

FIRST AMERICAN TITLE  
# NCS 957820

When Recorded Return to:

KMW Development L.L.C.  
c/o Woodbury Corporation  
2733 East Parleys Way, Suite 300  
Salt Lake City, Utah 84109  
Attention: Legal Department

13074444  
9/16/2019 11:18:00 AM \$40.00  
Book - 10831 Pg - 19-29  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
FIRST AMERICAN NCS  
BY: eCASH, DEPUTY - EF 11 P.

Mail Tax notice to:

KMW Development L.L.C.  
c/o Woodbury Corporation  
2733 East Parleys Way, Suite 300  
Salt Lake City, Utah 84109  
Attention: Legal Department

File No. NCS-957820-SLC1

Tax Parcel No. 22-09-228-001-0000.  
Tax Parcel No. 22-09-228-007-0000.  
Tax Parcel No. 22-09-228-010-0000.  
Tax Parcel No. 22-09-228-012-0000.  
Tax Parcel No. 22-09-228-013-0000.  
Tax Parcel No. 22-09-228-014-0000.  
Tax Parcel No. 22-10-151-006-0000.  
Tax Parcel No. 22-10-151-007-0000.  
Tax Parcel No. 22-10-151-008-0000.  
Tax Parcel No. 22-10-151-009-0000.

### SPECIAL WARRANTY DEED

COTTONWOOD MALL, LLC, a Delaware limited liability company ("**GRANTOR**"), hereby CONVEYS and WARRANTS against any and all claiming by, through or under Grantor only to:

KMW DEVELOPMENT L.L.C., a Utah limited liability company ("**GRANTEE**"), whose mailing address is 2733 East Parleys Way, Suite 300, Salt Lake City, Utah 84109, for the sum of TEN AND 00/100'S DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, all of the real property located in Salt Lake County, Utah and described on Schedule A attached hereto and made a part hereof for all purposes (hereinafter referred to as the "**Land**") and all buildings and improvements located thereon, together with all and singular, Grantor's right, title and interest, if any, in and to adjacent streets, roads, alleys, rights-of-way, strips and gores, easements, rights of ingress and egress, tenements, hereditaments and appurtenances on the Land or in anywise appertaining thereto (the foregoing, together with the Land, being hereinafter collectively referred to as the "**Property**").

**SUBJECT** to the reservations, conditions, easements, rights of way, covenants, restrictions, encumbrances, and all other matters set forth on Schedule "B" attached hereto and incorporated herein by this reference (all of the foregoing being hereinafter collectively referred to as the "**Permitted Exceptions**").

[END OF PAGE – SIGNATURE PAGE FOLLOWS]

WITNESS, the hand of said Grantor, this 12 day of September, 2019.

GRANTOR:

COTTONWOOD MALL, LLC,  
a Delaware limited liability company

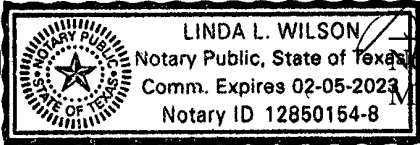
By: \_\_\_\_\_  
Name: Grant Herlitz  
Title: President

STATE OF TEXAS                    )  
  )  
COUNTY OF DALLAS            )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Grant Herlitz whose name as President of Cottonwood Mall, LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 12 day of September, 2019.

[NOTARIAL SEAL]



