

WHEN RECORDED MAIL TO:
Newton Enterprises
2555 Carson Lane
West Jordan, Utah 84084

6212540
11/14/95 11:56 AM 19-00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
REC BY: E FROGGET First American
DEPUTY - WI Title

SPECIAL WARRANTY DEED

6212540

FIRST AMERICAN TITLE
408022
SRB #

SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation ("Grantor"), with an address of One Market Plaza, San Francisco, California 94105, hereby conveys and warrants against all claiming by through or under it to DAVID B. NEWTON, doing business as Newton Enterprises, a sole proprietorship ("Grantee"), with an address of 2555 Carson Lane, West Jordan, Utah 84084, for the consideration of TWO HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED EIGHTY AND NO/100 DOLLARS (\$225,880.00), in hand paid, that certain real property in the City of West Jordan, County of Salt Lake, State of Utah, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"), with all its appurtenances, subject to all covenants, conditions, restrictions, exceptions, easements, rights-of-way, rights-of-access, agreements, reservations, encumbrances, liens and other matters as the same may be of record; any matters which would be disclosed by survey, investigation or inquiry; and any tax, assessment or other governmental lien against the Property.

Grantor excepts from the Property and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith.

Grantee, by signing below, expressly acknowledges that Grantee is buying the Property in an "AS IS" condition and that Grantee has relied upon its own independent investigation of the physical condition of the Property. Grantee hereby releases and indemnifies Grantor and Grantor's shareholders, officers, directors, agents and employees from all responsibility and liability regarding

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the condition (including, but not limited to, the physical condition or presence of hazardous materials), valuation or utility of the Property.

By accepting this Deed, Grantee expressly covenants to construct and maintain, at its own expense and to Grantor's satisfaction, a six-foot (6') cinder block barricade along the track side of the Property at the time the Property is developed. This covenant is for the benefit of Grantor's adjoining land and shall run with and be binding upon the Property and the successors and assigns in title of Grantee.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 27th day of October, 1995.

SOUTHERN PACIFIC TRANSPORTATION COMPANY
a Delaware corporation

By: _____

Title: Vice President

Attest: _____

Title: SECRETARY

GRANTEE hereby accepts this deed and agrees for itself, its successors and assigns, to be bound by the conditions and covenants set forth herein and to perform all obligations of Grantee set forth herein.

DATED this 13 day of NOVEMBER, 1995.

DAVID B. NEWTON dba NEWTON ENTERPRISES
a sole proprietorship

By: _____

Title: _____

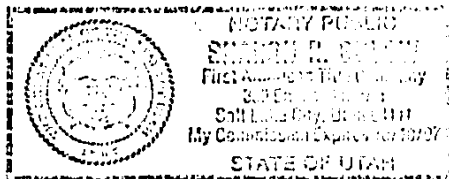
STATE OF UTAH)
COUNTY OF SALT LAKE) ss

On the 13th day of November, 1995 personally appeared before me David B. Newton dba Newton Enterprises, a sole proprietorship, the signer of the within instrument who duly acknowledged to me that he executed the same.

My commission expires: 10-10-97
Residing in Salt Lake City, Utah

David B. Newton

NOTARY PUBLIC

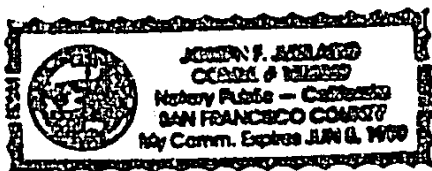


STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO) ss.

On this 27th day of OCTOBER, 1995, before me, JOSEPH F. JUBILADO, a Notary Public, personally appeared J.A. HOLM AND T.F. O'DONWELL, personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My commission expires: JUNE 5, 1999.



