

SCHEDULE B - SECTION 2 EXCEPTIONS

- (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a Public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any facts, rights, interests or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Easements, liens or encumbrances, or claims thereof, that are not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcel 1:  
Lien of Taxes, now accruing as a lien, but not yet due and payable  
Year: 2021; Tax ID No.: 01-010-0009; Prior year: 2020 Paid; Amount: \$667.94  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcel 2:  
Lien of Taxes, now accruing as a lien, but not yet due and payable  
Year: 2021; Tax ID No.: 01-010-0048; Prior year: 2020 Paid; Amount: \$20,409.13  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcel 3:  
Lien of Taxes, now accruing as a lien, but not yet due and payable; Year: 2021  
Tax ID No.: 01-010-0055; Prior year: 2020 Paid; Amount: \$745.27  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcel 4:  
Lien of Taxes, now accruing as a lien, but not yet due and payable; Year: 2021  
Tax ID No.: 01-010-0059; Prior year: 2020 Paid; Amount: \$312.27  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The land described herein is located within the boundaries of Ogdan City, Weber County, Tax District 523 and is subject to any assessments levied thereby. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Water rights, claims or title to water, whether or not shown by the public records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records. (AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- The following affects Parcel 2:  
Right of Way; Disclosed by: Warranty Deed; Dated: January 19, 1909; Recorded: January 19, 1909  
Book/Page: 57 / 487  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- Right of Way; Disclosed by: Warranty Deed; Dated: January 7, 1915; Recorded: January 16, 1915  
Book/Page: 75 / 369  
(DOES NOT AFFECT SUBJECT PROPERTY, RIGHT OF WAY LIES WITHIN PARCEL 010100008)
- The following affects Parcel 2:  
Right of Way; Disclosed by: Warranty Deed; Dated: March 11, 1921; Recorded: May 12, 1923  
Book/Page: 96 / 826  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- The following affects Parcel 2:

- Reservations in favor of the Grantor; Grantor: Elizabeth H. Todd; Dated: June 22, 1939  
Recorded: June 26, 1939; Entry No.: 45512; Book/Page: 133 / 196  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR INGRESS AND EGRESS)
- The following affects Parcel 2:  
Right of Way Agreement, including the terms and conditions thereof:  
Between: Frank M. Browning, Eugenia W. Browning, George G. Williams, Marion T. Williams and J.E. Browning Co., a corporation  
Dated: September 22, 1945; Recorded: September 25, 1945; Entry No.: 96254; Book/Page: 215 / 531  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- The following affects Parcel 2:  
Right of Way; Disclosed by: Warranty Deed; Dated: September 25, 1945; Recorded: September 25, 1945; Entry No.: 96855; Book/Page: 216 / 446  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR POWER AND LIGHT)
- Right of Way; Disclosed by: Warranty Deed; Dated: September 25, 1945; Recorded: September 26, 1945; Entry No.: 96900; Book/Page: 216 / 461  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR POWER AND LIGHT)
- Agreement and Mutual Grants of Easements, including the terms and conditions thereof:  
Between: Mountain States Telephone and Telegraph Company, a corporation  
And: Utah Power & Light Company, a corporation  
Dated: November 15, 1968; Recorded: November 21, 1968; Entry No.: 513198; Book/Page: 904 / 459  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR TELEPHONE AND POWER)
- Ordinance No. 30-83:  
Dated: September 1, 1983; Recorded: September 23, 1983; Entry No.: 890917; Book/Page: 1432 / 1750  
An Ordinance adopting the Washington Boulevard Redevelopment Project  
Notice of Adoption of the Washington Boulevard Redevelopment Project  
Recorded: August 16, 1985; Entry No.: 944955; Book/Page: 1473 / 1273  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcels 1 through 4  
Order, Second Judicial District Court, County of Weber, State of Utah, and the terms and conditions thereof.  
Recorded: May 25, 2009; Entry No.: 1079627; Book / Page: 1561 / 1755  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR INGRESS AND EGRESS)
- The following affects Parcels 1 through 4:  
Reservations in favor of the Grantor:  
Grantor: Utah Power and Light Company; Dated: October 24, 1990; Recorded: February 13, 1991  
Entry No.: 1131685; Book/Page: 1594 / 1242  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR INGRESS AND EGRESS AND A PERPETUAL EASEMENT)
- Resolution 93-57  
Dated: October 26, 1993; Recorded: November 1, 1993; Entry No.: 1255293; Book/Page: 1687 / 1110  
A Resolution creating Ogdan City, Utah Central Business District No. 1  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects Parcel 1:  
Right-of-Way and Easement Grant, and the terms and conditions thereof:  
Grantor: The State of Utah, Division of Facilities Construction and Management  
Grantee: Qwest Corporation, a Delaware corporation  
Purpose: Telephone facilities  
Recorded: February 27, 2001; Entry No.: 1754199; Book/Page: 2118 / 2716  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR QWEST)
- Memorandum of Lease, and the terms and conditions thereof:  
Lessor: McKay Beginnings LLC  
Lessee: Focus Services, Inc.  
Recorded: August 10, 2004; Entry No.: 2049352; Assignment of Lease and Subordination Agreement:  
Recorded: August 10, 2004; Entry No.: 2049353; Reassignment of Lease:  
Recorded: March 14, 2014; Entry No.: 2678587  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON, FOR INGRESS AND EGRESS)
- The following affects Parcel 4:  
Reservations in favor of the Grantor:  
Grantor: McKay Beginnings, LLC; Dated: October 22, 2009; Recorded: October 30, 2009; Entry No.: 2442348  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)