[Signature]  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 2/5/2023

**SCHEDULE A**

**Property**

**PARCEL 1:**

BEGINNING ON THE CENTERLINE OF THE COTTONWOOD CANAL AT A POINT WHICH IS SOUTH 0°02'52" EAST ALONG THE SECTION LINE 657.97 FEET, NORTH 89°48' WEST ALONG THE MURRAY HOLLADAY ROAD MONUMENT LINE 632.82 FEET AND SOUTH 54°39' EAST ALONG THE CENTERLINE OF SAID CANAL 83.37 FEET FROM THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT OF BEGINNING ALSO BEING SOUTH 89°48' EAST ALONG SAID MONUMENT LINE 799.87 FEET AND SOUTH 54°39' EAST ALONG THE CENTERLINE OF SAID CANAL 83.37 FEET FROM THE COUNTY MONUMENT AT THE INTERSECTION OF MURRAY HOLLADAY ROAD AND HIGHLAND DRIVE; AND RUNNING THENCE NORTH 89°48' WEST 682.47 FEET; THENCE NORTH 0°12' EAST 15.0 FEET; THENCE NORTH 89°48' WEST 144.42 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE SOUTH 1°46'10" EAST ALONG SAID RIGHT OF WAY LINE 42.90 FEET; THENCE NORTH 88°13'50" EAST ALONG SAID EAST LINE 10.0 FEET; TO A POINT OF A SPIRAL CURVE WHICH IS CONCENTRIC WITH AND 50.0 FEET RADially DISTANT EASTERLY FROM A 200.0 FOOT TEN CHORD SPIRAL FOR A 4 DEGREE CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SPIRAL CURVE 196.50 FEET, MORE OR LESS, TO THE POINT OF CURVATURE OF A 1382.40 FOOT RADIUS CURVE THE CENTER OF WHICH BEARS NORTH 84°13'50" EAST; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 30°01'30", A DISTANCE OF 724.43 FEET TO THE POINT OF A SPIRAL CURVE; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID SPIRAL CURVE WHICH IS CONCENTRIC WITH AND 50.0 FEET RADially DISTANT NORTHEASTERLY FROM A 200.0 FOOT TEN CHORD SPIRAL FOR A 4 DEGREE CURVE 196.50 FEET, MORE OR LESS, TO THE POINT OF TANGENCY; THENCE SOUTH 39°47'40" EAST ALONG SAID RIGHT OF WAY LINE 1124.87 FEET; THENCE SOUTH 56°10' EAST 151.248 FEET; THENCE NORTH 0°35'40" WEST 40.957 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ARBOR LANE (ALSO KNOWN AS MEMORY LANE); THENCE SOUTH 85°00' EAST ALONG SAID RIGHT OF WAY LINE 352.02 FEET TO THE POINT OF TANGENCY WITH A 214.51 FOOT RADIUS CURVE; THENCE EASTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 36°58'30", A DISTANCE OF 138.43 FEET TO THE CENTER OF BIG COTTONWOOD CREEK; THENCE ALONG THE CENTER OF SAID CREEK NORTH 51°30' WEST 28.31 FEET AND NORTH 76°00' WEST 141.00 FEET; THENCE NORTH 44°50' EAST 155.00 FEET; THENCE NORTH 48°18'24" EAST 123.45 FEET; THENCE SOUTH 57°19' EAST 134.25 FEET TO A POINT ON THE ARC OF AN 811.00 FOOT RADIUS CURVE THE CENTER OF WHICH BEARS NORTH 51°25'30" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 4°33'30", A DISTANCE OF 64.52 FEET TO A POINT OF COMPOUND CURVE; THENCE NORTHERLY ALONG THE ARC OF A 215.79 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 49°37', A DISTANCE

OF 186.87 FEET TO A POINT OF A COMPOUND CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF AN 1111.28 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°38', A DISTANCE OF 361.40 FEET; THENCE NORTH 34°14' WEST 64.50 FEET TO THE POINT OF TANGENCY WITH A 137.34 FOOT RADIUS CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 58°19'35", A DISTANCE OF 139.81 FEET TO A POINT OF THE SOUTHERLY FLOW LINE OF THE AFORESAID COTTONWOOD CANAL WHERE THE CENTER OF SAID CURVE BEARS SOUTH 65°54'25" EAST; THENCE ALONG SAID SOUTHERLY CANAL FLOW LINE NORTH 58°24'30" WEST 28.49 FEET AND NORTH 76°46'10" WEST 40.50 FEET AND NORTH 60°58'40" WEST 7.22 FEET; THENCE NORTH 45°15' EAST 283.30 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MEMORY LANE; THENCE NORTH 44°45' WEST ALONG SAID RIGHT OF WAY LINE 515.69 FEET; THENCE SOUTH 45°15' WEST 436.77 FEET TO THE CENTER OF SAID COTTONWOOD CANAL; THENCE ALONG THE CENTER OF SAID CANAL NORTH 33°38' WEST 41.37 FEET, NORTH 40°52'30" WEST 63.81 FEET; THENCE NORTH 45°15' EAST 424.48 FEET TO SAID WESTERLY LINE OF MEMORY LANE; THENCE NORTH 44°45' WEST ALONG SAID RIGHT OF WAY LINE 148.98 FEET; THENCE SOUTH 45°15' WEST 367.04 FEET; THENCE NORTH 22°27'30" WEST 1.02 FEET TO THE SOUTHERLY LINE OF THE KOHLER PROPERTY DESCRIBED BY THAT CERTAIN WARRANTY DEED RECORDED APRIL 7, 1955 AS ENTRY NO. 1420461 IN THE OFFICE OF SALT LAKE COUNTY RECORDER; THENCE SOUTH 45°15' WEST ALONG SAID SOUTHERLY LINE 20.64 FEET; THENCE NORTH 33°30' WEST ALONG THE WESTERLY LINE OF SAID PROPERTY 138.00 FEET; THENCE NORTH 57°12' EAST ALONG THE NORTHERLY LINE OF SAID PROPERTY 211.69 FEET TO AN ESTABLISHED FENCE; THENCE NORTH 38°27' WEST ALONG SAID FENCE 9.83 FEET TO A FENCE CORNER; THENCE NORTH 57°03' EAST ALONG SAID FENCE 139.75 FEET; THENCE NORTH 8°36' EAST 19.19 FEET TO THE WEST LINE OF MEMORY LANE; THENCE NORTH ALONG SAID WEST LINE 39.33 FEET; THENCE SOUTH 79°00' WEST 168.45 FEET; THENCE NORTH 2°59' WEST 8.93 FEET TO A FENCE; THENCE SOUTH 79°00' WEST ALONG SAID FENCE LINE 179.90 FEET; THENCE NORTH 6°38' WEST 127.07 FEET; THENCE NORTH 3°30' WEST 72.00 FEET; THENCE NORTH 22°00' EAST 42.37 FEET TO THE SOUTH LINE OF MURRAY HOLLADAY ROAD; THENCE NORTH 89°48' WEST ALONG SAID SOUTH LINE 127.68 FEET; THENCE SOUTH 54°39' EAST 26.05 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

