

Recorded at Request of
Dennis K. Poole

Mail Tax Notice to:
OAKSTONE, L.C.
4885 South 900 East, Suite 100
Salt Lake City, Utah 84117

E 1367107 B 2214 P 1115
JAMES ASHAUER, DAVIS CNTY RECORDER
1997 DEC 12 2:39 PM FEE 14.00 DEP DJM
REC'D FOR AMERICA WEST TITLE AGENCY INC

SE 13 4N 2W

SPECIAL WARRANTY DEED

CLEARFIELD AFFORDABLE HOUSING, L.C., a Utah Limited Liability Company, GRANTOR, of Salt Lake City, County of Salt Lake, State of Utah, hereby **CONVEYS AND WARRANTS** against all claiming by, through and under it, to **OAKSTONE, L.C.**, a Utah Limited Liability Company, GRANTEE, for the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, the following described tract of land in Davis County, State of Utah:

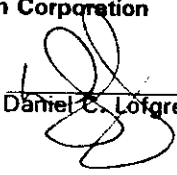
A Part of the Southeast quarter of Section 12, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U. S. Survey. Beginning at a point being 676.50 feet North 00°06'05" East along the section line and 33.00 feet West of the Southeast corner of Section 12 (Basis of bearing: North 00°06'05" East from the Southeast corner of Section 12 Along the Section line to the East quarter corner); thence as follows: North 89°52'13" West 685.84 feet along the adjoining property line; thence North 89°52'40" West 388.75 feet along the adjoining property line; thence North 29°53'42" West 431.79 feet along the railroad row fence; thence North 00°44'07" West 267.28 feet along the railroad row fence; thence North 89°47'52" East 428.29 feet along an existing chain link fence, thence South 89°44'36" East 371.08 feet; thence South 00°06'05" West 321.07 feet; thence South 89°44'36" East for 495.00 feet to the West line of 1000 East Street; thence South 00°06'05" West 320.61 feet along said street, to the point of beginning.

12-066-0054 pt
Subject to the encumbrances, easements, and restrictions, of record more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

WITNESS the hand of Grantor this 10 day of December, 1997.

CLEARFIELD AFFORDABLE HOUSING, L.C., a
Utah Limited Liability Company

BY: Its Manager Prowswood Companies, a
Utah Corporation

By: 
Daniel C. Lofgren, President

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

E 1367107 B 2214 P 1116

On the 10 day of December, 1997, personally appeared before me Daniel C. Lofgren the President of Prowswood Companies, the Manager of CLEARFIELD AFFORDABLE HOUSING, L.C., a Utah Limited Liability Company, the signer of the within instrument, who duly acknowledged to me that he executed the same.

My Commission Expires:


NOTARY PUBLIC, Residing at:

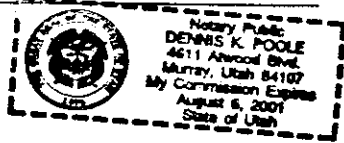


EXHIBIT "A"

EXCEPTIONS TO TITLE

§ 1367107 § 2214 P 1117

1. Charges and assessments levied by Clearfield City, Weber Basin Water Conservancy District, and Davis County Mosquito Abatement District, if any.
2. Vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs, used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises, hereby granted, as provided by law, as disclosed within that certain Patent, recorded November 18, 1890, in Book L, at Page 467, Davis County Recorder's Office.
3. Subject to matters disclosed by a survey prepared by Thompson-Hysell Engineers; having been certified under the date of September 3, 1997, by Brian D. Jones, a Registered Land Surveyor holding License No. 330833.

Final Judgment of Condemnation and Withdrawal of Funds



060700507 OAKSTONE LC

FILED
JUN 27 2008
SECOND
DISTRICT COURT

KEVIN M. MCDONOUGH (#5109)
Assistant Attorney General
MARK L. SHURTLEFF (#4666)
Attorney General
Attorneys for Plaintiff
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: (801) 366-0353

*pt 12-066-0054
0057
0081
0082*

E 2407389 B 4666 P 116-120
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/01/2008 11:19 AM
FEE \$0.00 Pgs: 5
DEPT REC'D FOR UTAH TRANSIT AUTHORITY

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
DAVIS COUNTY, 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.

**FINAL JUDGMENT OF
CONDEMNATION AND
WITHDRAWAL OF FUNDS**

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

Civil No. 060700507

Judge Michael G. Allphin

The Court, having reviewed the Stipulation and Motion for Final Judgment of Condemnation and Withdrawal of Funds executed by Plaintiff, Utah Department of Transportation ("UDOT"), and Defendants, Oakstone, L.C., a Utah Limited Liability Company ("Oakstone"), and First Trust National Association d.b.a. U.S. Bank National Association, a Minnesota

Corporation ("U.S. Bank"), and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the parcels of land hereinafter described at paragraph No. 4 ("Subject Property") are hereby condemned and acquired by UDOT for highway purposes.
2. That the purpose of said condemnation is a public use authorized by law.
3. That the Clerk of this Court immediately pay to Oakstone the sum of \$50,925.00 previously deposited into the Court by UDOT in this matter; the check made payable to Oakstone, L.C. should be mailed to the following address: Dennis K. Poole 4543 South 700 East #200 Salt Lake City, Utah 84107.
4. That a copy of this Final Judgment of Condemnation and Withdrawal of Funds shall be filed with the County Recorder of Davis County, State of Utah, and thereupon the rights and interests of Defendants in and to the following described property, situated in Davis County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

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:

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.

SO ORDERED this 17th day of June, 2008.

BY THE COURT:

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

APPROVED AS TO FORM:

Dennis K. Poole
DENNIS K. POOLE
Attorney for Defendant, Oakstone

APPROVED AS TO FORM:

Milo Steven Marsden
MILO STEVEN MARSDEN
Attorney for Defendant, U.S. Bank

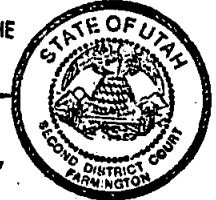
STATE OF UTAH }
COUNTY OF DAVIS } SS.

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

DATED THIS 30 DAY OF June, 2008
ALYSON E. BROWN
CLERK OF THE COURT

BY Chris Jain DEPUTY

PAGE _____ OF _____

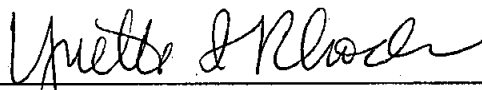


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION AND WITHDRAWAL OF FUNDS** was mailed, first class, pre-paid postage on the 11th day of June, 2008 to the following:

Dennis K. Poole
4543 South 700 East #200
Salt Lake City, Utah 84107

Milo Steven Marsden
Patricia C. Staible
DORSEY, WHITNEY, L.L.P.
136 South Main, Suite 1000
Salt Lake City, Utah 84101



Legal Secretary