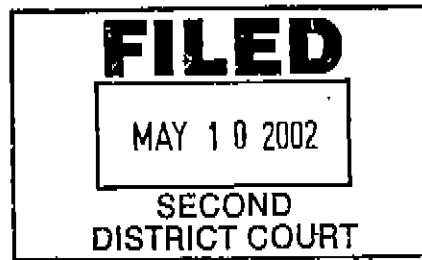


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06-030-0005



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SHERYL L. WHITE, DAVIS CNTY RECORDER
2002 JUN 12 8:23 AM FEE .00 DEP KM
REC'D FOR UTAH DEPT OF TRANSPORTATION

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

DIUMENTI INVESTMENT COMPANY, a
Utah Limited Partnership and GEORGE S.
DIUMENTI II Trustee of the Diument
Family Trust; (Substituted Defendants
George S. Diument, Neena Ashton and
Penny Silver),

Defendants.

FINAL ORDER OF CONDEMNATION

Project No. SP-0067(1)0
Parcel Nos. 92, 92:A and 92:WFS

Affecting Tax ID # 06-030-0005

Civil No. 010700290

Judge Darwin C. Hansen

It appearing to the Court and the Court now finds that pursuant to the law, the Plaintiff
did pay said funds to the substituted Defendants; and

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 cause 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 the parcels of land hereinafter described as hereby taken and condemned in fee simple title identified as Parcel Nos. 197 and 197:A for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff, Utah Department of Transportation, for highway 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 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 Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being situated in Davis County, State of Utah, and the interest acquired and property description is more particularly described as follows:

Parcel No. 0067:92:A

A parcel of land in fee for a freeway known as Project No. 0067, being part of an entire tract of property, situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; and running thence S 89°58'36" E 92.483 m

(303.42 ft.), more or less, along the southerly line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point 58.300 m (191.27 ft.) radially distant southeasterly from the right of way control line of said project; thence Northeasterly 127.435 m (418.09 ft.) along the arc of a 576.700 m (1,892.06 ft.) radius curve to the right (Note: Chord to said curve bears N 34°08'16" E for a distance of 127.176 m (417.24 ft.)); thence N 40°28'06" E 371.387 m (1,218.46 ft.), more or less, to the east line of said Section 22; thence N 0°14'14" E 154.829 m (507.97 ft.), more or less, along said east line to a point 41.700 m (136.81 ft.) perpendicularly distant northwesterly from said right of way control line, said point also being 262.243 m (860.38 ft.) S 0°14'14" W from the Northeast corner of said Section 22 as monumented with a county Brass Cap; thence S 40°28'06" W 489.591 m (1,606.27 ft.) to a point of tangency with a 676.700 m (2,220.14 ft.) radius curve to the left; thence Southwesterly 157.926 m (518.13 ft.), more or less, along the arc of said curve to the west line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ (Note: Chord to said curve bears S 33°46'57" W for a distance of 157.568 m (516.96 ft.)); thence S 0°14'14" W 39.165 m (128.49 ft.), more or less, along said west line to the point of beginning. The above described parcel of land contains 59,128.1 square meters (14.611 acres), more or less.

Together with any and all water rights appurtenant to the above described parcel of land.

(Note: All bearings in the above description are based upon highway bearings.)

Together with a right-of-way for ingress and egress beginning at a point North 33 feet and West 1270 feet from the Southeast corner of said Section 22; thence West 90 feet; thence North 2607 feet to the South line of the Northeast Quarter of said Section 22; thence East 90 feet; thence South 2607 feet to beginning.

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 78, Chapter 34, Section 5, Utah Code Annotated, 1998, as amended, said highway to consist of inner through traffic lanes and an adjacent recreational trail (for non-motorized vehicle use), the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway, to or from said inner lanes.

