

Mail Recorded Deed and Tax Notice To:
Lake Point Vistas, L.C., a Utah limited liability company
925 West 100 North STE F,
PO Box 540478
North Salt Lake, UT 84054



File No.: 110126-JVF

SPECIAL WARRANTY DEED

DRP Management, Inc., and MJS Real Properties LLC who acquired title as MJS Real Properties, as to Parcel 1; and DRP Management, Inc. and MJS Real Properties LLC who acquired title as MJS Properties, LLC, as to Parcel 2

GRANTOR(S) of Salt Lake City, State of Utah, hereby Conveys and Warrants against all who claim by, through, or under the grantor to

Lake Point Vistas, L.C., a Utah limited liability company

GRANTEE(S) of North Salt Lake, 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 **Tooele County**, State of Utah:

SEE EXHIBIT A ATTACHED HERETO

TAX ID NO.: 15-071-0-004B and 05-017-0-0042 (for reference purposes only)

Together with (a) all appurtenant water rights, including but not limited to Utah Water Right No. 15-759 and (b) improvements and appurtenances restrictions and reservations of record and those enforceable in law and equity.

SUBJECT TO: Property taxes for the year 2019 and thereafter; covenants, conditions, restrictions and easements apparent or of record; all applicable zoning laws and ordinances.

Dated this 19th day of June, 2019.

DRP Management, Inc.

BY: [Signature]
Millie Parker Olson
Vice President

MJS Real Properties LLC

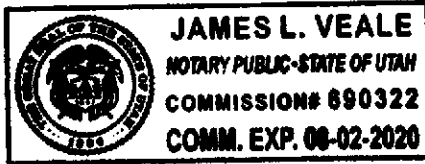
BY: [Signature]
John C. Strasser
Member/Manager

STATE OF UTAH

COUNTY OF SALT LAKE

On the 19th day of June, 2019, personally appeared before me Millie Parker Olson, who being by me duly sworn did say that (s)he is the Vice President of DRP Management, Inc., and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said Millie Parker Olson acknowledged to me that said corporation executed the same.

[Signature]
Notary Public



STATE OF UTAH

COUNTY OF SALT LAKE

On the 19th day of June, 2019, personally appeared before me John C. Strasser, who acknowledged himself to be the Member/Manager of MJS Real Properties, LLC, and that he as such Member/Manager, being authorized so to do, executed the foregoing instrument for the purposed therein contained.

[Signature]
Notary Public

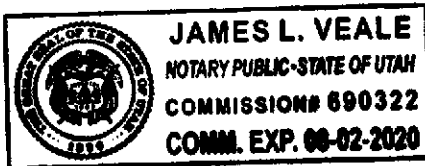


EXHIBIT A
Legal Description

PARCEL 1:

Lot 4, LANDSLIDE ESTATES, according to the official plat thereof on file and of record in the Tooele County Recorder's office, recorded November 2, 2005 as Entry No. 249540.

LESS AND EXCEPTING THEREFROM the following:

Commencing at the Tooele County monument placed in 2010 representing the center quarter corner of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian (Dependent Resurvey Monument 1984 bears North 05°15'31" East 37.70 feet); thence South 00°06'00" East 700.20 feet to the point of beginning; thence Easterly 70.06 feet along the arc of a non-tangent curve to the right whose center bears South 18°28'28" East having a radius of 180.00 feet, a central angle of 22°18'04" and a chord bearing and length of North 82°40'34" East 69.62 feet to a point of reverse curvature; thence Northeasterly 21.56 feet along the arc of a reverse curve to the left having a radius of 15.00 feet, a central angle of 82°20'40" and a chord bearing and length of North 52°39'16" East 19.75 feet; thence East 67.06 feet; thence South 11°31'30" West 61.08 feet; to a point of curvature; thence Southeasterly 103.86 feet along the arc of a tangent curve to the left having a radius of 100.00 feet, has a central angle of 59°30'30" and a chord bearing and length of South 18°13'45" East 99.26 feet; thence South 47°59'00" East 83.20 feet to a point on the Northwesterly right-of-way line of Center Street which is 30 feet perpendicularly distant Northwesterly from the centerline of said Center Street as established by the Tooele County Surveyor; thence along said Northwesterly right-of-way line of Center Street, South 42°01'00" West 280.00 feet; thence North 16°38'30" West 325.18 feet; thence North 66°38'00" East 52.50 feet; thence North 00°06'00" West 64.58 feet to the point of beginning.

