

10772

**PREPARED BY AND WHEN
RECORDED RETURN TO:**

Victor A. Taylor, Esq.
Kimball, Parr, Waddoups, Brown & Gee
185 South State Street, Suite 1300
P.O. Box 11019
Salt Lake City, Utah 84147-0019
telephone: (801) 532-7840
telecopier: (801) 532-7750

00481095 Bk01054 Pg00602-00604

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1997 JUN 19 16:29 PM FEE \$19.00 BY DMG
REQUEST: PARK CITY TITLE

SPECIAL WARRANTY DEED

[John W. Jarman, individually and as the personal representative of Helen B. Jarman, deceased/Boyer Spring Creek, L.C.]

THIS INSTRUMENT is executed as of the 19th day of June, 1997, by JOHN W. JARMAN, individually and as the personal representative of Helen B. Jarman, deceased ("Grantor"), whose address is c/o Bob Richmond, 4141 South Highland Drive, Suite 307, Salt Lake City, Utah 84124, in favor of BOYER SPRING CREEK, L.C., a Utah limited liability company ("Grantee"), whose address is 127 South 500 East, Suite 100, Salt Lake City, Utah 84111.

FOR THE SUM OF TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor hereby conveys and warrants to Grantee against all persons claiming by, through or under Grantor, but not otherwise, certain real property (the "Property") located in Summit County, Utah, described as follows:

Parcel 1 ("Parcel 1"):

A portion of Lot 7, THE VILLAGE AT KIMBALL JUNCTION, according to the official plat thereof on file and of record in the Summit County Recorder's office, which portion is described as follows:

A tract of land located within Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, being more particularly described as follows: Commencing at the Northwest corner of said Section 19, thence South 89°46'57" East 2667.41 feet to the North corner of said Section 19 (not found), thence South 00°16'14" East 1927.04 feet to the point of beginning, and running thence South 00°16'14" East 513.60 feet; thence South 89°46'27" West 1286.63 feet; thence North 00°27'00" East 499.71 feet; thence South 89°33'00" East 165.00 feet; thence North 00°27'00" East 15.00 feet; thence North 89°43'46" East 740.34 feet; thence South 00°16'00" East 40.00 feet; thence North 89°43'46" East 70.00 feet; thence North 00°16'14" West 40.00 feet; thence North 89°43'46" East 304.83 feet to the point of beginning. Contains 15.000 acres.

Parcel 2:

All of Parcels A, B, C, D and E, and the South Entry Road, THE VILLAGE AT KIMBALL JUNCTION, according to the official plat thereof on file and of record in the Summit County Recorder's office.

TOGETHER WITH all of Grantor's right, title and interest in all appurtenances thereto including, but not limited to, Grantor's interest in any assignable licenses, permits, mineral rights, strips between the Property and abutting properties and in any street, highway, alley, easement or right-of-way, existing or proposed, on or adjacent to the Property.

SUBJECT TO AND TOGETHER WITH the Declaration of Covenants, Conditions and Restrictions, Grant of Easements, recorded March 11, 1992 as Entry No. 355433 in Book 650 at Page 418 of the official records (the "Official Records") of the Summit County Recorder, as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions, Grant of Easements, recorded December 15, 1992 as Entry No. 370680 in Book 699 at Page 218 of the Official Records, or as otherwise amended on or after the date of this instrument.

SUBJECT ALSO TO the following (only):

1. Current real property taxes (to be prorated between Grantor and Grantee).
2. Effects, if any, of the Resolution of the Summit County Commission, No. 93-2, recorded February 1, 1993 as Entry No. 373176 in Book 707 at Page 148 of the Official Records.
3. (Affects only Parcel 1.) Instrument recorded October 23, 1947 as Entry No. 76760 in Book Z-Misc. at Page 54 of the Official Records, as modified by instrument recorded October 15, 1948 as Entry No. 77995 in Book Z-Misc. at Page 302 of the Official Records.
4. (Affects only Parcel 1.) Easement, recorded December 21, 1987 as Entry No. 282250 in Book 459 at Page 370 of the Official Records.
5. Matters set forth on the recorded plat for THE VILLAGE AT KIMBALL JUNCTION.
6. Matters which a correct survey would disclose.

RESERVING TO GRANTOR the existing well at the South end of Parcel A, THE VILLAGE AT KIMBALL JUNCTION, according to the official plat thereof on file and of record in the Summit County Recorder's office, together with reasonable and necessary rights of ingress and egress to and from such well and the South Entry Road, THE VILLAGE AT KIMBALL JUNCTION, according to the official plat thereof on file and of record in the Summit County Recorder's office, over and across said Parcel A. As set forth in the "Notes" section of the recorded plat for THE VILLAGE AT KIMBALL JUNCTION, such well shall be afforded a 100 foot

protection zone from concentrated sources of pollution in accordance with Utah Admin. R449-106-2.3.

GRANTOR has executed this instrument in favor of Grantee on the date set forth below, to be effective as of the date first set forth above.

GRANTOR:

John W. Jarman
JOHN W. JARMAN, individually and as the personal representative of Helen B. Jarman, deceased

Date 6/19/97

State of Utah)
County of Summit) ss.

The foregoing instrument was acknowledged before me this 19th day of June, 1997, by John W. Jarman, individually and as the personal representative of Helen B. Jarman, deceased.

(Seal)

Nari Jepperson
Notary Public

My Commission Expires:

1/6/2000

Residing at:

Wallsburg, UT

