

WHEN RECORDED MAIL TO:

Blue Peak Holdings, LLC  
Attn: Tyler Horan  
520 South 850 East, Ste A400  
Lehi, UT 84043

File No.: 141775-DMP

ENT52623:2021 PG 1 of 19

**Andrea Allen**  
**Utah County Recorder**

2021 Mar 19 04:34 PM FEE 92.00 BY MG  
RECORDED FOR Cottonwood Title Insurance Agency, Inc.  
ELECTRONICALLY RECORDED

## CONSTRUCTION DEED OF TRUST

In Reference to Tax ID Number(s):

35-280-0005, 35-280-0006, 13-040-0038, 13-040-0058, 13-040-0059, 13-040-0060, 13-040-0061,  
35-280-0007, 35-280-0008, 13-068-0014, 13-068-0013, 13-069-0014, 13-069-0015, 13-069-0013,  
13-068-0011, 13-068-0012, 13-069-0018, 13-069-0017 and 45-221-0005

When Recorded, Return to:

Blue Peak Holdings, LLC  
Attn: Tyler Horan  
520 South 850 East, Suite A400  
Lehi, Utah 84043

Tax Id No.: 35-280-0005, 35-280-0006, 13-040-0038, 13-040-0058, 13-040-0059, 13-040-0060,  
13-040-0061, 35-280-0007, 35-280-0008, 13-068-0014, 13-068-0013, 13-069-0014,  
13-069-0015, 13-069-0013, 13-068-0011, 13-068-0012, 13-069-0018, 13-069-0017  
and 45-221-0005

**CONSTRUCTION DEED OF TRUST**

This *Construction Deed of Trust* (“**Deed of Trust**”) is made effective as of the date of the last signature, as set forth on the signature page (“**Effective Date**”).

**I. PARTIES**

The “**Trustor**” under this Deed of Trust is, collectively, **AF 10, LLC**, a Utah limited liability company, **AF 21, LLC**, a Utah limited liability company, **AF PD, LLC**, a Utah limited liability company, and **Left Turn, LLC**, a Utah limited liability company as to their respective interests in the Property.

The “**Beneficiary**” under this Deed of Trust is **Blue Peak Holdings, LLC**, a Utah limited liability company.

The “**Trustee**” under this Deed of Trust is **Cottonwood Title Insurance Agency, Inc.**, a Utah corporation.

**II. CONVEYANCE**

For the sum of TEN DOLLARS and other good and valuable consideration, Trustor does CONVEY and WARRANT to Trustee with power of sale, the following described tract of land in the City of American Fork, Utah County, State of Utah (“**Property**”) together with all rights, structures, improvements, fixtures, rights of way, easements, accesses, leases, tenancies, rents, water rights, mineral rights, entitlements, development rights, or other property rights of any kind or nature now or hereafter on or appurtenant to such parcel:

**See Exhibit A.**

This Deed of Trust is a transfer in trust of real property pursuant to Utah Code § 57-1-20, as the same may be amended, for the benefit of Beneficiary, and is given to secure the payment of the Debt described below and the performance of all the obligations and duties of Trustor as provided herein.

### III. TERMS

Trustor hereby agrees to the following terms and conditions:

1. **Debt.** This Deed of Trust secures Trustor's performance all those obligations of Trustor, as "Borrower," arising under that certain *Construction Cost Sharing Agreement* ("Agreement") dated February 19, 2021, and executed by Trustor in connection with this Deed of Trust, including, without limitation, payment of the Trustor's obligation to pay a pro-rata portion of the Development Cost identified in the Agreement (with Trustor's pro-rata portion of the Development Cost expected to be **\$2,263,455.04**) together with all other amounts payable to Beneficiary under the Agreement. This Deed of Trust also secures payment of the costs, fees, charges, and other amounts provided for in the Agreement on in this Deed of Trust (all amounts due or to become due under the Agreement, including the obligation to pay a pro-rata portion of the Development Price, interest, fees, and other amounts, together with any amounts due or becoming due under this Deed of Trust are, collectively, referred to herein as the "**Debt**").
2. **Term.** This Deed of Trust shall be a lien and encumbrance on the Property until the Debt is paid in full. The Debt shall be due and payable to Beneficiary within the timeframes, and on the terms, provided for in the Agreement (with respect to the portions of the Debt arising under the Agreement) or in this Deed of Trust (with respect to the portions of the Debt arising under this Deed of Trust).
3. **Reconveyance.** The Deed of Trust will be conveyed as follows: upon payment in full of the Debt, or at the request of Beneficiary, Trustee shall reconvey, without warranty, the Property to the person legally entitled thereto.
4. **Taxes and Assessments.** Trustor shall, during the term of this Deed of Trust, pay all real property taxes, other ad valorem assessments, homeowners fees, and other valid charges levied against the Property (collectively "**Assessments**") as the same become due. At Beneficiary's option, and upon written demand, Trustor shall, in addition to the monthly payment amount identified above, pay into escrow with an escrow holder approved by Beneficiary, amounts reasonably estimated by Beneficiary to be equal to the annual amount of the Assessments ("**Assessment Escrow**"). If demanded by Beneficiary, Trustor shall deposit funds into the Assessment Escrow monthly, annually, or as otherwise directed by Beneficiary.
5. **Insurance and Utilities.** Trustor shall, during the term of this Deed of Trust, maintain in force policies of property insurance in the full replacement value of all structures and other improvements on the Property on terms reasonably acceptable to Beneficiary. Beneficiary may, at Beneficiary's sole option, require that Beneficiary be named as the loss payee or an additional insured. All policies will be non-cancelable as to Beneficiary except with a minimum of thirty (30) days prior notice to Beneficiary. In the event of any loss or claim under such policies, Trustor shall immediately provide notice of such loss or claim to Beneficiary. Trustor shall pay when due all charges, costs, and other amounts for utilities used on or otherwise benefitting the Property.