BEGINNING AT A POINT 866.82 FEET SOUTH AND 100.05 FEET WEST AND SOUTH 55.2 FEET AND SOUTH 44°45' EAST 5.5 FEET, FROM THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 44°45' EAST 60.5 FEET; THENCE SOUTH 45°15' WEST 386.43 FEET TO THE EASTERLY LINE OF PROPERTY CONVEYED TO PRICE FINANCING PARTNERSHIP, L.P., BY CORRECTIVE SPECIAL WARRANTY DEED RECORDED FEBRUARY 3, 1994 AS ENTRY NO. 5730585 IN BOOK 6866 AT PAGE 788 OF OFFICIAL RECORDS; THENCE NORTH 33°30' WEST 138.0 FEET ALONG THE EASTERLY LINE OF

THE SAID PRICE PROPERTY; THENCE NORTH 57°12' EAST 367.85 FEET TO THE PLACE OF BEGINNING.

**PARCEL 3:**

COMMENCING ON THE WEST SIDE OF STREET 1219.82 FEET SOUTH AND 195.14 FEET EAST AND NORTH 44°45' WEST 100 FEET FROM THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 44°45' WEST 104.26 FEET; THENCE SOUTH 45°15' WEST 409.29 FEET, TO CANAL; THENCE SOUTH APPROXIMATELY 37°30' EAST 105.1 FEET ALONG SAID CANAL; THENCE NORTH 45°15' EAST 426.29 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING THAT PORTION OF SAID PROPERTY LYING WITHIN THE STREET.

**PARCEL 4:**

BEGINNING SOUTH 674.24 FEET AND EAST 2011.32 FEET FROM THE NORTH QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°48' WEST 614.3 FEET; THENCE SOUTH 0°12' WEST 48 FEET; THENCE SOUTH 89°48' EAST 682.47 FEET; THENCE NORTH 54°39' WEST 83.37 FEET TO BEGINNING.

LESS STREET.

**PARCEL 5:**

BEGINNING AT A POINT 1290.84 FEET SOUTH AND 265.5 FEET EAST AND SOUTH 44°45' EAST 315.69 FEET FROM THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 44°45' EAST 77 FEET; THENCE SOUTH 45°15' WEST 282.35 FEET; THENCE NORTH 66°20' WEST 82.4 FEET; THENCE NORTH 45°15' EAST 312.8 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE INTEREST CONVEYED TO SALT LAKE COUNTY BY OWNERS DEDICATION AND QUIT CLAIM RECORDED DECEMBER 16,

1952, AS ENTRY NO. 1310781, IN BOOK H OF PLATS AT PAGE 1, THAT PORTION LYING WITHIN THE BOUNDARIES OF MEMORY LANE AND ARBOR LANE ROAD.

ALSO, EXCEPTING THEREFROM THAT PORTION THEREOF LYING WEST OF THE CENTER OF THE CANAL TOE PATH.