- Ordinance No. 2012-39:  
Dated: June 26, 2012; Recorded: July 9, 2012; Entry No.: 2584776  
An Ordinance adopting the Ogdan City, Utah Central Business Improvement District No. 2. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Resolution 2016-36  
Dated: July 5, 2016; Recorded: July 20, 2016; Entry No.: 2804447  
A Resolution creating the Ogdan Central Business Assessment Area No. 3  
Ogdan City Notice of Adoption of Ordinance 2016-36 and Notice of Proposed Assessment:  
Recorded: July 20, 2016; Entry No.: 2804448  
Ogdan City Notice of Adoption of Ordinance 2016-36 and Notice of Assessment Interest:  
Recorded: July 20, 2016; Entry No.: 2804453  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Ordinance No. :  
Dated: January 9, 2018; Recorded: January 17, 2018; Entry No.: 2900588  
An Ordinance adopting the Adams Community Reinvestment Project Area Plan  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Subject to the rights of parties in possession of the subject property under unrecorded leases, rental or occupancy agreements and any claims thereunder. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects this and other property:  
A Deed of Trust, and the terms and conditions thereof:  
Stated Amount: \$750,000.00  
Trustor: McKay Comm 26th #1, LLC  
Trustee: Zions First National Bank  
Beneficiary: Zions First National Bank  
Dated: May 17, 2013; Recorded: June 3, 2013; Entry No.: 2638819  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects this and other property:  
A Deed of Trust, and the terms and conditions thereof:  
Stated Amount: \$1,500,000.00  
Trustor: McKay Comm 26th #1, LLC  
Trustee: ZB, N.A. dba Zions First National Bank  
Beneficiary: Zions First National Bank  
Dated: March 20, 2017; Recorded: April 5, 2017; Entry No.: 2850839  
Assignment of Rents; Recorded: April 5, 2017; Entry No.: 2850840  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects this and other property:  
A Deed of Trust, and the terms and conditions thereof:  
Stated Amount: \$587,802.00  
Trustor: McKay Comm 26th #1, LLC  
Trustee: ZB, N.A. dba Zions First National Bank  
Beneficiary: ZB, N.A. dba Zions First National Bank  
Dated: March 20, 2017; Recorded: April 5, 2017; Entry No.: 2850848  
Assignment of Rents; Recorded: April 5, 2017; Entry No.: 2850849  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- The following affects this and other property:  
A Deed of Trust, and the terms and conditions thereof:  
Stated Amount: \$400,000.00  
Trustor: McKay Comm 26th #1, LLC  
Trustee: Zions Bancorporation, N.A. dba Zions First National Bank  
Beneficiary: Zions Bancorporation, N.A. dba Zions First National Bank  
Dated: January 30, 2019; Recorded: February 8, 2019; Entry No.: 2964794  
Assignment of Rents:  
Recorded: February 8, 2019; Entry No.: 2964795  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)