6. **Maintenance and Use of Property.** The Property is to be used for residential purposes and other purposes allowed under applicable ordinances and zoning laws. Trustor shall, during the term of this Deed of Trust, maintain the Property in a good and serviceable condition. Trustor shall promptly repair any damage to the Property. Trustor shall not commit waste with respect to, or permit waste on or with respect to, the Property. Trustor shall not cause or permit any condition to exist on or affecting the Property which would materially diminish the value of the Property. Trustor covenants to comply with each and every law, rule, regulation, covenant, condition, or restriction which is applicable to, or binding on, the Property (“**Regulations**”). Further, Trustor covenants that Trustor will not fail to perform any action, the omission of which would be a violation of the Regulations.
7. **No Further Encumbrances.** After the Effective Date, Trustor shall not, without Beneficiary’s express written consent, encumber the Property with any mortgage, deed of trust, lien, easement, or other encumbrance until the Debt is paid in full or this Deed of Trust is otherwise released.
8. **Condemnation.** All awards of condemnation, payments made in lieu of a proposed condemnation, or other payments or awards made for the loss of, or decrease in value to, the Property or any portion thereof, or for the taking in whole, or in part, of any other interest in or to the Property shall be paid directly to Beneficiary. Beneficiary may apply any such award or payments to Trustor’s obligations under this Deed of Trust or under the Agreement. The cost of any actions taken by Beneficiary to respond to a condemnation, proposed condemnation, or other taking or government action related to the Property shall be costs recoverable under this Deed of Trust and Trustor’s obligation to pay the same shall be secured by this Deed of Trust.
9. **Hazardous Substances.** Trustor shall not cause, or permit, the presence of any substance or material on the Property which consists of, contains, or includes any “hazardous waste” as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 et seq.), as amended from time to time, and regulations promulgated thereunder; any “hazardous substance” as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601 et seq.), as amended from time to time, and regulations promulgated there under; asbestos, including all friable asbestos; polychlorinated biphenyls; underground storage tanks, whether empty, filled, or partially filled with any substance; or any substance the presence of which on the Property is prohibited by any laws, ordinances, rules, and regulations of the United States, the State of Utah, or the county in which the Property is located.
10. **Assignment of Rents.** In order to further secure Trustor’s obligations hereunder, Trustor hereby assigns to Beneficiary all rents, royalties, and profits, if any, arising from the Property as provided for under the Utah Uniform Assignment of Rents Act, as the same may be amended from time to time.
11. **Warranties.** Trustor covenants and warrants that Trustor: (a) is the owner in fee simple of the Property; (b) has obtained all authorizations or consents necessary for Trustor to make

the conveyances and warranties hereunder; (c) has no notice or knowledge of any outstanding or unpaid claims, charges, or obligations against the Property; (d) will protect, preserve, and defend the Property and Trustor's title in and to the Property and Trustor's right to possession of the Property.

12. **Default.** If Trustor fails to timely perform any duty or obligation arising under this Deed of Trust or any duty or obligation arising under the Agreement including, without limitation, the duty to pay the Debt on the terms provided for in the Agreement or herein, or if Trustor otherwise breaches any term or condition of the Agreement or this Deed of Trust, then Beneficiary may exercise, or cause the Trustee to exercise, any or all of the following rights (with the exercise of any remedy by Beneficiary or Trustee not precluding, or constituting a waiver of, the exercise of any additional remedies):
- a. Collect from Trustor all amounts then outstanding under the Agreement or this Deed of Trust together with interest accruing thereon at a default rate of fifteen percent (15%) per annum until paid;
  - b. After giving all notices required by law, to cause Trustee, or a successor Trustee, to sell the Property at public auction pursuant to Utah Code § 57-1-19, et seq., as the same may be amended from time to time, and to exercise any and all rights and remedies available to Beneficiary or Trustee under such statutes;
  - c. With or without accelerating the Debt, or any portion thereof, to commence legal proceedings to foreclose this Deed of Trust as provided for under applicable law;
  - d. Pay any taxes, assessments, or other amounts which Trustor is obligated to pay under this Deed of Trust, or to perform any act required of Trustor hereunder, and to collect from Trustor the amounts expended in so doing, including reasonable attorney fees, with interest accruing thereon at a rate of fifteen percent (15%) per annum until paid;
  - e. Seek the appointment of a receiver, agent, or other person responsible for the management of the Property (Trustor hereby agreeing and consenting to the appointment of a receiver, or other person, in the event of any default and Trustor hereby waiving any requirement for a bond) with such person having the right to take possession of the Property, collect rents arising from the Property, and otherwise managing the affairs of the Property;
  - f. Exercise any rights or remedies available under the terms of the Agreement; and
  - g. Exercise all other rights and remedies available to Beneficiary or Trustee at law or in equity.
13. **Attorney-in-Fact.** Trustor irrevocably appoints Beneficiary as Trustor's attorney-in-fact, upon the occurrence of any default under this Deed of Trust, to perform any act which Trustor is required to perform under this Deed of Trust or the Agreement; provided,



If to Trustee: Cottonwood Title Insurance Agency, Inc.  
1996 East 6400 South, Suite 120  
Murray, Utah 84121

19. **Miscellaneous.**

- a. The terms of this Deed of Trust are for the benefit of Beneficiary. Trustor agrees that the terms hereof may not be amended, altered, or varied except in a writing signed by Beneficiary.
- b. The provisions of this Deed of Trust are severable and the invalidity or unenforceability of any term or condition hereof will not affect the validity or enforceability of the remaining provisions.
- c. This Deed of Trust shall be governed by the laws of the State of Utah. The parties agree to the jurisdiction of the state or federal courts located in Salt Lake County, Utah, with respect to any dispute pertaining to this Deed of Trust.