**PARCEL 6:**

BEGINNING AT A POINT WHICH IS SOUTH 0°02'52" EAST ALONG THE SECTION LINE 2657.17 FEET AND EAST 332.67 FEET FROM THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT BEING ON THE BOUNDARY LINE OF COTTONWOOD MALL SHOPPING CENTER PROPERTY SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF ARBOR LANE; THENCE NORTH 51°30'00" WEST ALONG SAID BOUNDARY LINE 28.31 FEET AND NORTH 76°00'00" WEST 141.00 FEET AND NORTH 44°50'00" EAST 155.00 FEET AND NORTH 48°18'24" EAST 123.45 FEET AND SOUTH 57°19'00" EAST 144.30 FEET TO A POINT ON A CURVE TO THE RIGHT AND THE NORTH RIGHT-OF-WAY LINE OF ARBOR LANE THE CENTER OF SAID CURVE BEARS NORTH 51°29'48" WEST 821.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 15°05'48" A DISTANCE OF 216.32 FEET AND SOUTH 36°24'00" EAST ALONG SAID RIGHT-OF-WAY LINE 8.50 FEET TO A POINT ON A CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 36°24'00" WEST 214.51 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 4°25'30" A DISTANCE OF 16.57 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE STREET.

**PARCEL 7:**

THE FOLLOWING BEING IN THE SOUTH WEST QUARTER OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE MERIDIAN:

COMMENCING AT A POINT 25 FEET, MORE OR LESS, AT THE INTERSECTION OF ARBOR LANE AND MEMORY LANE, SAID POINT BEING AT THE WEST LINE OF MEMORY LANE; THENCE WEST 10 FEET, THENCE FOLLOWING THE WEST LINE OF MEMORY LANE 10 FEET THEREFROM TO THE POINT OF THE NORTHERLY LINE OF THE JACK H. AND EDITH WALKER PROPERTY TO THE WEST LINE OF MEMORY LANE THENCE NORTH EASTERLY ALONG WEST LINE OF MEMORY LANE TO THE PLACE OF BEGINNING.

TOGETHER WITH A 10.00 FOOT STRIP OF GROUND RUNNING PARALLEL WITH AND ADJACENT TO THE NORTHERLY LINE OF ARBOR LANE, AS DEDICATED BY THAT CERTAIN DEDICATION PLAT RECORDED WITH THE OFFICE OF THE SALT LAKE

COUNTY RECORDER, THE NORTHERLY LINE OF SAID 10.00 FOOT STRIP OF GROUND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF BIG COTTONWOOD CREEK, SAID POINT BEING ON THE ARC OF A 811.00 FOOT NONTANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 34°54'26" WEST), SAID POINT ALSO BEING EAST 317.46 FEET AND NORTH 23.32 FEET FROM A FOUND BRASS PLUG MARKING THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTHEASTERLY ALONG THE ARC OF SAID 811.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 21°05'33" A DISTANCE OF 298.56 FEET (CHORD BEARS NORTH 44°32'48" EAST 296.87 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 215.79 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 49°37'00" A DISTANCE OF 186.87 FEET (CHORD BEARS NORTH 09°11'31" EAST 181.08 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 1111.28 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°38'00" A DISTANCE OF 361.40 FEET (CHORD BEARS NORTH 24°55'59" WEST 359.81 FEET); THENCE NORTH 34°14'59" WEST 64.50 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 137.34 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 58°21'09" A DISTANCE OF 139.87 FEET (CHORD BEARS NORTH 05°04'25" WEST 133.91 FEET).

## SCHEDULE B

### Permitted Exceptions

1. Taxes for the year 2020 and subsequent years, not yet due and payable. The following Tax Parcel Nos:

Tax Parcel No. 22-09-228-001-0000.  
Tax Parcel No. 22-09-228-007-0000.  
Tax Parcel No. 22-09-228-010-0000.  
Tax Parcel No. 22-09-228-012-0000.  
Tax Parcel No. 22-09-228-013-0000.  
Tax Parcel No. 22-09-228-014-0000.  
Tax Parcel No. 22-10-151-006-0000.  
Tax Parcel No. 22-10-151-007-0000.  
Tax Parcel No. 22-10-151-008-0000.  
Tax Parcel No. 22-10-151-009-0000.

Special Assessment Certification by Mt. Olympus Improvement District for the year 2020 and subsequent years, not yet due and payable. Tax Parcel No. 22-09-228-012-0000.

