



\*W2610341\*

**When Recorded, Return To:**

Kirton McConkie  
Attn: Joel Wright  
518 West 800 North, Suite 204  
Orem, Utah 84057

E# 2610341 PG 1 OF 6  
ERNEST D. ROWLEY, WEBER COUNTY RECORDER  
12-Dec-12 0220 PM FEE \$21.00 DEP SC  
REC FOR: FOUNDERS TITLE COMPANY - SYRACUSE  
ELECTRONICALLY RECORDED

*Handwritten initials: JW, VJP*

Tax Parcel Nos. 03-022-0048, 03-022-0031

*0-47964*

(Space above for Recorder's use only)

**SPECIAL WARRANTY DEED**

FOR THE SUM OF TEN DOLLARS and other good and valuable consideration received, MOUNTAIN VIEW SCHOOL DEVELOPMENT, LLC, a Utah limited liability company ("Grantor"), whose address is 352 N. Flint Street, Suite A, Kaysville, Utah 84037, hereby conveys and warrants, against all claiming by, through, or under Grantor, to OGDEN PREPARATORY ACADEMY INC., a Utah non-profit corporation ("Grantee"), whose address for mailing purposes is 2221 Grant Ave., Ogden, Utah 84401, the following described property situated in Weber County, Utah, to wit:

See Exhibit A annexed hereto and incorporated herein by this reference (the "Property");

TOGETHER WITH all and singular the easements, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property, including, but not limited to, all: (i) buildings, structures, fixtures, signs, and other improvements and landscaping of every kind and nature presently situated on, in, under or about the Property; (ii) water and water rights of any and every kind, including, but not limited to, all: wells, well rights, ditches, ditch rights, and stock in water used on the Property or appurtenant thereto; and (iii) all mineral and subsurface rights of any and every kind.

SUBJECT ONLY TO those certain exceptions and encumbrances specifically listed on Exhibit B annexed hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this \_\_\_ day of ~~Dec~~ 11, 2012.

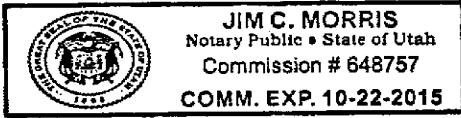
Grantor: MOUNTAIN VIEW SCHOOL DEVELOPMENT, LLC, a Utah limited liability company

By: *[Signature]*  
Name: STEPHEN KIRTON  
Its: MGT

*[notary acknowledgement on following page.]*

STATE OF UTAH )  
COUNTY OF DAVIS ) ss.

On this 11<sup>th</sup> day of DECEMBER, 2012, personally appeared before me SHELDON KILLPACK, known or satisfactorily proved to me to be the person who signed the foregoing instrument, and acknowledged to me that he/she is the MANAGER of MOUNTAIN VIEW SCHOOL DEVELOPMENT, LLC, a Utah limited liability company, and acknowledged to me that said company executed the same.



Jim C. Morris  
Notary Public

**EXHIBIT A**

to Special Warranty Deed

(Legal Description of the Property)

That certain real property located in Weber County, Utah, specifically described as follows:

**PARCEL 1**

PART OF THE NORTHEAST, SOUTHEAST, SOUTHWEST, AND NORTHWEST QUARTERS OF SECTION 20, TOWNSHIP, 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN OGDEN CITY, WEBER COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTH LINE OF THE MILLCREEK MANOR CONDOMINIUM AS RECORDED WITH WEBER COUNTY RECORDER'S OFFICE WHICH POINT IS LOCATED NORTH 00°58'00" EAST 74.26 FEET AND WEST 11.07 FEET FROM THE CENTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE SOUTH LINE OF SAID MILLCREEK MANOR CONDOMINIUM THE FOLLOWING (8) COURSES:

NORTH 54°45'45" EAST 15.80 FEET;  
NORTH 46°23'30" EAST 58.04 FEET;  
SOUTH 83°29'43" EAST 136.47 FEET;  
NORTH 80°44'12" EAST 88.52 FEET;  
SOUTH 84°29'44" EAST 39.82 FEET;  
SOUTH 15°58'41" EAST 28.92 FEET;  
SOUTH 40°35'52" EAST 51.03 FEET;  
SOUTH 89°02'00" EAST 4.77 FEET TO THE WEST LINE OF LINCOLN AVENUE;  
THENCE SOUTH 00°58'00" WEST ALONG SAID WEST LINE 572.33 FEET TO THE NORTH LINE OF 15TH STREET;  
THENCE NORTH 89°02'00" WEST ALONG SAID NORTH LINE 269.28 FEET;  
THENCE NORTH 41°28'38" WEST 160.68 FEET;  
THENCE NORTH 43°21'00" WEST 344.72 FEET;  
THENCE NORTH 26°13'00" EAST 90.59 EAST 90.59 FEET TO THE EXTENSION OF A LINE ON THE SOUTHERLY BOUNDARY OF MILLCREEK MANOR CONDOMINIUM;  
THENCE NORTH 46°14'32" EAST ALONG SAID LINE 173.20 FEET;  
THENCE ALONG SAID SOUTHERLY BOUNDARY NORTH 78°47'49" EAST 94.88 FEET TO THE POINT OF BEGINNING.

