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09-035-0056 (pt)

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SHERYL L. WHITE, DAVIS CNTY REC'D ORDER
2001 NOV 21 3:50 PM FEE .00 DEP MEC
REC'D FOR ATTORNEY GENERAL

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FILED
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SECOND
DISTRICT COURT

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
Farmington
DAVIS COUNTY BOUNTIFUL DEPARTMENT, STATE OF UTAH

DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT

Plaintiffs,

vs.

RIDGEWOOD, LTD., a Utah Limited
Partnership, REALSEARCH
CORPORATION, a California Corporation,
its General Partner; AMERICAN
STRATEGIC INCOME PORTFOLIO-II,

Defendants.

**AMENDED FINAL ORDER
OF CONDEMNATION**

Parcel No. 09-035-0034

970760544
Case No. ~~000801795 CD~~

Judge Michael G. Allphin

The Court has previously entered its Final Order of Condemnation on September 5, 2001, and the Court having been informed that there is a clerical error in the legal description of the property as given on the last page of "Attachment A" attached thereto in the following particulars:

1. A distance measurement on line one of the property description should read

"1,980.00 feet" not "198.00 feet" as shown; and

2. A semi-colon was omitted following the distance "383.45 feet" on line 5 of the description; and

3. A "seconds mark (")" was omitted from the last line of the description as part of the direction "46°45'10" W. 537.61 Feet" to indicate the angle measurement "seconds";

NOW, THEREFORE, IT IS HEREBY ORDERED that the errors in the property description as shown may be corrected, and a correct description be attached hereto and recorded as part of the Real Property Records of Davis County, Utah; and

Each and every other allegation and clause as set forth in the original Final Order heretofore filed with the Court remains and is in full force and effect and that this Amended Final Order be amended to permit the correction of a error in the legal description on Parcel No. 090035-0013.

It further appearing to the Court that the Plaintiff has made all payments as required by law and order of this Court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the Court understood and fully considered.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that easements upon the parcel of land hereinafter described (Attachment A) are hereby taken and condemned as land use restrictive easements identified as Parcel No. 09-035-0013, for the purpose described and set

forth in the Plaintiff's Complaint and Amended Complaint, i.e., for the use of the Plaintiff, Utah Department of Community and Economic Development, for restrictive easement purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Amended Final Order of Condemnation be filed with the County Recorder of Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Community and Economic Development, 324 South State Street, Suite 500, Salt Lake City, Utah 84111. The following is a description of the property upon which the easements are condemned as herein above provided, such easements are hereby vested in the Plaintiff, all of such property being situated in Davis County, State of Utah. The restrictions and the property subject to the restrictions are more particularly described in Attachment A, hereto.

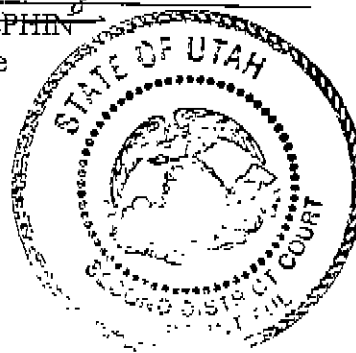
DATED this 6th day of November, 2001.

BY THE COURT:

Rodney S. Page

~~MICHAEL G. ALLPHIN~~

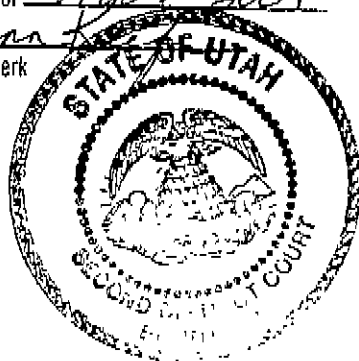
District Court Judge



I, the undersigned, Clerk of the District Court, do hereby certify that the annexed and foregoing is a true and full copy of an original document on file in the Bountiful Department. Witness my hand and seal of said Court.

this 7th day of Nov., 2001.

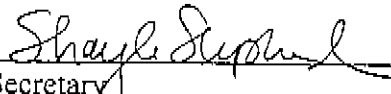
By Jean
Deputy Clerk



CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing AMENDED FINAL
ORDER OF CONDEMNATION was served by mailing same, first-class postage prepaid, this
31 day of October, 2001, to the following:

Brant H. Wall
Gregory B. Wall
WALL & WALL, a.p.c.
Attorneys for Defendants Ridgewood Ltd.
and Real Search Corporation
5200 South Highland Drive, Suite 300
Salt Lake City, UT 84117


Secretary

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ATTACHMENT A

CONDEMNATION RESOLUTION
HILL AIR FORCE BASE EASEMENT ACQUISITION PROJECT

RESOLVED by the Utah Department of Community and Economic Development, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The Utah State Legislature enacted Title 63, Chapter 43a, Section 1, et seq., Utah Code Annotated, 1953, as amended, which directs the acquisition by the Department of restrictive easements against certain real properties located near Hill Air Force Base, which easement and real property is more particularly described hereinafter.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire in the name of the Department the restrictive easement described on the attached page against the real property described on the attached pages by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain.

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for acquisition of such restrictive easement.

To obtain from said court an order permitting said Department to obtain said restrictive easement for public purposes.