Joseph F. Jubilado

EXHIBIT "A"

A parcel of land situate in the northwest quarter of Section 31, T.2 S., R.1 W., Salt Lake Base and Meridian. Said parcel of land is more particularly described as follows:

BEGINNING at the intersection of the northeasterly right of way line of The Denver and Rio Grande Western Railroad Company and the northwesterly right of way line of the New Bingham Highway (a 135-foot wide State Road) which point is 1108.587 ft. S.89°59'40"W. and 1482.870 ft. south from the north quarter corner of Section 31, T.2 S., R.1 W., Salt Lake Base and Meridian. Said point is 50.0 ft. perpendicularly distant northeasterly from the centerline of the existing mainline track of The Denver and Rio Grande Western Railroad Company; THENCE N.10°47'00"W. 825.964 ft. along said northeasterly railroad right of way line, which is parallel to and 50.0 ft. distant northeasterly from said centerline, to a point in the center of the Barney's Creek; THENCE Easterly along the centerline of said creek the following four (4) courses: 1) N.78°43'33"E. 71.846 ft.; 2) THENCE S.86°43'37"E. 301.758 ft.; 3) THENCE N.89°05'51"E. 335.288 ft.; 4) THENCE N.87°44'22"E. 224.117 ft. to the westerly right of way line of a West Jordan City Street; THENCE Southeasterly along said westerly right of way line the following two (2) courses: 1) Southeasterly 242.553 ft. along the arc of a 970.33-foot radius curve to the left having a central angle of 14°19'20" (chord bears S.24°36'50"E. 241.922 ft.); 2) THENCE S.31°46'30"E. 50.00 ft. to the northwesterly right of way line of said New Bingham Highway (a 135-foot wide State Road); THENCE S.58°12'50"W. (N.57°50'E. U.D.O.T. right of way plats) 1062.881 ft. to the point of BEGINNING.

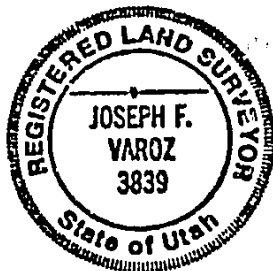
The above described tract of land contains 12.144 acres, more or less.

EXCEPTING therefrom that portion lying within the 3 Rod wide strip of land of the Provo Reservoir Company which contains an area of 0.85 acre, more or less.

NET BALANCE = 11.294 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATE:

I JOSEPH F. VAROZ, A REGISTERED LAND SURVEYOR, NO. 3839, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS SURVEY PREPARED BY ME IS BASED ON AN ACTUAL SURVEY OF THE PROPERTY ON THE GROUND, AND THAT THERE ARE NO EASEMENTS, IMPROVEMENTS ENCROACHMENTS OR USES AFFECTING THIS PROPERTY APPEARING FROM A PHYSICAL INSPECTION OF THE SAME OTHER THAN THOSE SHOWN ON THIS PLAT. THIS SURVEY WAS MADE WITH GENERALLY ACCEPTED SURVEYING PRACTICES AND REPRESENTS THE RELATIONSHIP BETWEEN TITLE LINES AND ANY EVIDENCE OF USE OF POSSESSION. NO PRESUMPTION OF OWNERSHIP IS MADE OR IMPLIED BY ANY INFORMATION SHOWN ON THIS MAP. ANY SUBDIVISION AND OR ZONING REQUIREMENTS ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS.



Joseph F. Varoz
REGISTERED LAND SURVEYOR # 3839
DATE: 16 19 1995

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NARRATIVE:

THIS SURVEY WAS PERFORMED TO LOCATED AND IDENTIFY THE CORNERS AND PREPARE A DESCRIPTION FOR THE ABOVE DESCRIBED AS-SURVEYED TRACT OF LAND. BASIS OF BEARING IS S.89°59'40"W. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 31, T.2 S., R.1 W., SALT LAKE BASE AND MERIDIAN BETWEEN TWO (2) FOUND MONUMENTS AT THE NORTH QUARTER CORNER AND THE NORTHWEST CORNER OF SAID SECTION 31, AS DEPICTED HEREON.

LOCATION OF SURVEY:

NW 1/4 OF SECTION 31, T.2 S., R.1 W.,
SALT LAKE BASE AND MERIDIAN

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