*[End of Document. Signature Page Follows.]*

WITNESS, the hand of said Trustor.

**TRUSTOR**  
**AF 10, LLC**, a Utah limited liability company

By: [Signature]

Name: Scott Smithson

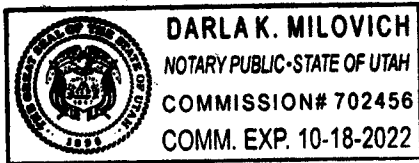
Title: Manager

Date: 3/18/2021

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2021,  
by Scott Smithson as Manager of AF 10,  
LLC.

SEAL:



[Signature]  
Notary Public

**AF 21, LLC**, a Utah limited liability company  
**By: Qelo Development, LLC**  
a Utah limited liability company  
Its; Manager

By: [Signature]

Name: Scott Smithson

Title: Manager

Date: 3/18/2021



STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2021,  
by Scott Smithson as Manager of AF 21,  
LLC.

SEAL:



[Signature]  
Notary Public

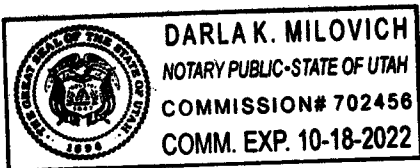
**AF PD, LLC**, Utah limited liability company  
**By: Qelo Development, LLC**, a Utah limited liability company  
Its: Manager

By: [Signature]  
Name: Scott Smithson  
Title: Manager  
Date: 3/18/2021

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2021,  
by Scott Smithson as Manager of AF PD,  
LLC.

SEAL:



[Signature]  
Notary Public

Left Turn, LLC, a Utah limited liability company

By: [Signature]

Name: Scott Smithson

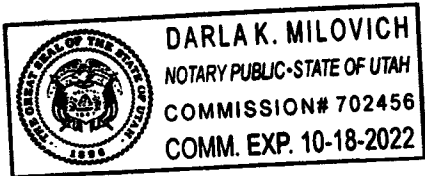
Title: Manager

Date: 3/18/2021

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March 2021,  
by Scott Smithson as Manager of Left Turn,  
LLC.

SEAL:



[Signature]  
Notary Public

**EXHIBIT A  
PROPERTY DESCRIPTION**

**PARCEL 1:**

Lot 1, PLAT "A", B.K. PENROD SUBDIVISION, according to the official plat thereof on file and of record in the office of the Utah County Recorder, recorded September 25, 1996 as Entry No. 78756.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following described tract of land conveyed to American Fork City, as disclosed by that certain Warranty Deed recorded May 6, 2019 as Entry No. 39585:2019 in the office of the Utah County Recorder, to-wit:

A parcel of land for the dedication of future 900 West road, situate in Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point which is North 00°01'56" East 1103.01 feet and West 559.03 feet from the South Quarter corner said Section 22; and running: thence along the arc of a 330.50 foot radius curve to the left a distance of 306.30 feet (curve having a central angle of 53°06'00" and a long chord bearing S26°33'09"W 295.45 feet); thence South 00°00'09" West 191.76 feet to a point along the right-of-way line of 7300 North cul-de-sac; thence along said right-of-way the arc of a non-tangent 50.00 foot radius curve to the left a distance of 208.70 feet (curve having a central angle of 239°09'09" and a long chord bearing S00°19'55"W 86.97 feet); thence South 00°00'09" West 532.82 feet; thence along the arc of a 644.00 foot radius curve to the right a distance of 121.04 feet (curve having a central angle of 10°46'08" and a long chord bearing S05°23'13"W 120.86 feet); thence North 89°37'41" West 81.53 feet; thence along the arc of a 564.00 foot radius curve to the left a distance of 120.72 feet (curve having a central angle of 12°15'51" and a long chord bearing N06°08'04"E 120.49 feet); thence North 00°00'09" East 552.55 feet; thence North 89°01'53" West 8.51 feet; thence North 00°00'09" East 258.86 feet; thence along the arc of a 419.50 foot radius curve to the right a distance of 424.28 feet (curve having a central angle of 57°56'55" and a long chord bearing N28°58'36"E 406.43 feet); thence North 57°57'04" East 30.34 feet; thence South 00°49'10" West 107.37 feet to the point of beginning.

(Note: All bearings in the above description are based on the NAD 27 bearing of N 00°10'41" E along the section line from the West Quarter Corner of Section 22, Township 5 South, Range 1 East to the Northwest Corner of said Section 22.)

ALSO LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following:

Beginning at a point which is North 1247.17 feet and West 487.83 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence South 57°57'04" West 107.51 feet; thence North 39°27'15" West 70.27 feet; thence South 89°16'09" East 67.23 feet; thence North 02°32'00" East 86.36 feet; thence South 89°08'21" East 91.24 feet; thence North 01°38'03" East 75.62 feet; thence North 12°45'06" East 135.61 feet; thence North 00°51'39" East 156.66 feet; thence South 89°13'03" East 98.72 feet; thence South 00°46'05" West 164.55 feet; thence along the arc of a 335.50 foot radius curve to the right a distance of 334.84 feet (curve having a central angle of 57°10'58" and a long chord bearing South 29°21'35" West 321.11 feet) to the point of beginning. (aka the Proposed Lakeshore Landing Block 3 Plat E)

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

**PARCEL 2:**

Commencing North 1247.64 feet and West 880.69 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 520.54 feet; thence South 46°42'00" West 51.84 feet; thence North 01°03'29" East 556.54 feet; thence South 89°16'08" East 27.46 feet to the point of beginning.