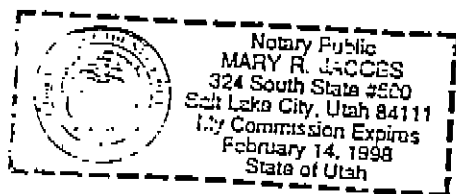
BE IT FURTHER RESOLVED that the State Finance Director shall be requested on behalf of said Department:

To prepare a State Warrant in the amount of the approved appraisal of each restrictive easement; payee to be the Clerk of the District Court of the County wherein the affected real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the appraised value of the restrictive easement to be acquired shall be made prior to issuance of an Order of Immediate Occupancy.

The restrictive easement against real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situated in the County of Davis, State of Utah, and is described on the attached pages.

The foregoing Condemnation Resolution is hereby approved by the Director of the Department of Community and Economic Development pursuant to the provisions of 63-49a-1, et seq., Utah Code Annotated, on this 10th day of December, 1997.



David B. Winder
David B. Winder, Executive Director
Utah Department of Community &
Economic Development

On the 10th day of December, 1997, personally appeared before me David B. Winder, who by me duly sworn did say that he is the Executive Director of the Department of Community and Economic Development and he further acknowledged to me that said instrument was signed by him in behalf of said Utah Department of Community & Economic Development.

My Commission Expires: 2-14-98

Mary Jaccos

LAND USE EASEMENT
(75 LdN)

The property hereinafter described will by this action be subject to a perpetual Land Use Easement for the purpose of protecting the health and safety of the citizens of Utah and assuring and continued operation of Hill Air Force Base as an active military base, as recited by Section 63-49a-1 et seq; Utah Code Annotated, 1953, as amended. Said easement regulates the use of the land hereinafter described and makes it subject to the following restrictions.

1. Owners of the hereinafter described property (Owners) shall not use or permit any use of said property or any of the air space above said tract of land for any purpose other than the following.

- A. ONLY RESIDENTIAL TRANSIENT LODGING WITH NOISE LEVEL REDUCTION (but not in areas above 80 LdN) (see paragraph 2 below).
- B. ALL INDUSTRIAL-MANUFACTURING
- C. TRANSPORTATION--COMMUNICATION & UTILITIES except for noise sensitive communication services
- D. ALL COMMERCIAL--RETAIL TRADE ESTABLISHMENTS
- E. ALL PUBLIC AND QUASI-PUBLIC SERVICES except for hospitals, nursing homes, other medical facilities and educational services.
- F. OUTDOOR RECREATION ACTIVITIES, including Golf Courses, Riding Stables and Water Recreation.
- G. ALL RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE

2. No residential dwellings shall be allowed under any of the above mentioned uses other than transient lodging with noise level reduction of 30 db.

3. Measures to achieve Noise Level Reductions (NLR) of 30 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 areas.

4. Improvements located on the property subject to this easement at the time said easement is executed shall not be required to be removed. Single family dwellings in existence at the time this document is executed shall not be converted into multiple family dwellings.

As to the specific property described (Parcel 122:A) it is presently being used as a mobile home park. As existing units are removed they have been or will possibly be replaced by pre-built single family residential units which specifically is allowed so long as the overall number of single family dwellings is not increased.

5. The uses allowed under this easement shall not affect restrictions placed on the property by zoning ordinances and uses which may be permitted in this easement may be prohibited by zoning ordinances. The restrictions of this easement shall not apply to use existing at the time the easement is executed.

6. The Owners, their successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvement upon the property subject to this easement which will exceed a height of 227 feet

7. Any use made of the property subject to this easement by the Owners, their successors, or assigns, shall be such that no smoke, dust, steam or other substances are released into the airspace which would interfere with pilot vision.

8. The Owners shall not put said property to a use which will produce light emissions, either direct or indirect (reflections), which would interfere with pilot vision or a use which would produce electrical or other emissions which would interfere with aircraft communications systems or navigational equipment.

The description of the tract of land upon which said perpetual easement is to be imposed is as described on the attached sheets:

PROPERTY #122

RECORDED OWNER: Ridgewood, Ltd., a Utah Limited Partnership,
Realsearch Corporation, a California Corporation
Its general Partner
Address: c/o Franz Fischer, President
Realsearch Corporation
2862 Palos Verdes Drive North
Rolling Hills, California 90274

PARTY OF INTEREST: None of record

LIEN HOLDERS: American Strategic
Income Portfolio - II
c/o Piper Capital Management
222 South 9th Street
Minneapolis, MN 55402-3804

APPRAISED VALUE: \$300.00

PARCEL NO. 09-035-0013

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF DAVIS, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

STATE NO. 122, RIDGEWOOD LTD., PARCEL 122A,
IN THE 75 DECIBEL ZONE, OUTSIDE OF THE APZ

BEGINNING AT A POINT N 0°08'00" E 1980.00 FEET ALONG THE QUARTER SECTION LINE AND N 89°56'00" E 552.58 FEET FROM THE CENTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N 89°56'00" E 419.42 FEET; THENCE S 0°05'50" W 330.00 FEET; THENCE N 89°56'00" E 264.00 FEET, TO THE WEST LINE OF 400 WEST STREET; THENCE S 0°05'50" W 289.12 FEET ALONG SAID RIGHT OF WAY LINE; THENCE N 49°18'47" W 383.45 FEET; THENCE N 46°45'10" W 537.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.96 ACRES

HEIGHT RESTRICTION 227'