

E 3405958 B 7815 P 449-453
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
8/4/2021 9:45:00 AM
FEE \$40.00 Pgs: 5
DEP eCASH REC'D FOR FIRST AMERICAN TITLE - ATLA

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Cynthia A Melillo PLLC
8385 W. Emerald Street
Boise, Idaho 83704
Attn: Cynthia A. Melillo

AND MAIL TAX BILLS AND AFTER RECORDING
RETURN TO:

B & S Investments LLC and Dutch Yakuza, LLC
1980 South Meridian Road, Suite 140
Meridian, ID 83642
Attention: Travis Stroud

Tax Serial Number: 103570102

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, HOME DEPOT U.S.A., INC., a Delaware corporation, whose mailing address is 2455 Paces Ferry Road, Atlanta, Georgia 30339, grantor, hereby CONVEYS AND WARRANTS to B & S INVESTMENTS LLC, an Idaho limited liability company and DUTCH YAKUZA, LLC, an Idaho limited liability company, as tenants in common with each holding an undivided fifty percent (50%) interest, with an address of 1980 South Meridian Road, Suite 140 Meridian, ID 83642, grantee, that certain real property in Layton, County of Davis, State of Utah, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, subject to the permitted encumbrances described in Exhibit "B" attached hereto and incorporated herein by this reference.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered effective as of the date and year first stated above.

GRANTOR:

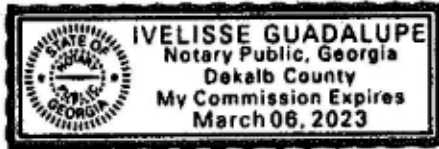
HOME DEPOT U.S.A., INC.,
a Delaware corporation

By: Suzanne Russo
Suzanne Russo,
Assistant General Counsel

STATE OF GEORGIA

COUNTY OF COBB

THE FOREGOING INSTRUMENT was acknowledged before me this 23rd day of July, 2021, by Suzanne Russo, an authorized signatory of Home Depot U.S.A., Inc., a Delaware corporation.



(NOTARIAL SEAL)

Ivelisse Guadalupe
NOTARY PUBLIC (Signature Above)
State of Georgia
Print Name: Ivelisse Guadalupe
My Commission Expires: March 06, 2023

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL 1:

LOT 102, BARLOW RETAIL SUBDIVISION LOT 1 AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED JULY 13, 2021 AS ENTRY NO. 3399119 IN BOOK 7800 OF PLATS AT PAGE 208 ON FILE AND OF RECORD IN THE DAVIS COUNTY RECORDER'S OFFICE.

PARCEL 2:

THE BENEFICIAL, NON-EXCLUSIVE RIGHTS FOR INGRESS AND EGRESS BY VEHICULAR AND PEDESTRIAN TRAFFIC AS DISCLOSED IN RESTRICTION AGREEMENT AND GRANT OF EASEMENTS RECORDED NOVEMBER 15, 2005 AS ENTRY NO. 2122537 IN BOOK 3912 AT PAGE 216 OF OFFICIAL RECORDS; AS AFFECTED BY AMENDMENT RECORDED SEPTEMBER 10, 2007 AS ENTRY NO. 2304631 IN BOOK 4363 AT PAGE 496L AS FURTHER AFFECTED BY SECOND AMENDMENT TO RESTRICTION AGREEMENT AND GRANT OF EASEMENTS DATED MAY 14, 2021, RECORDED JUNE 18, 2021 AS ENTRY NO. 3392389 AT PAGE 193 OF OFFICIAL RECORDS.

Exhibit B
Permitted Exceptions

1. Taxes for the year 2021 now a lien, not yet due. General property taxes for the year 2020 were assessed in the amount of \$102,522.25. After applying a credit for adjustment in the amount of \$1,015.07, the remaining balance of \$101,507.18 was paid in full. Tax Parcel No.10-271-0001.
2. An easement over, across or through the Land for irrigation canal and incidental purposes, as granted to State Road Commission of Utah by Instrument recorded March 02, 1946 as Entry No. 92209 in Book 1-Y at Page 525 of Official Records.
3. An easement over, across or through the Land for power line and incidental purposes, as granted to Utah Power & Light Company, its successors in interest and assigns by Instrument recorded April 25, 1953 as Entry No. 130018 in Book 51 at Page 177 of Official Records.
4. Ordinance of Layton City Adopting the Revised South Main/South Fort Lane Redevelopment Project Area Plan recorded July 02, 2004 as Entry No. 1999708 in Book 3574 at Page 634 of Official Records.

Thereafter Ordinance of Layton City Adopting the corrected South Main/South Fort Lane Redevelopment Project Area Legal Description recorded December 14, 2009 as Entry No. 2499517 in Book 4920 at Page 1167 of Official Records.
5. Any covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions contained within those certain declarations recorded November 15, 2005 as Entry No. 2122537 in Book 3912 at Page 216 of Official Records, and any amendments thereto, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenant, condition or restriction violates 42 USC 3604(c).

Amendment to declarations recorded September 10, 2007 as Entry No. 2304631 in Book 4363 at Page 496 of Official Records.

Amendment to declarations recorded June 18, 2021 as Entry No. 3392389 in Book 7784 at Page 193 of Official Records.
6. Easements, notes and restrictions as shown on subdivision plat recorded April 14, 2006 as Entry No. 2160459 in Book 4013 of Plats at Page 419.

Easements, notes and restrictions as shown on Barlow Retail Subdivision plat recorded July 13, 2021 as Entry No. 3399119 in Book 7800 of Plats at Page 208.
7. Vehicular access is limited to openings permitted by the Utah State Department of Transportation in accordance with Section 41-6a-714, Utah Code Annotated, as amended 2005.
8. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.
9. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

10. Matters disclosed on that certain ALTA/NSPS Land Title Survey prepared by Silverpeak Engineering dated December 16, 2020, last revised _____, 2021 as Project: 20-233 (the "Survey") as follows:
- (a) 18" storm drain traversing southern portion of property;
 - (b) 8" sewer line traversing southern portion of property;
 - (c) storm drain running along easterly lot line