**PARCEL 3:**

A parcel of land situate in the South half of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point being South 00°03'33" West 926.02 feet; along the section line and West 2,674.32 feet from the East quarter corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 00°50'20" West 802.25 feet along said barb wire fence line; thence North 89°11'40" West 239.99 feet along said barb wire fence line; thence South 89°58'34" West 288.31 feet along said barb wire fence line; thence North 00°49'10" East 299.78 feet along said barb wire fence line; thence North 02°32'00" East 104.92 feet along said barb wire fence line; thence North 00°42'25" East 394.38 feet along said barb wire fence line; thence East 526.23 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following described tract of land conveyed to American Fork City, as disclosed by that certain Warranty Deed recorded April 16, 2019 as Entry No. 31707:2019 in the office of the Utah County Recorder, to-wit:

A parcel of land for the dedication of future 900 West and 350 South road, situate in Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point which is North 00°01'56" East 1,103.02 feet and West 559.02 feet from the South quarter corner of said Section 22; and running thence North 00°49'10" East 107.37 feet; thence North 57°57'04" East 77.81 feet; thence along the arc of a 330.50 foot radius curve to the left a distance of 329.85 feet (curve having a central angle of 57°10'58" and a long chord bearing North 29°21'35" East 316.33 feet); thence North 00°46'05" East 979.43 feet; thence along the arc of a 20.00 foot radius curve to the left a distance of 31.47 feet (curve having a central angle of 90°09'36" and a long chord bearing North 44°18'43" West 28.32 feet); thence North 89°23'31" West 191.13 feet; thence North 00°53'51" East 43.49 feet; thence South 89°22'15" East 530.71 feet; thence South 01°00'42" West 5.56 feet; thence along the arc of a non-tangent 447.00 foot radius curve to the left a distance of 15.50 feet (curve having a central angle of 01°59'13" and a long chord bearing South 79°53'38" West 15.50 feet); thence South 78°54'02" West 120.20 feet; thence along the arc of a 503.00 foot radius curve to the right a distance of 79.47 feet (curve having a central angle of 09°03'08" and a long chord bearing South 83°25'35" West 79.39 feet); thence along the arc of a 20.00 foot radius curve to the left a distance of 30.43 feet (curve having a central angle of 87°11'04" and a long chord bearing South 44°21'37" West 27.58 feet); thence South 00°46'05" West 980.36 feet; thence along the arc of a 419.50 foot radius curve to the right a distance of 418.67 feet (curve having a central angle of 57°10'58" and a long chord bearing South 29°21'35" West 401.51 feet); thence South 57°57'04" West 108.16 feet; thence along the arc of a 330.50 foot radius curve to the left a distance of 27.95 feet (curve having a central angle of 04°50'44" and a long chord bearing South 55°31'42" West 27.94 feet) to the point of beginning.

(Note: All bearings in the above description are based on the NAD 27 bearing of N 00°10'41" E along the section line from the West Quarter Corner of Section 22, Township 5 South, Range 1 East to the Northwest Corner of said Section 22.)

ALSO LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following:

Beginning at a point which is North 1691.58 feet and West 328.19 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence North 89°13'03" West 98.64 feet; thence North 00°42'16" East 448.37 feet; thence North 00°29'16" East 131.64 feet; thence North 89°40'40" West 117.41 feet; thence North 00°53'51" East 260.23 feet; thence South 89°23'31" East 191.55 feet; thence along the arc of a 20.00 foot radius curve to the right a distance of 30.55 feet (curve having a central angle of 87°21'13" and a long chord bearing South 45°40'37" East 27.67 feet); thence South 00°46'02" West 16.30 feet; thence South 06°04'09" East 42.00 feet; thence South 00°46'05" West 762.82 feet to the point of beginning. (aka the Proposed Lakeshore Landing Block 1 Plat A)

File No. 141775-DMP.

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

**ALSO LESS AND EXCEPTING:**

Beginning at a point which is North 1687.26 feet and West 30.63 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence North 89°13'03" West 218.51 feet; thence North 00°46'05" East 730.43 feet; thence South 89°15'29" East 98.77 feet; thence South 00°44'31" West 418.58 feet; thence South 53°26'45" East 3.91 feet; thence South 00°48'57" West 132.38 feet; thence along the arc of a 21.00 foot radius curve to the left a distance of 33.00 feet (curve having a central angle 90°02'15" and a long chord bears South 44°16'37" East 29.71 feet); thence South 89°17'44" East 95.51 feet; thence South 00°47'10" West 156.40 feet to the point of beginning. (aka the Proposed Lakeshore Landing Block 2 Plat C)

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

**ALSO LESS AND EXCEPTING:**

Beginning at a point which is North 1247.17 feet and West 487.83 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence South 57°57'04" West 107.51 feet; thence North 39°27'15" West 70.27 feet; thence South 89°16'09" East 67.23 feet; thence North 02°32'00" East 86.36 feet; thence South 89°08'21" East 91.24 feet; thence North 01°38'03" East 75.62 feet; thence North 12°45'06" East 135.61 feet; thence North 00°51'39" East 156.66 feet; thence South 89°13'03" East 98.72 feet; thence South 00°46'05" West 164.55 feet; thence along the arc of a 335.50 foot radius curve to the right a distance of 334.84 feet (curve having a central angle of 57°10'58" and a long chord bearing South 29°21'35" West 321.11 feet) to the point of beginning. (aka the Proposed Lakeshore Landing Block 3 Plat E)

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

**PARCEL 4:**

A parcel of land situate in the South half of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point being South 00°00'38" East 101.99 feet and West 2,657.37 feet from the East quarter corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 01°00'42" West 454.65 feet along said barb wire fence line; thence South 01°30'56" West 369.58 feet along said barb wire fence line; thence West 526.23 feet; thence North 01°03'27" East 349.48 feet along said barb wire fence line; thence North 00°53'51" East 481.61 feet along said barb wire fence line; thence South 89°15'00" East 530.08 feet to the point of beginning.