2. The land is included within the boundaries of Holladay City and the Salt Lake City Suburban Sanitary District #1, and is subject to charges and assessments made thereby.
3. (Affects the North portion of Parcel 1) A perpetual right of way for water lines granted to Miller Ditch Company by Easement Agreement dated September 6, 1934, recorded September 20, 1934 as Entry No. 744227 in Book 125 of Liens and Leases, Pages 560 and 561 of Official Records.
4. Easement dated November 25, 1935, in favor of the STATE ROAD COMMISSION, for the purpose of constructing a fill slope for a sidewalk and incidental purposes recorded January 9, 1936 as Entry No. 773980 in Book 157 at Page 194 of Official Records.
5. Right of Way Agreement, dated April 2, 1954, by and between L. R. ESCHLER AND LETA B. ESCHLER, his wife, Grantor, did grant and convey to SALT LAKE CITY, Grantee, a perpetual right of way for pipelines and incidental purposes, recorded April 16, 1954 as Entry No. 1368561 in Book 1079 at Page 630, of Official Records. An additional executed copy of said Right of Way Agreement was recorded April 20, 1954 as Entry No. 1368777 in Book 1080 at Page 264 of Official Records.
6. (Affects Parcel 1) Easement Agreement, dated July 1, 1960, wherein S.M. HORMAN AND VEOMA L. HORMAN did grant and convey to BIG DITCH IRRIGATION COMPANY, a Utah Corporation, an easement and perpetual right of way for an underground irrigation pipeline and incidental purposes. Said Easement Agreement recorded October 13, 1960, as Entry No. 1741357, in Book 1749 at Page 257 of Official



Records. Release and Abandonment of Easement recorded December 27, 2007 as Entry No. 10310062 in Book 9552 at Page 8447 of Official Records. Grant of New Easement in favor of Big Ditch Irrigation Company, a Utah non-profit mutual water company, recorded December 27, 2007 as Entry No. 10310063 in Book 9552 at Page 8449 of Official Records.

7. (Affects Parcel 1) Easement, dated January 19, 1962, in favor of UTAH POWER AND LIGHT COMPANY, for electric transmissions facilities and incidental purposes over, under and across the said property, recorded May 18, 1962 as Entry No. 1846319 in Book 1923 at Page 307 of Official Records.
8. (Affects the central portion of Parcel 1) Pole Line Easement, dated December 26, 1963, in favor of UTAH POWER AND LIGHT COMPANY, recorded April 20, 1965 as Entry No. 2075985 in Book 2317 at Page 517 of Official Records.
9. (Affects the central portion of Parcel 1) Pole Line Easement, dated April 17, 1964, in favor of UTAH POWER AND LIGHT COMPANY, recorded April 20, 1965 as Entry No. 2075986 in Book 2317 at Page 518 of Official Records.
10. (Affects the central portion of Parcel 1) Pole Line Easement, dated July 22, 1965, in favor of UTAH POWER AND LIGHT COMPANY, recorded September 1, 1965 as Entry No. 2107858 in Book 2371 at Page 200 of Official Records.
11. (Affects the South portion of Parcel 1 and the West line of Parcel 5) Pole Line Easement, dated July 1, 1965, in favor of UTAH POWER AND LIGHT COMPANY, recorded September 1, 1965 as Entry No. 2107892 in Book 2371 at Page 237 of Official Records. Partial Release of Easement from PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, recorded March 21, 2014 as Entry No. 11821738 in Book 10218 at Page 6086 of Official Records.
12. (Affects Parcels 1 and 4) Agreement, dated May 17, 1966, by and between SPRING CREEK IRRIGATION COMPANY and COTTONWOOD MALL SHOPPING CENTER, INC., recorded May 26, 1966 as Entry No. 2157469 in Book 2462 at Page 565 of Official Records.
13. (Affects the South portion of Parcel 1) Pole Line Easement, dated November 22, 1967, in favor of UTAH POWER AND LIGHT COMPANY, recorded May 2, 1968 as Entry No. 2243656 in Book 2654 at Page 387 of Official Records. Partial Release of Easement from PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, recorded March 21, 2014 as Entry No. 11821737 in Book 10218 at Page 6083 of Official Records.
14. (Affects the South portion of Parcel 1) Easement and Right of Way, dated June 12, 1968, in favor of SALT LAKE CITY, recorded June 21, 1968 as Entry No. 2249801 in Book 2668 at Page 190 of Official Records.
15. (Affects the South portion of Parcel 1) Pole Line Easement, dated June 6, 1968, in favor of UTAH POWER AND LIGHT COMPANY, recorded July 2, 1968 as Entry No. 2250955

in Book 2671 at Page 14 of Official Records. Partial Release of Easement from PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, recorded March 21, 2014 as Entry No. 11821736 in Book 10218 at Page 6080 of Official Records.