TITLE REPORT BOUNDARY DESCRIPTION

Parcel 1: 01-010-0009  
Part of Lot 2, Block 12, Plat A, Ogdan City Survey; Beginning 18 feet West from the Northeast corner of said Lot 2, and running thence West 114 feet to the Northwest corner of said lot 2; thence South 73.4 feet; thence East 132 feet; thence North 25.07 feet; thence West 18 feet; thence North 47 feet 4 inches to beginning.  
Together with a right of way for all purposes of ingress and egress, as conveyed by that certain Warranty Deed, recorded January 16, 1915, in Book 75 at Page 369, being more particularly described as follows: Beginning at the Northeast corner of Lot 1, Block 12, Plat A, Ogdan City Survey, and running thence West 118 feet; thence South 47 feet and 4 inches, more or less; thence East 10 feet; thence North 30 feet; thence North 45' East 10 feet, more or less to the North line of Lot 1, Block 12, Plat A, Ogdan City Survey; thence East to the East line of said Lot 1; thence North 10 feet to the point of beginning.

Parcel 2: 01-010-0048  
All of Lot 9, Block 12, Plat "A", Ogdan City Survey, according to the official plat thereof on file and of record in the office of the Weber County Recorder.  
Together with a right of way, as conveyed by that certain Warranty Deed, recorded September 26, 1945, as Entry No. 96900, in Book 216 at Page 461, being more particularly described as follows: A part of Lots 8 and 9, Block 12, Plat A, Ogdan City Survey; Beginning at a point 6 feet East of the Northwest corner of said Lot 9, and running thence South 300 feet to the South line of said Lot 9; thence West 12 feet; thence North 330 feet to the North line of said Lot 8; thence East 12 feet to the place of beginning.

Parcel 3: 01-010-0055  
A part of Lot 10, Block 12, Plat A, Ogdan City Survey; Beginning at a point 7 rods North of the Southeast corner of said Lot 10, and running thence North 89.5 feet to a point 40 feet North of the Southeast corner of the North half of said Lot 10; thence West 132 feet to the West line of said Lot; thence South 89.5 feet to a point West of beginning; thence East 132 feet to the place of beginning.

Parcel 4: 01-010-0059  
A part of Lot 10, Block 12, Plat A, Ogdan City Survey; Beginning at the Southeast corner of said Lot 10, and running thence North 37.5 feet; thence West 132 feet; thence South 37.5 feet; thence East 132 feet to the place of beginning.

THIS LEGAL DESCRIPTION INDICATES THE SAME PARCEL AS THAT DESCRIBED IN TITLE COMMITMENT NO. 86363, WITH AN EFFECTIVE DATE OF JULY 20, 2021. SAID DESCRIPTION CLOSES WITHIN 0.00 FEET.

NOTES

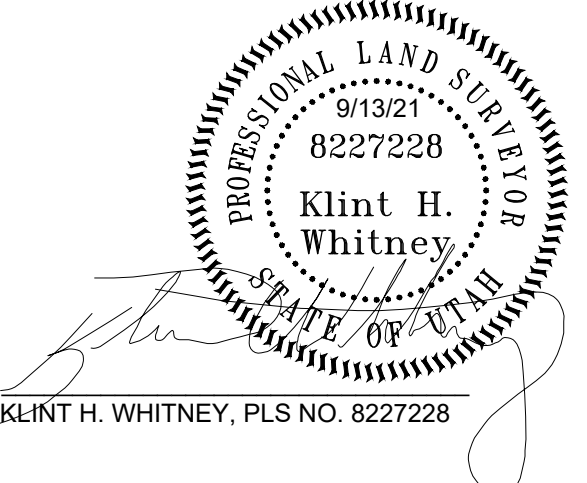
- THE SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" PER MAP NUMBER 49057C0429F WITH AN EFFECTIVE DATE OF 08/02/2015.
- THERE WAS NO OBSERVED EVIDENCE OF CONSTRUCTION OR RECENT SITE DEVELOPMENT OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO OBSERVED EVIDENCE TO THE SITE USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO EVIDENCE OF DELINEATED WETLAND WITHIN THE SUBJECT PROPERTY OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THE SUBJECT PROPERTY HAS A PURPORTED ADDRESS OF 457 26TH STREET, OGDEN, UTAH 84401, AND WAS OBSERVED IN THE FIELD.
- 12 FOOT RIGHT-OF-WAY SHOWN ON OWNERSHIP PLAT.