**LESS AND EXCEPTING THEREFROM** any portion lying within the bounds of the following described tract of land conveyed to American Fork City, as disclosed by that certain Warranty Deed recorded April 16, 2019 as Entry No. 31707:2019 in the office of the Utah County Recorder, to-wit:

A parcel of land for the dedication of future 900 West and 350 South road, situate in Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point which is North 00°01'56" East 1,103.02 feet and West 559.02 feet from the South quarter corner of said Section 22; and running thence North 00°49'10" East 107.37 feet; thence North 57°57'04" East 77.81 feet; thence along the arc of a 330.50 foot radius curve to the left a distance of 329.85 feet (curve having a

central angle of 57°10'58" and a long chord bearing North 29°21'35" East 316.33 feet); thence North 00°46'05" East 979.43 feet; thence along the arc of a 20.00 foot radius curve to the left a distance of 31.47 feet (curve having a central angle of 90°09'36" and a long chord bearing North 44°18'43" West 28.32 feet); thence North 89°23'31" West 191.13 feet; thence North 00°53'51" East 43.49 feet; thence South 89°22'15" East 530.71 feet; thence South 01°00'42" West 5.56 feet; thence along the arc of a non-tangent 447.00 foot radius curve to the left a distance of 15.50 feet (curve having a central angle of 01°59'13" and a long chord bearing South 79°53'38" West 15.50 feet); thence South 78°54'02" West 120.20 feet; thence along the arc of a 503.00 foot radius curve to the right a distance of 79.47 feet (curve having a central angle of 09°03'08" and a long chord bearing South 83°25'35" West 79.39 feet); thence along the arc of a 20.00 foot radius curve to the left a distance of 30.43 feet (curve having a central angle of 87°11'04" and a long chord bearing South 44°21'37" West 27.58 feet); thence South 00°46'05" West 980.36 feet; thence along the arc of a 419.50 foot radius curve to the right a distance of 418.67 feet (curve having a central angle of 57°10'58" and a long chord bearing South 29°21'35" West 401.51 feet); thence South 57°57'04" West 108.16 feet; thence along the arc of a 330.50 foot radius curve to the left a distance of 27.95 feet (curve having a central angle of 04°50'44" and a long chord bearing South 55°31'42" West 27.94 feet) to the point of beginning.

(Note: All bearings in the above description are based on the NAD 27 bearing of N 00°10'41" E along the section line from the West Quarter Corner of Section 22, Township 5 South, Range 1 East to the Northwest Corner of said Section 22.)

ALSO LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following:

Beginning at a point which is North 1691.58 feet and West 328.19 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence North 89°13'03" West 98.64 feet; thence North 00°42'16" East 448.37 feet; thence North 00°29'16" East 131.64 feet; thence North 89°40'40" West 117.41 feet; thence North 00°53'51" East 260.23 feet; thence South 89°23'31" East 191.55 feet; thence along the arc of a 20.00 foot radius curve to the right a distance of 30.55 feet (curve having a central angle of 87°21'13" and a long chord bearing South 45°40'37" East 27.67 feet); thence South 00°46'02" West 16.30 feet; thence South 06°04'09" East 42.00 feet; thence South 00°46'05" West 762.82 feet to the point of beginning. (aka the Proposed Lakeshore Landing Block 1 Plat A)

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

ALSO LESS AND EXCEPTING:

Beginning at a point which is North 1687.26 feet and West 30.63 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East; and running thence North 89°13'03" West 218.51 feet; thence North 00°46'05" East 730.43 feet; thence South 89°15'29" East 98.77 feet; thence South 00°44'31" West 418.58 feet; thence South 53°26'45" East 3.91 feet; thence South 00°48'57" West 132.38 feet; thence along the arc of a 21.00 foot radius curve to the left a distance of 33.00 feet (curve having a central angle 90°02'15" and a long chord bears South 44°16'37" East 29.71 feet); thence South 89°17'44" East 95.51 feet; thence South 00°47'10" West 156.40 feet to the point of beginning. (aka the Proposed Lakeshore Landing Block 2 Plat C)

(NOTE: All bearings in the above description are based on the NAD 27 bearing of North 89°52'20" East along the section line from the South quarter corner of Section 22, Township 5 South, Range 1 East to the Southeast corner of said Section 22.)

PARCEL 5:

Lot 2, PLAT "A", B. K. PENROD SUBDIVISION, according to the official plat thereof as recorded in the office of the Utah County Recorder.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of the following described tract of land conveyed to American Fork City as described by that certain Warranty Deed recorded May 6, 2019 as Entry No.

39585:2019 of official records:

A parcel of land for the dedication of future 900 West road, situate in Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point which is North 00°01'56" East 1103.01 feet and West 559.03 feet from the South quarter corner of said Section 22, and running thence along the arc of a 330.50 foot radius curve to the left a distance of 306.30 feet (curve having a central angle of 53°06'00" and a long chord bearing South 26°33'09" West 295.45 feet); thence South 00°00'09" West 191.76 feet to a point along the right-of-way line of 7300 North cul-de-sac; thence along said right-of-way the arc of a non-tangent 50.00 foot radius curve to the left a distance of 208.70 feet (curve having a central angle of 239°09'09" and a long chord bearing South 00°19'55" West 86.97 feet); thence South 00°00'09" West 532.82 feet; thence along the arc of a 644.00 foot radius curve to the right a distance of 121.04 feet (curve having a central angle of 10°46'08" and a long chord bearing South 05°23'13" West 120.86 feet); thence North 89°37'41" West 81.53 feet; thence along the arc of a 564.00 foot radius curve to the left a distance of 120.72 feet (curve having a central angle of 12°15'51" and a long chord bearing North 06°08'04" East 120.49 feet); thence North 00°00'09" East 552.55 feet; thence North 89°01'53" West 8.51 feet; thence North 00°00'09" East 258.86 feet; thence along the arc of a 419.50 foot radius curve to the right a distance of 424.28 feet (curve having a central angle of 57°56'55" and a long chord bearing North 28°58'36" East 406.43 feet); thence North 57°57'04" East 30.34 feet; thence South 00°49'10" West 107.37 feet to the point of beginning.

