LE LAKE DEPARTMENT

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Third Judicial District

JUN 2 8 2010

SALT LAKE COUNTY

Deputy Clerk

## IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR

SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF TRANSPORTATION,

Plaintiff,

VS.

FPA WEST POINT, LLC, a Delaware Limited Liability Company; FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation; BANK OF AMERICA, NA, fka LaSalle Bank, NA; K MART CORPORATION, a Michigan Corporation; and NEW ALBERTSON'S INC., an Ohio Corporation;

Defendants.

FINAL JUDGMENT OF CONDEMNATION AGAINST DEFENDANT NEW ALBERTSON'S, INC.

Civil No. 100907779

Judge Tyrone E. Medley

The Court, having reviewed the Stipulation for Final Judgment of Condemnation entered into by Plaintiff, Utah Department of Transportation (UDOT) and Defendant New Albertson's,

Inc., and having reviewed the Court's file herein and good cause appearing,

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Book - 9847 P9 - 4821-4823

GAF:Y W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

UT ST-DEPT OF TRANSPORTATION

BOX 148420 ATT: MONE WARDLE

SLC UT 84114-8420

BY: ZJM, DEPUTY - WI 3 P.

BK 9847 PG 4821

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. New Albertson's, Inc. interests as a leaseholder in the property hereinafter described

are condemned and acquired by UDOT.

2. The purpose of said condemnation is a public use authorized by law.

3. The Court finds that the interest of New Albertson's, Inc. in the Property, as described

in UDOT's Complaint and as used for the purposes set forth in that Complaint, is nominal for

purposes of this condemnation proceeding and that no money is due New Albertson's, Inc. from

UDOT as a result of UDOT's condemnation of said interest or as a result of the Stipulation for

Final Judgment of Condemnation.

4. This Order shall not in any way affect any claim that New Albertson's, Inc. may have

against the other Defendants to this condemnation proceeding.

5. The rights and interests of New Albertson's, Inc. in and to the following described

property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department

of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

DI COM PERUIT - WEST.

Final Judgment of Condemnation (New Albertson's, Inc.) Salt Lake County, Civil No. 100907779

Page 2

## Parcel No. 1005:2:A

Defendant, being the owner of, or having an interest in, an entire tract of property, lying west of the existing highway, situate in the NE1/4NW1/4 of Section 17, T.2S., R.1W., S.L.B.&M., in Salt Lake County, Utah. To forever close that certain access to an existing highway known as Project No. NM-1005(4) over and across the west right of way line, which had been provided for in that certain Warranty Deed recorded at Entry No. 6233607 in Book 7288 at Page 2013 in the office of the Salt Lake County Recorder, Utah, now made necessary by the widening of the existing highway known as Project No. S-0154(52)16 to-wit:

That 70-foot section which centers at a point directly opposite the center line of said project approximately at Engineer Station 285+12.0, said point is also approximately 1,590.70 ft., N. 89°56'30" E. And 776.00 ft., S. 00°03'30" E. from the Northwest corner of said Section 17.

6. Each party shall bear their respective attorney fees and costs related hereto.

DATED this 28 day of

, 2010.

BY THE COURT:

TYRONE E. MEDLEY

District Court Judge

Approved as to Form:

DANIEL S. DAY

Attorney for New Albertson's, Inc.

I CERTIFY THAT THIS IS A TRUE COPY OF A ORIGINAL DOCUMENT ON FILE IN THE THE DISTRICT COURT, SALT, LAKE COURT

STATE OF UTAH!

DEPUTY COURT CLERK

Final Judgment of Condemnation (New Albertson's, Inc.)
Salt Lake County, Civil No. 100907779

Page 3