

When Recorded Mail to:
Boyer 500 West, L.C.
c/o The Boyer Company
127 South 500 East, #100
Salt Lake City, Utah 84102

Original
8275726
06/26/2002 03:51 PM 21.00
Book - 8613 Pg - 2965-2970
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: EHR, DEPUTY - WI 6 P.

8275726

1937-36

SPECIAL WARRANTY DEED

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, Grantor, (successor in interest to Union Pacific Railroad Company, a Utah corporation and Western Pacific Railroad Company, a Delaware corporation and Oregon Short Line Railroad Company), in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it duly paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto BOYER 500 WEST, L.C., a Utah limited liability company, Grantee, whose address is 127 South 500 East, Salt Lake City, Utah 84102 and unto its successors and assigns forever, the real estate, situate in Salt Lake City, Salt Lake County, State of Utah, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof (hereinafter the "Property").

EXCEPTING from this conveyance and RESERVING unto Grantor, its successors and assigns, forever, all minerals and mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

This Deed is made SUBJECT to the following:

- (a) All taxes and all assessments, or, if payable in installments, all installments of assessments, levied upon or assessed against the Property which became or become due and payable in the year 2002 shall be prorated as of the date of delivery of this deed by Grantor to Grantee, said date being the 26th day of June, 2002; and Grantee assumes and agrees to pay, or to reimburse Grantor for, if paid by it, all such taxes and assessments and installments of assessments applicable to the period subsequent to the date of delivery of this deed and assume all taxes and all assessments and all installments of assessments which may become due and payable after said year.

BK 8613 PG 2965

LTC # 27932

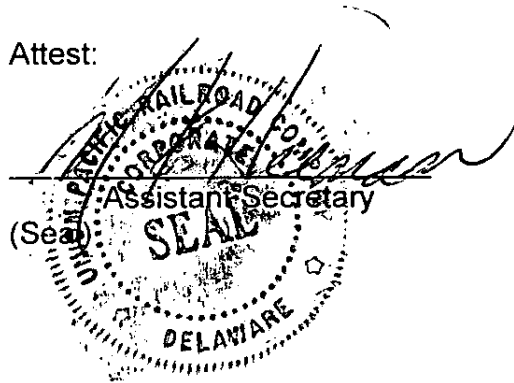
- (b) (i) Those certain unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights, claims or title to water, whether or not such matters are shown by the public records.
- (c) Any adverse claim based upon the assertion that (i) some portion of the land forms the bed or bank of a navigable river or lake, or lies below the mean high water mark thereof; (ii) the boundary of the land has been affected by a change in the course or water level of a navigable river or lake; (iii) the land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.
- (d) A pending Special Assessment for Salt Lake City, Utah Special Improvement District No. 103009, notice of which is afforded by Salt Lake City Resolution No. 99 of 1999, recorded December 21, 1999 as Entry No. 7538468, in Book 8331, at Page 1718 of the Official Records, and by Salt Lake City Resolution No. 18 of 2000, recorded March 28, 2000 as Entry No. 7605310, in Book 8351, at Page 2768 of the Official Records.
- (e) The Property lies within the boundaries of the "Depot District Redevelopment Project Area", as disclosed by that certain Notice of Adoption of Redevelopment Plan entitled "Depot District Redevelopment Project Area Plan" and dated October 15, 1998, recorded October 22, 1998 as Entry No. 7127194, in Book 8133, at Page 1835, and that certain Amended Notice recorded May 6, 1999 as Entry No. 7345726, in Book 8275, at Page 1402 of the Official Records and is subject to any and all charges, assessments, and provisions relating thereto.
- (f) Those certain Rights of Way and/or easements for roads, ditches, canals, telephone and transmission lines, and/or utilities over, along and across the Property, and any other matters which may be ascertained by an inspection or survey.
- (g) Matters disclosed by the following Surveys filed in the office of the Salt Lake County Surveyor:
 - (1) Boundary Survey, dated October 11, 1993, prepared by Bush & Gudgell, Inc., as Job No. 42663, certified by Stephen K. Wilson, License No. 6719, and filed as Salt Lake County Surveyor, Survey No. S93-12-0722.
 - (2) Boundary and Topographical Survey dated December 28, 2000, prepared by Diamond Design and Land Surveying, L. L. C., as Job No. 00070, certified by Evan J. Wood, License No. 183395, and filed as Salt Lake County Surveyor, Survey No. S00-12-938.

- (h) The rights of any tenants, lessees, their creditors, and other parties claiming by, through, or under said tenants, pursuant to any leases, rental agreements, occupancy agreements, and/or assignments thereof.
- (i) All other conditions, restrictions, covenants, reservations, easements and encumbrances affecting the Property, whether recorded or unrecorded.

TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property with all the rights and appurtenances thereunto belonging unto the said Grantee, its successors and assigns, forever; and the Grantor hereby covenants with the Grantee only that it will warrant and defend the title to the Property except as hereinbefore mentioned, unto the Grantee, its successors and assigns, against the lawful claims of all persons claiming by, from or under it, but against none other, and makes no other covenants or warranties whatsoever.

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 28th day of March, 2002.

Attest:



UNION PACIFIC RAILROAD COMPANY

By [Signature]
Title: Assistant Vice President

EXHIBIT "A"

PARCEL 1:

BEGINNING at a point on the West line of Block 81, Plat "A", Salt Lake City Survey, said point being the Southwest corner of Lot 4 of said Block 81, and running thence North 00°04'12" East along said West line 82.54 feet to the Southwest corner of the tract of land conveyed to THE BOYER COMPANY, L.C., in that certain Warranty Deed recorded March 10, 2000 as Entry No. 7592687, in Book 8347 at Page 5598, of the Official Records of the Salt Lake County Recorder; thence along the Southerly line of said tract of land the following three (3) courses: North 89°55'35" East 163.94 feet to a point on a non-tangent curve, thence along the arc of a 605.83 foot radius curve to the right (center bears South 03°03'34" West) through a central angle of 46°45'11" a distance of 494.36 feet to a point 33.00 feet North of the South line of Lot 8 of said Block 81, Plat "A", Salt Lake City Survey, and thence North 89°55'47" East 65.71 feet to the East line of said Block 81, Plat "A", Salt Lake City Survey; thence along said East line South 00°04'01" West 180.92 feet to a point on a non-tangent curve (said point being on the Easterly boundary line of the tract of land conveyed to HAWS A. MARBLE in that certain Quitclaim Deed recorded June 4, 1997 as Entry No. 6661354, in Book 7683 at Page 372, of the Official Records of the Salt Lake County Recorder); thence Northwesterly along the arc of a 613.33 foot radius curve to the left (center bears South 66°54'25" West) through a central angle of 25°45'14" a distance of 275.69 feet (said point being the Northerly most corner of the tract of land conveyed to GEORGE A. FRODSHAM in that certain Quitclaim Deed recorded January 27, 1995 as Entry No. 6012315, in Book 7093 at Page 1253, of the Official Records of the Salt Lake County Recorder); thence along the Northerly boundary line of said tract South 50°27'36" West 9.50 feet; thence along the Westerly boundary line of said tract of land the following three (3) courses: South 07°53'44" East 93.08 feet, South 03°51'27" East 81.36 feet, and South 01°25'43" West 59.19 feet to the South line of said Block 81, Plat "A", Salt Lake City Survey; thence along said South line South 89°55'24" West 42.41 feet, to the Southeast corner of the tract of land conveyed to S. W. SOUVALL COMPANY in that certain Warranty Deed recorded November 26, 1973 as Entry No. 2584318, in Book 3464 at Page 495, of the Official Records of the Salt Lake County Recorder; thence along the Easterly and Northerly boundary lines of said tract the following five (5) courses: North 00°04'01" East 198.06 feet, South 89°55'32" West 7.05 feet, North 26°38'21" West 27.65 feet to a point on a non-tangent curve, thence along the arc of a 272.939 foot radius curve to the left (center bears South 57°24'36" West) through a central angle of 32°59'01" a distance of 157.12 feet to the West line of Lot 8, Block 81, Plat "A", Salt Lake City Survey; thence along said West line North 00°04'07" East 5.68 feet to the Northwest corner of said Lot 8, Block 81, Plat "A", Salt Lake City Survey; thence along the South line of Lot 4, said Block 81, Plat "A", Salt Lake City Survey, South 89°55'32" West 330.19 feet to the point of BEGINNING.

[FOR REFERENCE PURPOSES ONLY: Tax Parcel / Sidwell No. 15-01-504-008]

[Exhibit "A" - Page 1 of 2 Pages]

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PARCEL 2:

BEGINNING at the Northeast corner of Lot 6, Block 81, Plat "A", Salt Lake City Survey, and running thence South 00°04'01" West 151.71 feet along the East line of said Lot 6, Block 81, Plat "A", Salt Lake City Survey, to a point on a non-tangent curve (said point being an Easterly corner of the tract of land conveyed to THE BOYER COMPANY, L.C., in that certain Warranty Deed recorded March 10, 2000 as Entry No. 7592687, in Book 8347 at Page 5598, of the Official Records of the Salt Lake County Recorder); thence along the Northeasterly boundary line of said tract on the arc of a 415.20 foot radius curve to the left (center bears South 56°36'06" West) through a central angle of 32°51'04" a distance of 238.06 feet to the North line of Lot 6, Block 81, Plat "A", Salt Lake City Survey and the Northeasterly corner of the tract of land described in the aforementioned Warranty Deed; thence along the North line of said Lot 6, North 89°55'41" East 179.59 feet to the point of BEGINNING.

[FOR REFERENCE PURPOSES ONLY: Tax Parcel / Sidwell No. 15-01-502-001]

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