEC EAST 905.18 FEET; THENCE NORTH 04DEG 08MIN 42SEC EAST 188.99 FEET; THENCE SOUTH 74DEG 55MIN 50SEC EAST 512.22 FEET; THENCE SOUTH 82DEG 55MIN 29SEC EAST 127.25 FEET; THENCE SOUTH 03DEG 54MIN 14SEC EAST 366.12 FEET; THENCE SOUTH 79DEG 01MIN 03SEC EAST 146.06 FEET; THENCE SOUTH 69DEG 33MIN 51SEC EAST 55.00 FEET; THENCE SOUTH 72DEG 26MIN 39SEC EAST 279.93 FEET; THENCE NORTH 87DEG 23MIN 49SEC EAST 291.01 FEET; THENCE NORTH 76DEG 00MIN 11SEC EAST 275.25 FEET; THENCE SOUTH 05DEG 41MIN 14SEC EAST 475.40 FEET; THENCE SOUTH 11DEG 44MIN 29SEC WEST 277.44 FEET; THENCE SOUTH 19DEG 11MIN 52SEC WEST 632.69 FEET; THENCE SOUTH 41DEG 16MIN 32SEC WEST 616.45 FEET; THENCE SOUTH 37DEG 11MIN 52SEC EAST 191.19 FEET; THENCE SOUTH 50DEG 48MIN 01SEC WEST 779.20 FEET; THENCE NORTH 07DEG 14MIN 16SEC EAST 292.29 FEET; THENCE NORTH 43DEG 30MIN 40SEC WEST 1029.56 FEET TO THE POINT OF BEGINNING.

PARCEL: GRAVEL PIT 2

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 00DEG 10MIN 19SEC WEST 813.83 FEET AND NORTH 89DEG 49MIN 41SEC EAST 1889.80 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 20, AND RUNNING THENCE NORTH 47DEG 08MIN 47SEC EAST 1225.38 FEET; THENCE NORTH 48DEG 58MIN 41SEC EAST 953.41 FEET; THENCE NORTH 47DEG 35MIN 40SEC EAST 520.05 FEET; THENCE NORTH 89DEG 40MIN 57SEC WEST 1659.23 FEET; THENCE SOUTH 55DEG 46MIN 39SEC WEST 1306.09 FEET; THENCE SOUTH 34DEG 13MIN 05SEC EAST 1311.55 FEET TO THE POINT OF BEGINNING.

#### PHASE FOUR A:

A PARCEL OF LAND SITUATED IN SECTIONS 19,20,29, AND 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH ODEG 56MIN 45SEC EAST 113.64 FEET ALONG THE EAST LINE OF SAID SECTION 30 AND NORTH 89DEG 22MIN 11SEC EAST 144.15 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 19 (BASIS OF BEARING BEING SOUTH 88DEG 42MIN 14SEC EAST 1341.72 FEET BETWEEN THE CENTER OF SECTION AND THE CE 1/16 CORNER OF SAID SECTION 30), SAID CORNER BEING MARKED BY A REBAR AND CAP INSCRIBED WITH "LS 144078" AND RUNNING THENCE NORTH 64DEG 08MIN 42SEC WEST 2022.58 FEET; THENCE NORTH 46DEG 53MIN 30SEC EAST 1224.26 FEET; THENCE NORTH 43DEG 13MIN 18SEC WEST 77.67 FEET; THENCE NORTH 48DEG 15MIN 57SEC EAST 589.62 FEET; THENCE NORTH 52DEG 17MIN 58SEC EAST 511.81 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SAID SECTION 19, THENCE SOUTH 11DEG 48MIN 57SEC EAST 1221.24 FEET; THENCE SOUTH 4DEG 08MIN 42SEC WEST 1288.77 FEET TO THE POINT OF BEGINNING.

#### PHASE THREE A

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 29 (BASIS OF BEARING BEING SOUTH 88DEG 42MIN 14SEC EAST 1341.72 FEET BETWEEN THE CENTER OF SECTION AND THE CE 1/16 CORNER OF SAID SECTION 30), SAID CORNER BEING MARKED BY A REBAR AND CAP INSCRIBED WITH "LS 147581" AND RUNNING THENCE: NORTH 2DEG 34MIN 04SEC EAST 1753.74 FEET; THENCE SOUTH 43DEG 30MIN 40SEC EAST 1029.56 FEET; THENCE SOUTH 7DEG 15MIN 45SEC WEST 1011.05 FEET; THENCE SOUTH 89DEG 47MIN 41SEC WEST 659.61 FEET TO THE POINT OF BEGINNING.