16. Subject to the terms and conditions of that certain unrecorded Agreement by and between S. M. Horman and Veoma Horman, his wife and Cottonwood Inc. as disclosed by an Assignment recorded June 12, 1980 as Entry No. 3443023 in Book 5110 at Page 1259 of Official Records. Modification of Agreement between Price Development Company, Limited Partnership, a Maryland limited partnership, an affiliate of General Growth Properties, Inc (Owner) and Cottonwood, Inc., a Utah non-profit corporation (Cottonwood), recorded October 9, 2007 as Entry No. 10244996 in Book 9524 at Page 1799 of Official Records. Quit Claim Deed for Original Buffer recorded October 9, 2007 as Entry No. 10244997 in Book 9524 at Page 1815 of Official Records.
17. (Affects Parcel 1) A Reservation of Special Warranty Deed in favor of UTAH POWER AND LIGHT COMPANY, recorded April 13, 1981 as Entry No. 3553961 in Book 5236 at Page 681 of Official Records.
18. (Affects the North line of Parcel 1) Easement, dated May 14, 1981, in favor of UTAH POWER AND LIGHT COMPANY, recorded September 1, 1981, as Entry No. 3600434 in Book 5287 at Page 761 of Official Records.
19. (Affects the South portion of Parcel 1) A perpetual easement and right of way granted to Utah Power & Light Company by Easement recorded August 13, 1982 as Entry No. 3640358 in Book 5332 at Page 684 of Official Records.
20. (Affects Parcel 6) "Conditions and Covenants running with the Land" recorded November 24, 1992 as Entry No. 5379804 in Book 6560 at Page 1750 of Official Records, which provides, among other things, no vehicular ingress or egress to Memory Lane or Arbor Lane, until such time as said property shall be zoned other than residential.
21. (Affects Parcel 1) An Acknowledgment And Disclosure recorded January 24, 1997 as Entry No. 6556273 in Book 7584 at Page 7 of Official Records, wherein it states, in part, that the property described herein is either partially or wholly located within a Natural Hazards Special Study Area as shown on the Natural Hazards Map adopted by the Board of County Commissioners of Salt Lake County pursuant to Ordinance No. 1074 for: SURFACE FAULT RUPTURE AND HIGH LIQUEFACTION POTENTIAL.
22. Notice to Owners and Taxing Entities of Public Hearing on Blight, recorded June 27, 2007 as Entry No. 10145754 in Book 9483 at Page 5963 of Official Records.
23. Notice of Adoption of Community Development Project Area Plan Entitled "Cottonwood Mall Community Development Project Area Plan" and Dated November 8, 2007, recorded January 8, 2008 as Entry No. 10317647 in Book 9556 at Page 7925 of Official Records. Notice of Adoption of Cottonwood Mall Urban Renewal Project Area Plan Dated

November 8, 2007, recorded February 26, 2008 as Entry No. 10356532 in Book 9574 at Page 2166.

24. Right of Way Easement in favor of PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, recorded January 11, 2008 as Entry No. 10321105 in Book 9558 at Page 2317 of Official Records.
25. Agreement for Development of Land (ADL), between Cottonwood Mall, LLC, a Delaware limited liability company (Developer), City of Holladay, a Utah community development and renewal agency (Agency) and City of Holladay, a Utah municipal corporation (City), recorded June 16, 2009 as Entry No. 10730729 in Book 9736 at Page 572 of Official Records.
26. Said land is located within the Millcreek Community Reinvestment Agency, pursuant to that certain Certificate of Creation recorded May 07, 2018 as Entry No. 12767700 in Book 10672 at Page 1947 of Official Records, and is subject to assessments and levies thereunder.
27. Boundary line conflicts, if any, resulting from variances in the legal description of the actual physical location of the Big Cottonwood Lower Canal from those deed descriptions referring to said canal or center thereof as the boundary of portions of the said property.
28. Right of way for road and incidental purposes over and across that portion of the herein described property that lies within the bounds of 4800 South Street.
29. The State Construction Registry discloses the following Preliminary Notice(s): (None within the last 12 months).
30. The following matters disclosed by an ALTA/NSPS survey made by McNeil Engineering on August 16, 2019 designated as Job No. 19458: A. Building encroaches on Ex. 14, B. Dedication plat overlap of approximately 11.8', C. Fences are not situated upon property lines.
31. Deed of Trust, Security Agreement and Assignment of Rents and Leases dated September 16, 2019 by KMW Development L.L.C ("Trustor") to First American Title Insurance Company ("Trustee") in favor of Cottonwood Mall, LLC ("Beneficiary") to secure an indebtedness in the original principal amount of \$36,000,000.00 and recorded of even date in the Official Records of Salt Lake County, Utah.