PARCEL 2:

Beginning at a point in an ancient fence corner which lies South 00°22'48" West 1377.623 feet along the Tooele County Dependent Resurvey quarter section line and North 89°27'00" West 4.563 feet from a Tooele County Dependent Resurvey monument representing the North quarter corner of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian (basis of bearing is South 00°22'48" West along the Tooele County Dependent Resurvey quarter section line defined by Tooele County Dependent Resurvey monuments representing the North quarter corner and center quarter corner of said Section 2); thence along an ancient fence line and the boundary of Lucin Acres, Lots 1, 2 and 3 Amended Subdivision, South 00°04'00" West 172.595 feet; thence along an ancient fence line and the boundary of Lucin Acres Subdivision, South 00°22'30" West 360.50 feet; thence South 83°15'00" West 22.00 feet; thence along an existing fence line, South 59°50'00" West 416.194 feet; thence departing from said fence line, West 821.859 feet to intersect an existing fence line; thence along said fence line, North 02°27'54" West 752.83 feet to intersect an existing fence line and that line established by Boundary Line Agreement recorded June 14, 2005 as Entry No. 241934 in the office of the Tooele County Reorder; thence along the lines established by said Boundary Line Agreement the following eight courses: (1) North 89°45'00" West 79.37 feet to intersect the West line of Lot 3 of said Section 2 based upon said Tooele County Dependent Resurvey; (2) along said line, North 00°24'33" East 665.12 feet; (3) South 89°36'00" East 1314.946 feet to intersect the Northerly extension of an ancient fence line; (4) along said Northerly extension and said ancient fence line, South 00°15'00" West 466.00 feet; (5) East 6.277 feet to a rebar and cap marking the Northwest corner of Lucin Acres, Lots 1, 2 and 3 Amended Subdivision; (6) along the boundary of said subdivision South 00°23'15" West 147.78 feet; (7) continuing along the boundary of said subdivision, West 5.01 feet; (8) continuing along the boundary of said subdivision, South 00°04'00" West 49.814 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM that portion conveyed by Special Warranty Deed recorded December 22, 2008 as Entry No. 317923 of official records, being more particularly described as follows:

A parcel of land located in the Northwest quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the boundary of that parcel of land described in a Corrective Quit Claim Deed found as Entry No. 249094 in the office of the Tooele County Recorder, said point being South 00°22'27" West, 704.93 feet along the Tooele County Dependent Resurvey quarter section line and West 1322.12 feet from the North quarter corner of said Section 2 (basis of bearing being South 00°22'27" West 2655.56 feet between said North quarter corner and the center quarter corner of said Section 2, Tooele County Dependent Resurvey) and running thence along said boundary South 89°36'21" East 264.47 feet; thence South 22°05'10" West 715.81 feet to said boundary; thence along said boundary North 00°24'12" East 665.12 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress appurtenant to Parcel 2, as granted by Easement Agreement recorded December 22, 2008 as Entry No. 317925 of official records, over the following described property:

A parcel of land located in the Northwest quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Tooele County, Utah, more particularly described as follows:

Beginning at a point on the Easterly right-of-way line of State Route 36 as determined from found right-of-way monuments, said point also being on the Southerly line of realigned Sunset Road (UDOT Project No. NH-0036(6)63) a county road, said point being South 00°22'27" West 173.97 feet along the Tooele County Dependent Resurvey quarter section line and West 1409.25 feet from the North quarter corner of said Section 2 (basis of bearing being South 00°22'27" West 2655.56 feet between said North quarter corner and the center quarter corner of said Section 2, Tooele Dependent Resurvey), said point also being on the arc of a 1024.25 foot radius curve to the left, the center of which bears North 32°21'14" East; thence 379.87 feet Southeasterly along said curve through a central angle of 21°14'59" (chord = South 68°16'15" East 377.70 feet) to a point on the Northerly extension of the West line of the Brande property (Parcel No. 5-17-20), said West line established from found rebar and caps set by Anderson Engineering; thence along said Northerly extension and West line South 00°23'56" West 392.95 feet to the boundary of that parcel of land described in a Corrective Quit Claim Deed found as Entry No. 249094 in the office of the Tooele County Recorder; thence South 22°05'10" West 715.81 feet to said boundary and the line common to a Boundary Line Agreement between Owen L. and Ila E. Cluff and Thousand Springs Partners, L.C.; thence along said Boundary Line Agreement the following two (2) courses: (1) North 89°15'21" West 450.00 feet, (2) North 89°30'21" West 434.67 feet to a point on said Easterly right-of-way line; thence along said Easterly right-of-way line North 34°10'39" East 1,434.14 feet to the point of beginning.