The following is show for informational purposes only: Tax Id. No 03-022-0048

**PARCEL 2**

PART OF LOT 27, BLOCK 7, OGDEN FIVE ACRE PLAT A, OGDEN CITY, WEBER COUNTY, UTAH, AND PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH LIES SOUTH 0°58' WEST 427.27 FEET FROM THE NORTHWEST CORNER OF SAID LOT 27, SAID CORNER BEING ALSO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 39°04'48" EAST 125 FEET; THENCE NORTH 89°02' WEST 107 FEET; THENCE NORTH 0°58' EAST 117 FEET; THENCE SOUTH 43°20' EAST 35.80 FEET TO THE POINT OF BEGINNING.

The following is shown for informational purposes only: Tax Parcel No. 03-022-0031.

**EXHIBIT B**

to Special Warranty Deed

(Exceptions and Encumbrances)

1. Taxes for the year 2012 were paid. Taxes for the year 2013 will accrue as of January 1, 2013.  
Tax ID No. 03-022-0032. (2012 were \$31,648.49)  
Tax ID No. 12-114-0031. (2012 were \$803.18)  
Tax ID No. 12-124-0001. (2012 were \$958.34)  
NOTE: The above 3 Tax Parcels have been combined into the new Tax ID No. 03-022-0048  
Tax ID No. 03-022-0031. (2012 were \$136.91)
2. Said property is included within the boundaries of GENERAL FUND, G O BOND FUND, LIBRARY, OGDEN CITY SCHOOL DISTRICT, STATEWIDE SCHOOL BASIC LEVY, MOSQUITO ABATEMENT DISTRICT, WEBER BASIN WATER-GENERAL, WEBER BASIN WATER-OGDEN, CENTRAL WEBER SEWER IMPROVEMENT DISTRICT, OGDEN CITY, WEBER/MORGAN HEALTH, PARAMEDIC FUND, STATE ASSESS & COLLECT/MULTI CO, ASSESS & COLLECT/COUNTY, WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT (S-S) (All taxes, charges and assessments are paid current, and no taxes, charges or assessments are currently a lien against the land).
3. This exception intentionally left blank.
4. **RIGHT OF WAY EASEMENT**  
Grantor: RAYMOND J. EVES FOR UTAH ASSOCIATES COMPANY, OF UTAH LIMITED PARTNERSHIP  
Grantee: THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A COLORADO CORPORATION.  
Purpose: THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND REMOVE SUCH COMMUNICATION AND OTHER FACILITIES FROM TIME TO TIME, AS SAID GRANTEE MAY REQUIRE UPON, OVER, UNDER AND ACROSS THE DESCRIBED LAND  
Recorded: February 1, 2002  
Entry No.: 851298  
Book/Page: 1397/177
5. Subject to a Right of Way along the South sixteen and a half (16.5) feet of said property, as disclosed in various deeds of record. (Affects Parcel 2).
6. The right, title and interest of existing Railroad Companies, their successors or assigns, to maintain and operate its railroad in its present form of construction and to make any changes in the form of construction or method or operation of said railroad as disclosed by mesne instruments of record.
7. Subject to, but not limited to the following matters as shown on ALTA Survey entitled

"OGDEN PREP ACADEMY", by Silverpeak Engineering:

- A. Assumed 20' wide existing Sanitary Sewer Easement required for maintenance access affecting the Northerly portion as shown.
- B. Notations

8. DEED OF TRUST

Trustor: OGDEN PREPARATORY ACADEMY, INC.  
Trustee: FOUNDERS TITLE COMPANY  
Beneficiary: UTAH STATE CHARTER SCHOOL FINANCE AUTHORITY, a body politic and corporate duly organized and validly existing under the laws of the State of Utah, their successors and/or assigns and ZIONS FIRST NATIONAL BANK, N.A. and its successor and/or assigns as their interests may appear  
Amount: \$17,635,000.00, plus interest  
Dated: TBD  
Recorded: TBD  
Entry No.: TBD  
Book/Page: TBD

- 9. Notwithstanding the amount of insurance shown in Schedule A, the Company limits its liability to \$2,500,000.00, which amount will automatically increase, based upon the fair market value at the date of any loss of subsequently made improvements, up to the amount of insurance shown in Schedule A.