(Note: All bearings in the above description are based on the NAD 27 bearing of North 00°10'41" East along the section line from the West quarter corner of Section 22, Township 5 South, Range 1 East to the Northwest corner of said Section 22.)

**PARCEL 6:**

Commencing South 2883.321 feet and East 438.51 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 01°33'05" West 641.17 feet; thence North 61°30'00" West 1323.87 feet, along a curve to the left (chord bears South 88°50'13" East 105.92 feet, radius = 750 feet); thence North 87°06'51" East 363.15 feet; thence South 89°26'39" East 712.24 feet to beginning.

**ALSO:**

Commencing North 89°52'26" East 421.16 feet and South 3525.18 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 01°33'05" West 456.73 feet; thence West 206.11 feet; thence North 67°19'16" West 1272.14 feet; thence North 00°26'57" East 653.77 feet, along a curve to the left (chord bears South 75°56'45" East 230.58 feet, radius = 750 feet); thence South 61°30'00" East 1323.88 feet to beginning.

**LESS AND EXCEPTING THEREFROM the following:**

Beginning at a point that is North 89°50'11" East 375.32 feet along the section line and South 1055.07 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the arc of a 987.00 foot radius curve to the right a distance of 1162.25 feet (curve having a central angle of 67°28'08" and a long chord bearing South 37°46'36" East 1096.25 feet); thence South 04°02'32" East 100.53 feet; thence along the arc of a 613.00 foot radius curve to the left a distance of 547.11 feet (curve having a central angle of 51°08'12" and a long chord bearing South 29°36'38" East 529.13 feet); thence South 55°10'44" East 352.92 feet; thence along the arc of a 663.00 foot radius curve to the left a distance of 436.33 feet (curve having a central angle of 37°42'25" and a long chord bearing South 74°01'57" East 428.50 feet); thence North 87°06'51" East 1084.17 feet; thence South 01°33'05" West 67.20 feet; thence South 87°06'51" West 1078.97 feet; thence along the arc of a 730.00 foot radius curve to the right a distance of 480.42 feet (curve having a central angle of 37°42'25" and a long chord bearing North 74°01'57" West 471.80 feet); thence North 55°10'44" West 352.92 feet; thence along the arc of a 680.00 foot radius curve to the right a distance of 606.90 feet (curve having a central angle of 51°08'12" and a long chord bearing North 29°36'38" West 586.96 feet); thence North 04°02'32" West 100.53 feet; thence along the arc of a 920.00 foot radius curve to the left a distance of 1062.38 feet (curve having a central angle of 66°09'46" and a long chord bearing North 37°07'25" West 1004.33 feet); thence North 01°10'00"

East 70.43 feet to the point of beginning.

**PARCEL 7:**

Commencing South 1716.81 feet and West 244.05 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 01°33'05" West 1140.03 feet; thence South 87°06'51" West 362.94 feet, along a curve to the right (chord bears North 87°01'24" West 149.13 feet, radius = 730 feet); thence North 18°30'00" West 553.95 feet; thence North 00°26'57" East 631.76 feet; thence South 89°26'39" East 713.14 feet to beginning.

**ALSO:**

Commencing South 2341.63 feet and West 962.08 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 18°30'00" East 553.95 feet, along a curve to the right (chord bears North 73°48'28" West 186.9 feet, radius = 730 feet); thence North 00°26'57" East 473.22 feet to beginning.

**LESS AND EXCEPTING THEREFROM the following:**

Beginning at a point that is North 89°50'11" East 375.32 feet along the section line and South 1055.07 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the arc of a 987.00 foot radius curve to the right a distance of 1162.25 feet (curve having a central angle of 67°28'08" and a long chord bearing South 37°46'36" East 1096.25 feet); thence South 04°02'32" East 100.53 feet; thence along the arc of a 613.00 foot radius curve to the left a distance of 547.11 feet (curve having a central angle of 51°08'12" and a long chord bearing South 29°36'38" East 529.13 feet); thence South 55°10'44" East 352.92 feet; thence along the arc of a 663.00 foot radius curve to the left a distance of 436.33 feet (curve having a central angle of 37°42'25" and a long chord bearing South 74°01'57" East 428.50 feet); thence North 87°06'51" East 1084.17 feet; thence South 01°33'05" West 67.20 feet; thence South 87°06'51" West 1078.97 feet; thence along the arc of a 730.00 foot radius curve to the right a distance of 480.42 feet (curve having a central angle of 37°42'25" and a long chord bearing North 74°01'57" West 471.80 feet); thence North 55°10'44" West 352.92 feet; thence along the arc of a 680.00 foot radius curve to the right a distance of 606.90 feet (curve having a central angle of 51°08'12" and a long chord bearing North 29°36'38" West 586.96 feet); thence North 04°02'32" West 100.53 feet; thence along the arc of a 920.00 foot radius curve to the left a distance of 1062.38 feet (curve having a central angle of 66°09'46" and a long chord bearing North 37°07'25" West 1004.33 feet); thence North 01°10'00" East 70.43 feet to the point of beginning.