Mail Recorded Deed and Tax Notice To:  
KMW Development L.L.C.  
c/o Woodbury Corporation  
2733 East Parleys Way, Suite 300  
Salt Lake City, UT 84109  
Attn: Legal Department

13683157  
6/4/2021 4:29:00 PM \$40.00  
Book - 11185 Pg - 9770-9775  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 6 P.

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## QUITCLAIM DEED

**Peterbuilt HH, L.L.C., a Utah limited liability company and KMW Development L.L.C., a Utah limited liability company, as their interest may appear**

**GRANTOR(S)** of Salt Lake City, State of Utah, hereby quitclaims to

**KMW Development, L.L.C., a Utah limited liability company**


**GRANTEE(S)** of Salt Lake City, State of Utah for the sum of Ten and no/100 (\$10.00) DOLLARS and other good and valuable consideration, the following described tract of land in Salt Lake County, State of Utah:

**SEE EXHIBIT A ATTACHED HERETO**

**TAX ID NO.:** 22-10-151-007-0000; 22-10-151-008-0000; 22-10-151-009-0000; 22-10-151-012-0000 (for reference purposes only)

Dated this 28<sup>th</sup> day of May, 2021.


**Peterbuilt HH, L.L.C.,**  
a Utah limited liability company


BY:   
NAME: Peterbuilt  
TITLE: Manager

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**KMW Development, L.L.C.**  
a Utah limited liability company

BY: **WOODBURY CORPORATION**  
a Utah Corporation  
its manager

BY:   
NAME: **D. Randall Woodbury, President**  
TITLE: **D. Randall Woodbury, President**


BY:   
NAME: **E. Taylor Woodbury**  
TITLE: **COO Manager**

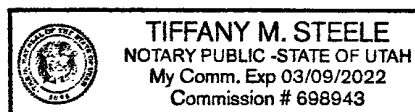
BY: **MILLROCK CAPITAL, II, LLC**  
a Utah limited liability company  
its manager

BY:   
NAME: **Steve Pickett**  
TITLE: **Manager**

STATE OF Utah  
COUNTY OF Salt Lake

On May 28, 2021 before me, personally appeared E. Taylor Woodbury & D. Randall Woodbury, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Manager.





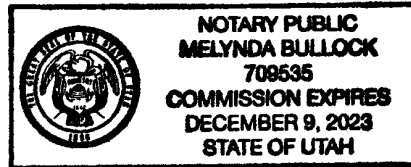
Notary Public

STATE OF Utah

COUNTY OF Salt Lake

On <sup>MB</sup> 5 May 28<sup>th</sup>, 2021 before me, personally appeared Steve Peterson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Peterbuilt HH, L.L.C.

Melynda Bullock  
Notary Public

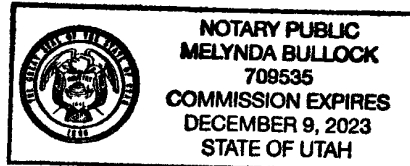


STATE OF Utah

COUNTY OF Salt Lake

On May 28<sup>th</sup>, 2021 before me, personally appeared Steve Peterson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Millrock Capital, II, LLC.

Melynda Bullock  
Notary Public



*Handwritten initials*

STATE OF Utah  
COUNTY OF Salt Lake

On May 18, 2021 before me, personally appeared  
K. Taylor Woodbury, proved on the basis of satisfactory evidence to be the person whose  
name is subscribed to this document, and acknowledged before me that he/she/they executed the same  
on behalf of Manager.