Parcel No. 0067:92

A parcel of land in fee for a frontage road incident to the construction of a freeway known as Project No. 0067, being part of an entire tract of property, situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

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Beginning in the east line of said Section 22 at a point 41.700 m (136.81 ft.) perpendicularly distant northwesterly from the right of way control line of said project, which point is 262.246 m (860.39 ft.) S 0°14'14" W from the Northeast corner of said Section 22 as monumented with a county Brass Cap; and running thence S 40°28'06" W 489.591 m (1,606.27 ft.) to a point of tangency with a 676.700 m (2,220.14 ft.) radius curve to the left; thence Southwesterly 157.926 m (518.13 ft.), more or less, along the arc of said curve to the west line of said SE¼NE¼ (Note: Chord to said curve bears S 33°46'57" W for a distance of 157.568 m (516.96 ft.)); thence N 0°14'14" E 42.032 m (137.90 ft.), more or less, along said west line to a point 61.700 m (202.43 ft.) radially distant northwesterly from said right of way control line; thence Northeasterly 125.078 m (410.36 ft.) along the arc of a 696.700 m (2,285.76 ft.) radius curve to the right (Note: Chord to said curve bears N 35°19'30" E for a distance of 124.910 m (409.81 ft.)); thence N 40°28'06" E 513.232 m (1,683.83 ft.), more or less, to the east line of said Section 22; thence S 0°14'14" W 30.966 m (101.60 ft.), more or less, along said east line to the point of beginning. The above described parcel of land contains 12,852.1 square meters (3.176 acres), more or less.

To: er with any and all water rights appurtenant to the above described parcel of land.

(Note: All bearings in the above description are based on highway bearings.)

Together with a right-of-way for ingress and egress beginning at a point North 33 feet and West 1270 feet from the Southeast corner of said Section 22; thence West 90 feet; thence North 2607 feet to the South line of the Northeast Quarter of said Section 22; thence East 90 feet; thence South 2607 feet to beginning.

Parcel No. 0067:92:WFS

A tract of land in fee, being part of an entire tract of property, situate in the NE¼NE¼ and the SE¼NE¼ of Section 22, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at the Northeast corner of said Section 22 as monumented with a county Brass Cap; and running thence S 0°14'14" W (highway bearing) 231.277 m (758.78 ft.), more or less, along the east line of said Section 22 to the northwesterly right of way line of a highway known as Project No. 0067; thence S 40°28'06" W 513.232 m (1,683.83 ft.) along said northwesterly right of way line to a point of tangency with a 696.700 m (2,285.76 ft.) radius curve to the left; thence Southwesterly 125.078 m (410.36 ft.) continuing along said northwesterly right of way line along the arc of said curve to the westerly boundary line of said entire tract (Note: Chord to said curve bears S 35°19'30" W for a distance of 124.910 m (409.81 ft.)); thence N 0°14'14" E

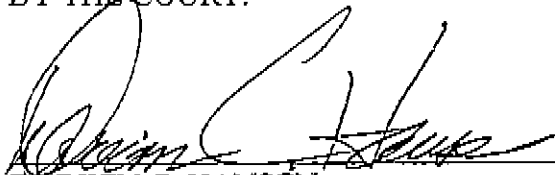
723.806 m (2,374.69 ft.), more or less, along said westerly boundary line to the northerly boundary line of said entire tract; thence S 89°58'36" E 403.287 m (1,323.12 ft.) along said northerly boundary line to the point of beginning. The above described tract of land contains 189,478.0 square meters (46.821 acres), more or less.

Together with any and all water rights appurtenant to the above described tract of land.

(Note: All bearings in the above description are based on highway bearings.)

DATED this 7 day of May, 2002.

BY THE COURT:


DARWIN C. HANSEN
District Court Judge

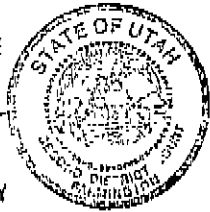
STATE OF UTAH
COUNTY OF DAVIS

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE
ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 20th DAY OF May, 2002

AMANDA E. HANSEN
CLERK OF THE COURT

BY Laura Quersel DEPUTY



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by mailing the same, first-class, postage prepaid, this 23rd day of April, 2002, to:

John P. Ashton
Attorneys for Defendants
175 East 400 South #900
Salt Lake City, UT 84111

Amy Castorline
Secretary