### PHASE GRAVEL 1

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20 AND RUNNING THENCE NORTH ODEG 10MIN 19SEC WEST 1121.39 FEET; THENCE NORTH 55DEG 47MIN 05SEC EAST 1393.67 FEET; THENCE SOUTH 34DEG 13MIN 05SEC EAST 1312.80 FEET; THENCE SOUTH 59DEG 15MIN 48SEC WEST 905.16 FEET; THENCE SOUTH 62DEG 47MIN 20SEC WEST 697.15 FEET; THENCE SOUTH 55DEG 15MIN 08SEC WEST 577.92 FEET; THENCE NORTH 11MIN 48SEC 57SEC WEST 66.72 FEET; THENCE SOUTH 52DEG 17MIN 58SEC WEST 511.81 FEET; THENCE SOUTH 46DEG 46MIN 42SEC WEST 573.14 FEET; THENCE NORTH 43DEG 13MIN 18SEC WEST 239.61 FEET; THENCE NORTH 63DEG 52MIN 59SEC EAST 599.66 FEET; THENCE NORTH 52DEG 17MIN 58SEC EAST 566.18 FEET; THENCE NORTH 0DEG 12MIN 34SEC WEST 146.67 FEET TO THE POINT OF BEGINNING.

A RESERVOIR, SITUATE IN THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 30; THENCE SOUTH ODEG 05'49" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, A DISTANCE

OF 2024.97 FEET; THENCE EAST A DISTANCE OF 2406.58 FEET TO A RESERVOIR BENCH MARK NO. 1; THENCE SOUTH 78DEG 01'38" EAST ALONG A REFERENCE LINE BETWEEN BENCH MARKS NO. 1 AND 2, A DISTANCE OF 175.40 FEET; THENCE NORTH 11DEG 58'22" EAST, A DISTANCE OF 43.00 FEET TO THE TRUE POINT OF BEGINNING: THENCE NORTH 48DEG 01'38" WEST ALONG THE DAM CENTERLINE, A DISTANCE OF 138.00 FEET; THENCE NORTH 39DEG 31' EAST, A DISTANCE OF 101.84 FEET; THENCE NORTH 7DEG 30' EAST, A DISTANCE OF 202.09 FEET; THENCE NORTH ODEG 27' EAST, A DISTANCE OF 188.94 FEET; THENCE NORTH ODEG 42' EAST, A DISTANCE OF 132.88 FEET; THENCE NORTH 6DEG 11' WEST, A DISTANCE OF 108.57 FEET; THENCE NORTH 19DEG 21' EAST, A DISTANCE OF 100.69 FEET; THENCE NORTH 2DEG 30' EAST, A DISTANCE OF 65.66 FEET; THENCE NORTH 22DEG 36' EAST, A DISTANCE OF 87.47 FEET; THENCE NORTH 28DEG 46' EAST, A DISTANCE OF 76.94 FEET; THENCE NORTH 34DEG 48' EAST, A DISTANCE OF 94.58 FEET; THENCE NORTH 22DEG 49' EAST, A DISTANCE OF 68.19 FEET; THENCE NORTH 18DEG 56' EAST, A DISTANCE OF 145.07 FEET; THENCE NORTH 40DEG 38' EAST, A DISTANCE OF 174.31 FEET; THENCE NORTH 56DEG 38' EAST, A DISNTANCE OF 136.69 FEET; THENCE NORTH 64DEG 48' EAST, A DISTANCE OF 116.19 FEET; THENCE SOUTH 69DEG 35' EAST, A DISTANCE OF 86.92 FEET; THENCE SOUTH 29DEG 26' EAST, A DISTANCE OF 113.19 FEET; THENCE SOUTH 16DEG 13' WEST, A DISTANCE OF 165.80 FEET; THENCE SOUTH 33DEG 07' WEST, A DISTANCE OF 89.17 FEET; THENCE SOUTH 35DEG 53' WEST, A DISTANCE OF 55.49 FEET; THENCE SOUTH 19DEG 30' WEST, A DISTANCE OF 81.64 FEET; THENCE SOUTH 26DEG 08' WEST, A DISTANCE OF 138.76 FEET; THENCE SOUTH ODEG 28' WEST, A DISTANCE OF 139.59 FEET; THENCE SOUTH 14DEG 56' WEST, A DISTANCE OF 397.18 FEET; THENCE SOUTH 4DEG 04' EAST, A DISTANCE OF 112.16 FEET; THENCE SOUTH 6DEG 00' WEST, A DISTANCE OF 195.30 FEET; THENCE NORTH 74DEG 50' EAST, A DISTANCE OF 74.65 FEET; THENCE SOUTH 2DEG 43' EAST, A DISTANCE OF 137.85 FEET; THENCE SOUTH 28DEG 13' WEST, A DISTANCE OF 169.44 FEET TO THE CENTERLINE OF A DAM; THENCE NORTH 78DEG 01'38" WEST ALONG THE CENTERLINE OF THE DAM, A DISTANCE OF 332.00 FEET TO THE POINT OF BEGINNING. THE BASIS OF BEARING IS THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, WHICH BEARING IS CALLED SOUTH 88DEG 42'14" EAST.