NARRATIVE

THE PURPOSE OF THE SURVEY WAS TO DO AN ALTA/NSPS SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY IS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY. FILE NUMBER 86363 WITH AN EFFECTIVE DATE OF JULY 20, 2021 AT 7:45 A.M. THE SURVEY WAS ORDERED BY MCKAY COMM 26TH #1 LLC. THE BASIS OF BEARING IS STREET CENTERLINE OF ADAMS AVENUE BETWEEN 26TH STREET AND 27TH STREET WHICH BEARS SOUTH 1°17'30" WEST, NAD 83 STATE PLANE GRID BEARING.

SURVEYOR'S CERTIFICATE

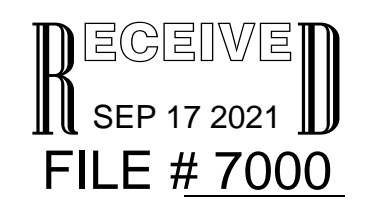
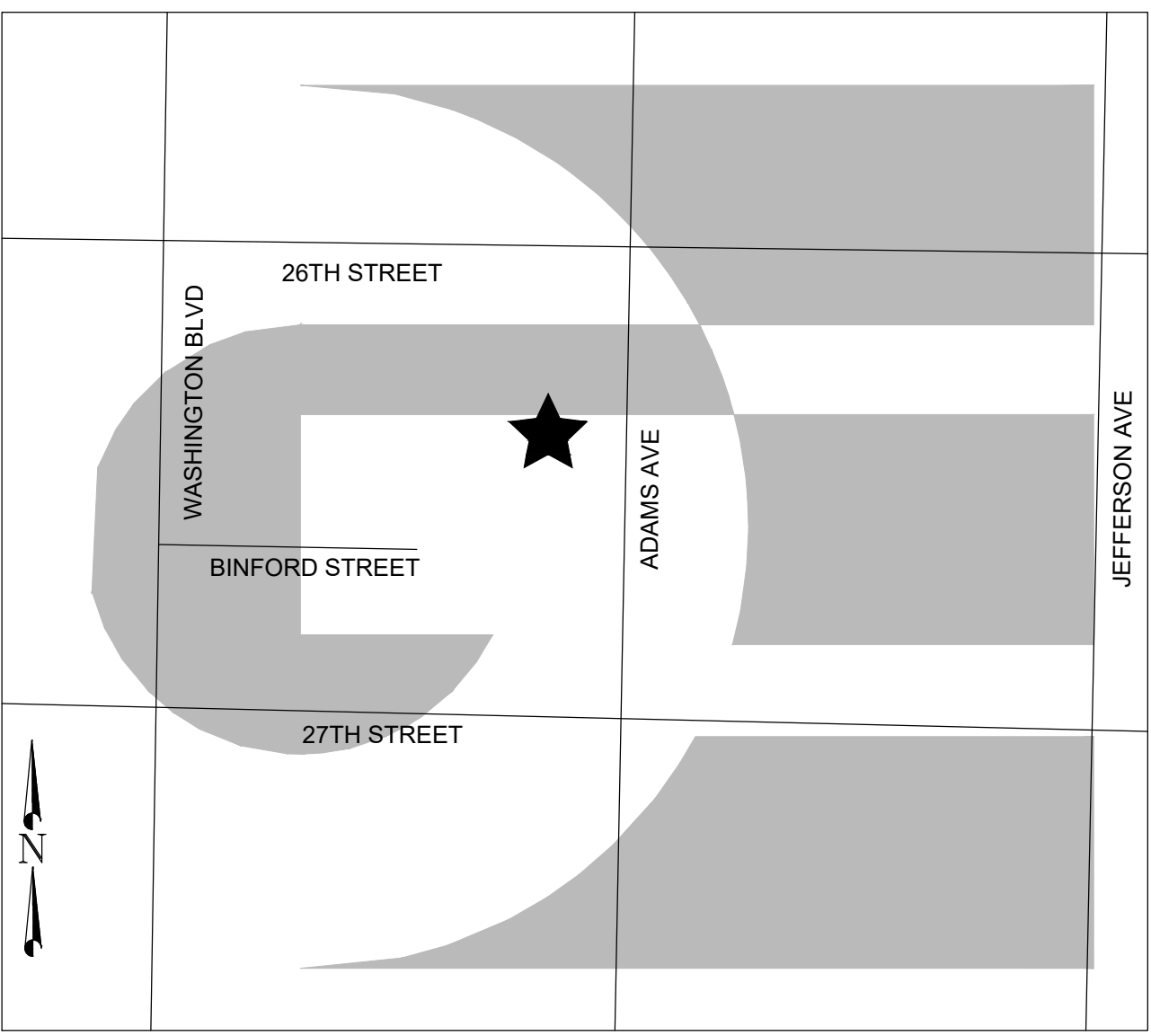
I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS ALTA/NSPS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY. I FURTHER CERTIFY TO:  
COMMON WEALTH LAND TITLE INSURANCE COMPANY  
MCKAY COMM 26TH #1 LLC  
FISCHER REGAN ENTERPRISES LLC, AN ARIZONA LIMITED LIABILITY COMPANY  
CHICAGO TITLE INSURANCE COMPANY  
THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND IS BASED ON COMMITMENT FOR TITLE INSURANCE FILE NUMBER 86363 WITH AN EFFECTIVE DATE OF JULY 20, 2021 AT 7:45 A.M. AND INCLUDES ITEMS 1, 2, 3, 4, 7A, 7B1, 8, 13, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON September 3, 2021.  
SIGNED THIS 13TH DAY OF SEPTEMBER, 2021.