Entry #: 500192
12/23/2019 10:55 AM DEFAULT JUDGEMENT
Page: 1 of 5
FEE: \$40.00 BY: COTTONWOOD TITLE INSURANCE AGENCY
Jerry Houghton, Tooele County, Recorder

The Order of the Court is stated below:

Dated: December 18, 2019 /s/ MATTHEW BATES
02:34:30 PM District Court Judge



Joseph M. Stultz (12251)
Erin M. Stone (10107)
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10610 South Jordan Gateway, Suite 200
South Jordan, Utah 84095
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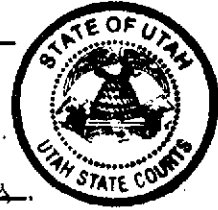
STATE OF UTAH
COUNTY OF Tooele

I hereby certify that the document to which this certificate is attached is a full, true and correct copy of the original filed in the Utah State Courts. WITNESS my hand and seal

this 19th day of December

20 19
DISTRICT/JUVENILE COURT

Matthew Bates



CLERK

Attorneys for Plaintiffs

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR TOOELE COUNTY, STATE OF UTAH**

THOUSAND SPRINGS PARTNERS, L.C., a
Utah limited liability company; LAKE POINT
VISTAS, L.C., a Utah limited liability company,

Plaintiffs,

vs.

ESTATE OF ELEANOR HOUTZ DRURY; and
JOHN DOES 1 through 10, individuals and entities
whose true names are unknown, and who may
claim some right, title, estate, lien, or interest in
real property owned by Plaintiffs,

Defendants.

**AMENDED
DEFAULT JUDGMENT**

Case No. 190301016

Judge Matthew Bates

This matter comes before the Court on Plaintiffs' *Motion for Entry of Default Judgment* and *Motion to Amend Default Judgment*. The Court previously entered a *Default Certificate* and *Default Judgment* in this matter. Based on the pleadings and papers on file with the Court, the Court finds good cause for granting Plaintiffs the relief sought in this action and Plaintiffs' request to amend the Default Judgment already entered. Therefore, it is hereby ORDERED, DECREED, and ADJUDGED as follows:

1) That title to the property located in Tooele County, State of Utah and identified as Tax Parcel Number 05-017-0-0017 ("**Right of Way Fee**"), is hereby quieted in favor of Plaintiffs. Neither Defendants nor any person or entity claiming by, through, or under Defendants have any right, title, or interest in or to (or any claims of any right, title, interest or privilege in or to) the Right of Way Fee. The Right of Way Fee shall be, and hereby is, quieted in favor of Plaintiffs as follows:

- a. **Narrative and Explanation.** The Right of Way Fee was originally described as being for the purpose of "*maintaining, operating and repairing, or repairing and replacing an irrigation ditch or pipe line, or other means of conveying water from*" an existing flowing well, located in the South Half of the Northwest Quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, as shown in that Right Of Way Deed recorded May 29, 1945, under Entry no. 219732, in the Tooele County Recorder's office, and included below ("**Right of Way Deed**").¹ The exact location of the Right of Way Fee is ambiguous based on the recorded instruments. The point of beginning and subsequent calls place the subject well at a position North 82°48'30" East 274.63 feet from the actual physical location, and on a different property. When held to the actual location of the well, as called out in the Right of Way Deed, no portion of the subject Right of Way Fee crosses the

¹ See Paragraph (1)(b) hereto for original Right of Way Deed description found in Entry No. 219732.