Tiffany M. Steele  
Notary Public



*[Handwritten initials]*

**EXHIBIT A  
LEGAL DESCRIPTION**

**Block "L" Lot 1**

Beginning at a point that is located North 00° 03' 51" West 715.61 feet along Section Line and East 211.16 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base & Meridian;

Thence South 87° 39' 28" East a distance of 79.95 feet, Thence North 64° 16' 35" East a distance of 110.00 feet, Thence South 34° 14' 59" East a distance of 24.05 feet to the beginning of a curve, Said curve bears to the right through 18° 38' 00", having a radius of 1111.28 feet along the arc a distance of 361.40 feet, and whose long chord bears South 24° 55' 59" East a distance of 359.81 feet to the beginning of a non-tangential curve. Said curve bears to the right through 49° 37' 00", having a radius of 215.79 feet along the arc a distance of 186.87 feet, and whose long chord bears South 09° 11' 31" West a distance of 181.08 feet to the beginning of a non-tangential curve. Said curve bears to the right through an angle of 21° 05' 33", having a radius of 811.00 feet along the arc a distance of 298.56 feet, and whose long chord bears South 44° 32' 48" West a distance of 296.87 feet to a point of intersection with a non-tangential line. Thence South 30° 11' 18" East a distance of 17.62 feet to the beginning of a non-tangential curve, Said curve bears to the right through an angle of 35° 10' 19", having a radius of 214.51 feet along the arc a distance of 131.68 feet, and whose long chord bears South 77° 23' 51" West a distance of 129.62 feet, Thence North 85° 00' 59" West a distance of 83.75 feet, Thence North 07° 21' 33" East a distance of 734.30 feet to the point of beginning.

Containing 236,162 +- sq. ft. or 5.42 Acres

**Block "L" Lot 3**

Beginning at a point that is located North 00° 03' 51" West 764.48 feet along Section Line and East 399.31 feet from the East Quarter Corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base & Meridian;

Thence South 34° 14' 59" East a distance of 22.55 feet to the beginning of a curve, Said curve bears to the right through 10° 09' 55", having a radius of 1121.28 feet along the arc a distance of 198.93 feet, and whose long chord bears South 29° 10' 02"

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East a distance of 198.67 feet to the beginning of a non-tangential curve. Said curve bears to the right through  $08^{\circ} 28' 05''$ , having a radius of 1121.28 feet along the arc a distance of 165.72 feet, and whose long chord bears South  $19^{\circ} 51' 02''$  East a distance of 165.57 feet to the beginning of a non-tangential curve. Said curve bears to the right through  $49^{\circ} 37' 00''$ , having a radius of 225.79 feet along the arc a distance of 195.53 feet, and whose long chord bears South  $09^{\circ} 11' 31''$  West a distance of 189.48 feet to the beginning of a non-tangential curve. Said curve bears to the right through  $10^{\circ} 16' 29''$ , having a radius of 821.00 feet along the arc a distance of 147.23 feet, and whose long chord bears South  $39^{\circ} 08' 15''$  West a distance of 147.03 feet to the beginning of a non-tangential curve. Said curve bears to the right through an angle of  $09^{\circ} 18' 31''$ , having a radius of 821.00 feet along the arc a distance of 133.38 feet, and whose long chord bears South  $48^{\circ} 55' 45''$  West a distance of 133.24 feet to a point of intersection with a non-tangential line. Thence South  $36^{\circ} 24' 59''$  East a distance of 8.50 feet to the beginning of a non-tangential curve, Said curve bears to the right through an angle of  $06^{\circ} 13' 41''$ , having a radius of 214.51 feet along the arc a distance of 23.32 feet, and whose long chord bears South  $56^{\circ} 41' 51''$  West a distance of 23.31 feet to a point of intersection with a non-tangential line. Thence North  $30^{\circ} 11' 18''$  West a distance of 17.62 feet to the beginning of a non-tangential curve, Said curve bears to the left through  $21^{\circ} 05' 33''$ , having a radius of 811.00 feet along the arc a distance of 298.56 feet, and whose long chord bears North  $44^{\circ} 32' 48''$  East a distance of 296.87 feet to the beginning of a non-tangential curve. Said curve bears to the left through  $49^{\circ} 37' 00''$ , having a radius of 215.79 feet along the arc a distance of 186.87 feet, and whose long chord bears North  $09^{\circ} 11' 31''$  East a distance of 181.08 feet to the beginning of a non-tangential curve. Said curve bears to the left through an angle of  $18^{\circ} 38' 00''$ , having a radius of 1111.28 feet along the arc a distance of 361.40 feet, and whose long chord bears North  $24^{\circ} 55' 59''$  West a distance of 359.81 feet, Thence North  $34^{\circ} 14' 59''$  West a distance of 24.05 feet, Thence North  $64^{\circ} 16' 35''$  East a distance of 10.11 feet to the point of beginning.

Containing 8,980 +- sq. or ft. 0.21 Acres.