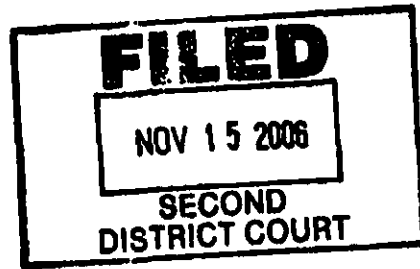


Stipulated Order of Immediate Occupancy



VD19318605
060700507 OAKSTONE LC



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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/22/2007 09:55 AM
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DEP RT REC'D FOR UTAH DEPARTMENT OF
TRANSPORTATION

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
DAVIS COUNTY, FARMINGTON DIVISION, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

OAKSTONE L.C., A Utah Limited Liability
Company, FIRST TRUST NATIONAL
ASSOCIATION d.b.a. U.S. BANK
NATIONAL ASSOCIATION, A Minnesota
Corporation, MOUNTAIN FUEL SUPPLY
COMPANY d.b.a. QUESTAR GAS
COMPANY,

Defendants.

STIPULATED ORDER OF
IMMEDIATE OCCUPANCY

Project No.: SLC/WC Commuter Rail
Parcel Nos.: CLD-3, CLD-3:E
Affecting Tax ID No. 12-066-0057

Civil No. 060700507
Judge Michael G. Allphin

Having read the Stipulation entered into among the parties, together with the pleadings on file in this case, and good cause appearing therefore.

IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff has the right of eminent domain and that the purpose for which the premises is sought by this action is public in nature and that the property is needed for that use.

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IT IS FURTHER ORDERED that the Plaintiff be and is hereby permitted and authorized to immediately occupy the premises sought to be condemned pending this action, in furtherance of the construction of the public transportation project described in Plaintiff's Complaint. The premises sought to be condemned is more particularly described as follows:

Parcel No. CLD-3

A PARCEL OF LAND IN FEE FOR THE "WEBER COUNTY TO SALT LAKE COMMUTER RAIL", A UTAH TRANSIT AUTHORITY PROJECT, BEING PART OF THE GRANTOR'S PROPERTY DEFINED IN THAT CERTAIN SPECIAL WARRANTY DEED, RECORDED DECEMBER 12, 1997, AS ENTRY 1367107, BOOK 2214, PAGE 1115, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD, AND AT THE SOUTHWEST CORNER OF GRANTOR'S PROPERTY, SAID POINT BEING NORTH 89°46'46" WEST 717.26 FEET ALONG THE SECTION LINE TO SAID EASTERLY RIGHT OF WAY LINE AND NORTH 29°52'27" WEST 781.64 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE FROM THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 29°52'27" WEST 428.45 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE GRANTOR'S WEST PROPERTY CORNER; THENCE NORTH 00°39'00" WEST 14.11 FEET ALONG THE GRANTOR'S WEST PROPERTY LINE; THENCE SOUTH 30°14'12" EAST 446.40 FEET TO THE GRANTOR'S SOUTH PROPERTY LINE; THENCE NORTH 89°47'33" WEST 11.23 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PART OF THE GRANTOR'S PROPERTY CONTAINS 3636 SQUARE FEET OR 0.0835 ACRES.

Parcel No. CLD-3:E

A perpetual easement upon part of the Grantor's property in Davis County, State of Utah, for the purpose of constructing and maintaining thereon, a retaining wall structure, incident to the construction and grading of the "Weber County To Salt Lake Commuter Rail", a Utah Transit Authority Project. The boundary of said part of the Grantor's property is described as follows:

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PART OF THE GRANTOR'S PROPERTY DEFINED IN THAT CERTAIN SPECIAL WARRANTY DEED, RECORDED DECEMBER 12, 1997, AS ENTRY 1367107, BOOK 2214, PAGE 1115, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE GRANTOR'S PROPERTY, SAID POINT BEING NORTH 89°46'46" WEST 717.26 FEET ALONG THE SECTION LINE TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD AND NORTH 29°52'27" WEST 781.64 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTHWEST CORNER OF THE GRANTOR'S PROPERTY AND SOUTH 89°47'33" EAST 11.23 FEET ALONG THE SOUTH LINE OF THE GRANTOR'S PROPERTY FROM THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 30°14'12" WEST 446.40 FEET TO THE GRANTOR'S WEST PROPERTY LINE; THENCE NORTH 00°39'00 " WEST 31.96 FEET ALONG SAID WEST LINE; THENCE SOUTH 30°14'05" EAST 483.46 FEET TO THE GRANTOR'S SOUTH PROPERTY LINE; THENCE NORTH 89°47'33" WEST 18.29 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PART OF THE GRANTOR'S PROPERTY CONTAINS 7333 SQUARE FEET OR 0.1683 ACRES.

IT IS FURTHER ORDERED that before taking possession of the Defendants' property as herein provided, the Plaintiff shall deposit with the Clerk of the Court the full amount of its approved appraisal (\$50,925.00) for the use and benefit of the Defendants.

IT IS FURTHER ORDERED that Questar's existing easements and rights of way will remain in full force and effect unless and until it is determined that replacement easements are necessary, and indeed are obtained, whether by Questar or on behalf of Questar, and the relevant facilities and equipment, if any, in the existing easement have been relocated, at which time UDOT may occupy the easement without limitation and do whatever work is required thereon.

IT IS FURTHER ORDERED that UDOT will not disturb Questar's facilities or equipment, if any, now existing in the easement, unless and until replacement easements have

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been obtained, at which time the facilities or equipment now existing in the easement may be removed in connection with or after their relocation.

IT IS FURTHER ORDERED that notwithstanding any other provision herein, UDOT may at any time occupy the existing easement and do such work within the easement not inconsistent with Questar's current use of the easement.

IT IS FURTHER ORDERED that Questar retains its statutory right to claim compensation for its condemned property interests, relocation costs, or for any other damages that may be asserted in UDOT's condemnation action.

SO ORDERED this 15th day of November, 2006.

BY THE COURT:

APPROVED AS TO FORM:

David J. Kuebelbeck
DAVID J. KUELBECK
Attorney for First Trust National Bank

Dennis Poole
DENNIS POOLE
Attorney for Oakstone, LLC.

Jennifer Byde
JENNIFER BYDE
Attorney for Questar Gas Company

Michael G. Allphin
MICHAEL G. ALLPHIN
Second Judicial District Court Judge

STATE OF UTAH }
COUNTY OF DAVIS } ss.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 12 DAY OF March 2007
ALYSON E. BROWN
CLERK OF THE COURT

BY C. J. [Signature] DEPUTY

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