



"W2508870"

WHEN RECORDED, MAIL TO:  
Carl W. Barton  
Holland & Hart  
60 East South Temple #2000  
Salt Lake City, Utah 84111

EH 2508870 PG 1 OF 3  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
28-DEC-10 1137 AM FEE \$15.00 DEP 30C  
REC FOR: HOME ABSTRACT

RELEASE OF DEED RESTRICTIONS

Ogden City Corporation, a Utah Municipal Corporation, acting as the Ogden Local Redevelopment Authority (the "City") hereby confirms its intent to release certain deed restrictions, as further described in this Release, to the following described real property in Weber County, State of Utah (the "Property"):

All of Lot 19, Business Depot Ogden-Plat 10, a recorded subdivision located in the Northeast Quarter of Section 18 and the Southeast Quarter of Section 7 all in Township 6 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah.

The Property is now a part of the following described parcel ("*Lot 23*"):

ALL OF LOT 23, NUTRACEUTICAL / BUSINESS DEPOT OGDEN PLAT 10 2<sup>ND</sup>.  
AMENDMENT, OGDEN CITY, WEBER COUNTY, UTAH.

Land Serial No. 12-243-0002. *AD*

RECITALS:

A. The City conveyed the Property to THE DR. W.C. SWANSON FAMILY FOUNDATION, INC., a Utah corporation ("*Swanson*"), pursuant to that certain Special Warranty Deed recorded on August 13, 2004, as Entry No. 2050343 of the official records of the Weber County Recorder, State of Utah (the "*Deed*").

B. Paragraph 12 of the Deed imposed certain restrictions, limitations, and conditions against the Property and Swanson's, and its successors and assigns, use thereof (the "*Restrictions*"). The part of the Restrictions dealing with exclusive use of the Property and division of sales proceeds of the Property ran with the land, while the part of the Restrictions dealing with the City's right of first refusal was not described as running with the land.

C. In December 2009, Swanson sold the Property to Nutraceutical Corporation ("*Nutraceutical*") pursuant to that certain Special Warranty Deed, dated December 11, 2009, recorded December 14, 2009, as Entry No. 2449571. Due to a plat amendment that had been made after Swanson acquired the Property, the legal description of the Property as conveyed to Nutraceutical was as follows:

All of Lot 19, Business Depot Ogden-Plat 10 Amended, Ogden City, Weber County, Utah according to the official plat thereof on file and of record in the Weber County Recorder's Office, Ogden, Weber County, Utah.  
Weber County Parcel No. 12-219-0001

D. The Special Warranty Deed subjected the Property to certain reservations, restrictions, easements, and encumbrances, including those contained in the Deed and those contained in a master declaration of covenants, conditions and restrictions.

E. At the same time as the Special Warranty Deed, the City simultaneously conveyed certain related and contiguous property to Nutraceutical (the "City Parcel") and released the Property and the City Parcel from the effect of the master declaration of covenants, conditions, and restrictions, as described in paragraph 2 of the Amendment to Development Agreement recorded December 14, 2009, as Entry No. 2449572.

F. At that time, it was the City's belief that none of the Restrictions continued to apply because the part of the Restrictions dealing with division of sales proceeds had been met; that the Restrictions were terminated in connection with the conveyances of the Property and the City Parcel to Nutraceutical; and the Restrictions were either satisfied, fulfilled, or were no longer applicable.

G. The Property and the City Parcel have been merged, together with other property owned by Nutraceutical, to create Lot 23.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby confirms that the paragraph 12 Restrictions on the Property were terminated and released effective as of December 14, 2009, and that these restrictions therefore do not pertain to Lot 23, leaving all other restrictions in the Deed unchanged and in full force and effect. This termination runs with the land as to the Property and is irrevocable.

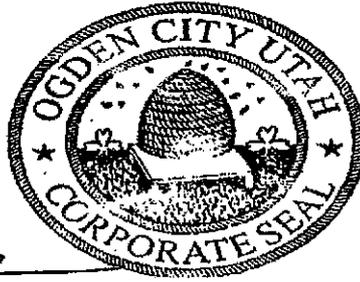
Dated the 17th day of December, 2010.

OGDEN CITY, a Utah municipal corporation

By:   
MATTHEW R. GODFREY, Mayor

Attest:

*Cindi Mansell*  
City Recorder



Approved as to form:

*Matthew R. Godfrey*  
City Attorney

STATE OF UTAH            )  
  : ss  
COUNTY OF WEBER)

On this 11<sup>th</sup> day of December, 2010, personally appeared before me Matthew R. Godfrey and Cindi Mansell, the Mayor and City Recorder of Ogden City, respectively, and who by me duly sworn, did say that the foregoing document was signed by them on behalf of said OGDEN CITY, a Utah municipal corporation, and acknowledged to me that said Ogden City executed the same.

*Tracy Hansen*  
Notary Public  
Residing at: *Weber Co.*