adjoining properties. Due to this ambiguity, the surveyed descriptions included in Paragraphs (1)(b)(i) and (1)(b)(ii) below must be tied to the interpreted position of the Right of Way Fee, based on the Right of Way Deed, the intent being to quiet title in any portion of said Right of Way Fee which crosses the parcels held by Thousand Springs Partners, L.C. and Lake Point Vistas, L.C. regardless of how the position of said Right of Way Fee might be interpreted or mapped out from the descriptions in the Right of Way Deed. The surveyed descriptions below are based on field measurements of the current locations of existing Section Corner monumentation, and the current Right of Way of State Road 36, as defined by field measurements of existing right-of-way monumentation.

b. Corrected Legal Descriptions for Quieting Title to Right of Way Fee Parcels.

i. Lake Point Vistas Parcel. The Eastern Portion of the Right of Way Fee (the “**Lake Point Vistas Parcel**”), with the following legal description which is hereby approved as the new and correct legal description shall be titled in the name of Lake Point Vistas, L.C. (meaning Lake Point Vistas, L.C. shall hold valid legal title, free and clear of any and all claims by Defendants,

in and to the Lake Point Vistas Parcel):

A parcel of land situate in the Northwest Quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, containing all of that portion of that irrigation line right-of-way, as shown on the Right Of Way Deed recorded May 29, 1945, under Entry no. 219732, in the Tooele County Recorder's office, which may cross certain property currently owned by Lake Point Vistas, L.C. (Parcel no. 05-017-0-0042) more particularly described as follows:

Beginning at the intersection of the westerly boundary of the Lake Point Vistas Parcel with the East-West Sixteenth Section line of the Northwest Quarter of said Section 2, which is located South $0^{\circ}14'42''$ West 1361.38 feet along the Section line, and North $89^{\circ}47'18''$ East 1341.15 feet along the Sixteenth Section line, from the found monument, dated 1983, at the Northwest Corner of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North $89^{\circ}47'18''$ East 279.73 feet along the Sixteenth Section line;
 thence South 330.00 feet;
 thence West 10.00 feet;
 thence North 319.96 feet;
 thence South $89^{\circ}47'18''$ West 273.69 feet, to said westerly boundary line;
 thence North $21^{\circ}32'47''$ East 10.77 feet along said boundary line, to the Point of Beginning.

Parcel contains: 6,017 square feet, or 0.14 acres.

ii. ***Thousand Springs Partners Parcel.*** The Western Portion of the Right of Way Fee (the "**Thousand Springs Partners Parcel**"), with the following legal description which is hereby approved as the new and correct legal description shall be titled in the name of Thousand Springs Partners, L.C. (meaning Thousand Spring Partners, L.C. shall hold valid legal title, free and clear of any and all claims by Defendants, in and to the Thousand Springs Partners Parcel):

A parcel of land situate in the Northwest Quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, containing all of that portion of that irrigation line right-of-way, as shown on the Right Of Way Deed recorded May 29, 1945, under Entry no. 219732, in the Tooele County Recorder's office, which may cross certain properties owned by Thousand Springs Partners, L.C. (Parcel no. 05-017-0-0036 and Parcel no. 05-017-0-0041) more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of State Road 36 with the East-West Sixteenth Section line of the Northwest Quarter of said Section 2, which is located South $0^{\circ}14'42''$ West 1361.38 feet along the Section line, and North $89^{\circ}47'18''$ East 460.89 feet along the Sixteenth Section line, from the found monument, dated 1983, at the Northwest Corner of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North $89^{\circ}47'18''$ East 880.27 feet along the Sixteenth Section line, to the easterly boundary of the Thousand Springs Partners Parcel;
thence South $21^{\circ}32'47''$ West 10.77 feet along said boundary;
thence South $89^{\circ}47'18''$ West 883.00 feet, to said easterly right-of-way line of State Road 36;
thence North $33^{\circ}42'00''$ East 12.05 feet along said right-of-way line, to the Point of Beginning.

Parcel contains: 8,816 square feet, or 0.20 acres.

2) In the alternative, title to the Right of Way Fee is hereby awarded to Plaintiffs through adverse possession. Title to the Right of Way Fee shall be, and hereby is, awarded to Plaintiffs, and quieted in favor of Plaintiffs, as set forth above in Paragraphs (1)(b)(i) and (1)(b)(ii).

*****END OF JUDGMENT*****

(Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, the Court's signature appears at the top of the first page.)