**PARCEL 8:**

Commencing North 89°52'26" East 469.92 feet and South 1724.78 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 01°33'05" West 1097.05 feet; thence South 87°06'51" West 716.03 feet; thence North 01°33'05" East 1140.04 feet; thence South 89°26'39" East 714 feet to beginning.

**LESS AND EXCEPTING THEREFROM the following:**

Beginning at a point that is North 89°50'11" East 375.32 feet along the section line and South 1055.07 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the arc of a 987.00 foot radius curve to the right a distance of 1162.25 feet (curve having a central angle of 67°28'08" and a long chord bearing South 37°46'36" East 1096.25 feet); thence South 04°02'32" East 100.53 feet; thence along the arc of a 613.00 foot radius curve to the left a distance of 547.11 feet (curve having a central angle of 51°08'12" and a long chord bearing South 29°36'38" East 529.13 feet); thence South 55°10'44" East 352.92 feet; thence along the arc of a 663.00 foot radius curve to the left a distance of 436.33 feet (curve having a central angle of 37°42'25" and a long chord bearing South 74°01'57" East 428.50 feet); thence North 87°06'51" East 1084.17 feet; thence South 01°33'05" West 67.20 feet; thence South 87°06'51" West 1078.97 feet; thence along the arc of a 730.00 foot radius curve to the right a distance of 480.42 feet (curve having a central angle of 37°42'25" and a long chord bearing North 74°01'57" West 471.80 feet); thence North 55°10'44" West 352.92 feet;



thence along the arc of a 680.00 foot radius curve to the right a distance of 606.90 feet (curve having a central angle of 51°08'12" and a long chord bearing North 29°36'38" West 586.96 feet); thence North 04°02'32" West 100.53 feet; thence along the arc of a 920.00 foot radius curve to the left a distance of 1062.38 feet (curve having a central angle of 66°09'46" and a long chord bearing North 37°07'25" West 1004.33 feet); thence North 01°10'00" East 70.43 feet to the point of beginning.

PARCEL 9:

Commencing South 2840.42 feet and East 439.67 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 01°33'04" West 42.88 feet; thence North 89°26'39" West 712.11 feet; thence North 87°06'51" East 714.15 feet to beginning.

PARCEL 10:

Commencing South 211.19 feet and West 286.14 feet from the South quarter corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence West 272.06 feet; thence North 87°19'20" West 126.77 feet; thence North 01°08'56" East 75 feet; thence North 88°29'47" West 37.87 feet; thence North 01°16'39" East 36.25 feet; thence South 89°37'42" East 156.5 feet; thence North 01°02'47" East 94.08 feet; thence East 92.17 feet; thence North 210 feet; thence West 60 feet; thence South 209.99 feet; thence West 32.17 feet; thence North 01°02'47" East 636.94 feet; thence South 89°01'56" East 278.69 feet; thence South 00°58'07" West 843.44 feet to the beginning.

PARCEL 11:

Commencing South 94.52 feet and West 242.99 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 00°43'00" West 323 feet; thence South 00°43'00" West 1289 feet; thence North 89°15'00" West 694.4 feet; thence South 00°33'00" West 1116.55 feet, along a curve to the right (chord bears North 60°42'46" West 140.79 feet, radius = 730 feet); thence North 55°10'44" West 352.92 feet, along a curve to the right (chord bears North 29°36'38" West 586.96 feet, radius = 680 feet); thence North 04°02'32" West 100.53 feet, along a curve to the left (chord bears North 37°07'20" West 1004.29 feet, radius = 920 feet); thence North 01°10'00" East 263.42 feet; thence South 89°41'00" East 1335 feet; thence North 01°02'00" East 784.51 feet; thence South 89°37'42" East 209.11 feet; thence South 01°16'39" West 36.26 feet; thence South 88°29'47" East 37.87 feet; thence South 01°08'56" West 75 feet; thence South 87°19'20" East 126.77 feet; thence East 272.06 feet; thence North 00°58'07" East 125.62 feet; thence South 89°26'00" East 285.22 feet to beginning.

LESS AND EXCEPTING THEREFROM the following:

Beginning at a point that is North 89°50'11" East 1727.44 feet along the section line and South 142.19 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 65°08'00" East 1555.34 feet; thence South 01°11'10" West 218.39 feet; thence North 65°08'00" West 1550.96 feet; thence North 01°01'01" East 218.67 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the following:

Beginning at a point that is North 89°50'11" East 375.32 feet along the section line and South 1055.07 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the arc of a 987.00 foot radius curve to the right a distance of 1162.25 feet (curve having a central angle of 67°28'08" and a long chord bearing South 37°46'36" East 1096.25 feet); thence South 04°02'32" East 100.53 feet; thence along the arc of a 613.00 foot radius curve to the left a distance of 547.11 feet (curve having a central angle of 51°08'12" and a long chord bearing South 29°36'38" East 529.13 feet); thence South 55°10'44" East 352.92 feet; thence along the arc of a 663.00 foot radius curve to the left a distance of 436.33 feet (curve having a central angle of 37°42'25" and a long chord bearing South 74°01'57" East 428.50 feet); thence North 87°06'51" East 1084.17 feet; thence South 01°33'05" West 67.20 feet; thence South 87°06'51" West 1078.97 feet; thence along the arc of a 730.00 foot radius curve to the right a distance of 480.42 feet (curve having a central angle of 37°42'25" and a long chord bearing North 74°01'57" West 471.80 feet); thence North 55°10'44" West 352.92 feet;

thence along the arc of a 680.00 foot radius curve to the right a distance of 606.90 feet (curve having a central angle of 51°08'12" and a long chord bearing North 29°36'38" West 586.96 feet); thence North 04°02'32" West 100.53 feet; thence along the arc of a 920.00 foot radius curve to the left a distance of 1062.38 feet (curve having a central angle of 66°09'46" and a long chord bearing North 37°07'25" West 1004.33 feet); thence North 01°10'00" East 70.43 feet to the point of beginning.

**PARCEL 12:**

Commencing South 2835.48 feet and West 968.41 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 00°33'00" West 653.14 feet; thence North 73°21'00" West 466.63 feet; thence North 68°10'00" West 468.49 feet; thence North 68°52'00" West 498.9 feet; thence North 01°10'00" East 1848.01 feet, along a curve to the right (chord bears South 36°54'25" East 976.79 feet, radius = 900 feet); thence South 04°02'32" East 100.53 feet, along a curve to the left (chord bears South 29°36'38" East 604.22 feet, radius = 700 feet); thence South 55°10'44" East 352.92 feet, along a curve to the left (chord bears South 61°02'22" East 153.17 feet, radius = 750 feet) to beginning.

**LESS AND EXCEPTING THEREFROM the following:**

Beginning at a point that is North 89°50'11" East 375.32 feet along the section line and South 1055.07 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the arc of a 987.00 foot radius curve to the right a distance of 1162.25 feet (curve having a central angle of 67°28'08" and a long chord bearing South 37°46'36" East 1096.25 feet); thence South 04°02'32" East 100.53 feet; thence along the arc of a 613.00 foot radius curve to the left a distance of 547.11 feet (curve having a central angle of 51°08'12" and a long chord bearing South 29°36'38" East 529.13 feet); thence South 55°10'44" East 352.92 feet; thence along the arc of a 663.00 foot radius curve to the left a distance of 436.33 feet (curve having a central angle of 37°42'25" and a long chord bearing South 74°01'57" East 428.50 feet); thence North 87°06'51" East 1084.17 feet; thence South 01°33'05" West 67.20 feet; thence South 87°06'51" West 1078.97 feet; thence along the arc of a 730.00 foot radius curve to the right a distance of 480.42 feet (curve having a central angle of 37°42'25" and a long chord bearing North 74°01'57" West 471.80 feet); thence North 55°10'44" West 352.92 feet; thence along the arc of a 680.00 foot radius curve to the right a distance of 606.90 feet (curve having a central angle of 51°08'12" and a long chord bearing North 29°36'38" West 586.96 feet); thence North 04°02'32" West 100.53 feet; thence along the arc of a 920.00 foot radius curve to the left a distance of 1062.38 feet (curve having a central angle of 66°09'46" and a long chord bearing North 37°07'25" West 1004.33 feet); thence North 01°10'00" East 70.43 feet to the point of beginning.

**PARCEL 13:**

Commencing South 426 feet from the North quarter corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence North 89°55'00" East 65.21 feet; thence South 65°08'00" East 460.28 feet; thence South 00°40'12" West 453.82 feet; thence West 5.62 feet; thence South 01°10'00" West 650.91 feet; thence North 89°27'00" West 714 feet; thence North 00°43'00" East 1292.5 feet; thence North 89°55'00" East 237.9 feet to beginning.

**LESS AND EXCEPTING THEREFROM the following:**

Beginning at a point that is North 89°50'11" East 1727.44 feet along the section line and South 142.19 feet from the Northwest corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 65°08'00" East 1555.34 feet; thence South 01°11'10" West 218.39 feet; thence North 65°08'00" West 1550.96 feet; thence North 01°01'01" East 218.67 feet to the point of beginning.

**PARCEL 14:**

Commencing South 285.38 feet and South 89°53'37" West 2890.77 feet from the Northeast corner of Section 27, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 65°08'00" East 333.36 feet; thence North 57°41'00" West 303.58 feet; thence North 00°27'39" East 139.98 feet to beginning.

## PARCEL 15:

Part of Lot 1, PLAT "A", LLOYD/CHADWICK SUBDIVISION, described as follows:

Commencing North 550.09 feet and West 2162.11 feet from the Southeast corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 00°07'40" East 414.48 feet; thence South 89°52'02" West 150.85 feet; thence South 26°45'41" West 47.24 feet, along a curve to the left (chord bears South 00°01'09" West 13.5 feet, radius = 15 feet), along a curve to the right (chord bears South 02°00'45" West 60.57 feet, radius = 63 feet); thence South 00°00'59" East 123.78 feet; thence North 89°31'53" West 199.43 feet; thence North 660.7 feet; thence North 87°28'56" East 340.61 feet; thence South 55°17'34" East 39.46 feet to beginning.

## ALSO:

Part of Lot 2, PLAT "A", LLOYD/CHADWICK SUBDIVISION, described as follows:

Commencing North 557.6 feet and West 2534.83 feet from the Southeast corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 660.7 feet; thence North 89°31'53" West 401.58 feet; thence North 00°58'19" East 498.8 feet; thence South 89°19'23" East 250 feet; thence North 00°58'19" East 160.57 feet; thence South 89°01'52" East 50.71 feet, along a curve to the left (chord bears North 89°13'32" East 65.47 feet, radius = 1076 feet); thence North 87°28'57" East 24.26 feet to beginning.

Tax Id No.: 35-280-0005, 35-280-0006, 13-040-0038, 13-040-0058, 13-040-0059, 13-040-0060, 13-040-0061, 35-280-0007, 35-280-0008, 13-068-0014, 13-068-0013, 13-069-0014, 13-069-0015, 13-069-0013, 13-068-0011, 13-068-0012, 13-069-0018, 13-069-0017 and 45-221-0005