UTILITY CONTACT

Name	Phone	Contact Name	Email	Description
AT&T - AMERICAN TELEPHONE &	208-850-7448	ROB WILLIAMSON	RLWILLIAMSON@ATT.COM	FIBER OPTICS
COMCAST	435-224-2356	JEFF HOUSTON	JEFF.HOUSTON@TELECOM.CA	CATV & FIBER MRKD BY USIC
LUMEN/CENTURYLINK	385-479-7357	LARRY BUHLER	LARRY.BUHLER@LUMEN.COM	FBR & PHN MRKD BY STAKE CENTER
FIRSTDIGITAL TELECOM	801-456-1095	BRANDON BALMFORTH	BBALMFORTH@FIRSTDIGITAL.COM	FIBER OPTICS
VERIZON BUSINESS (MCI)	800-624-9675	NATIONAL FIBER SECURITY	INVESTIGATIONS@VERIZON.COM	FIBER MRKD BY STAKE CENTER
OGDEN CITY CORPORATION	801-629-8363	TED BULLOCK	TEDBULLOCK@OGDENCITY.COM	SEWER & CULINARY WATER
DOMINION ENERGY UTAH	801-324-3970	SL MAPPING DEPARTMENT		GAS MARKED BY ELM LOCATING
ROCKY MOUNTAIN POWER - OGDEN	503-813-6993	JOEL SIMMONS	GISDEPT@PACIFICORP.COM	POWER MRKD BY USIC
ZAYO FIBER SOLUTIONS	385-228-2413	FINN EDMUNDS	UTAH.OSP@ZAYO.COM	FIBER MARKED BY STAKE CENTER

VICINITY MAP



SCALE: N/A DATE: 10/03/2019 DESIGN: DRAWN: RI CHECKED: KHW

REVISONS

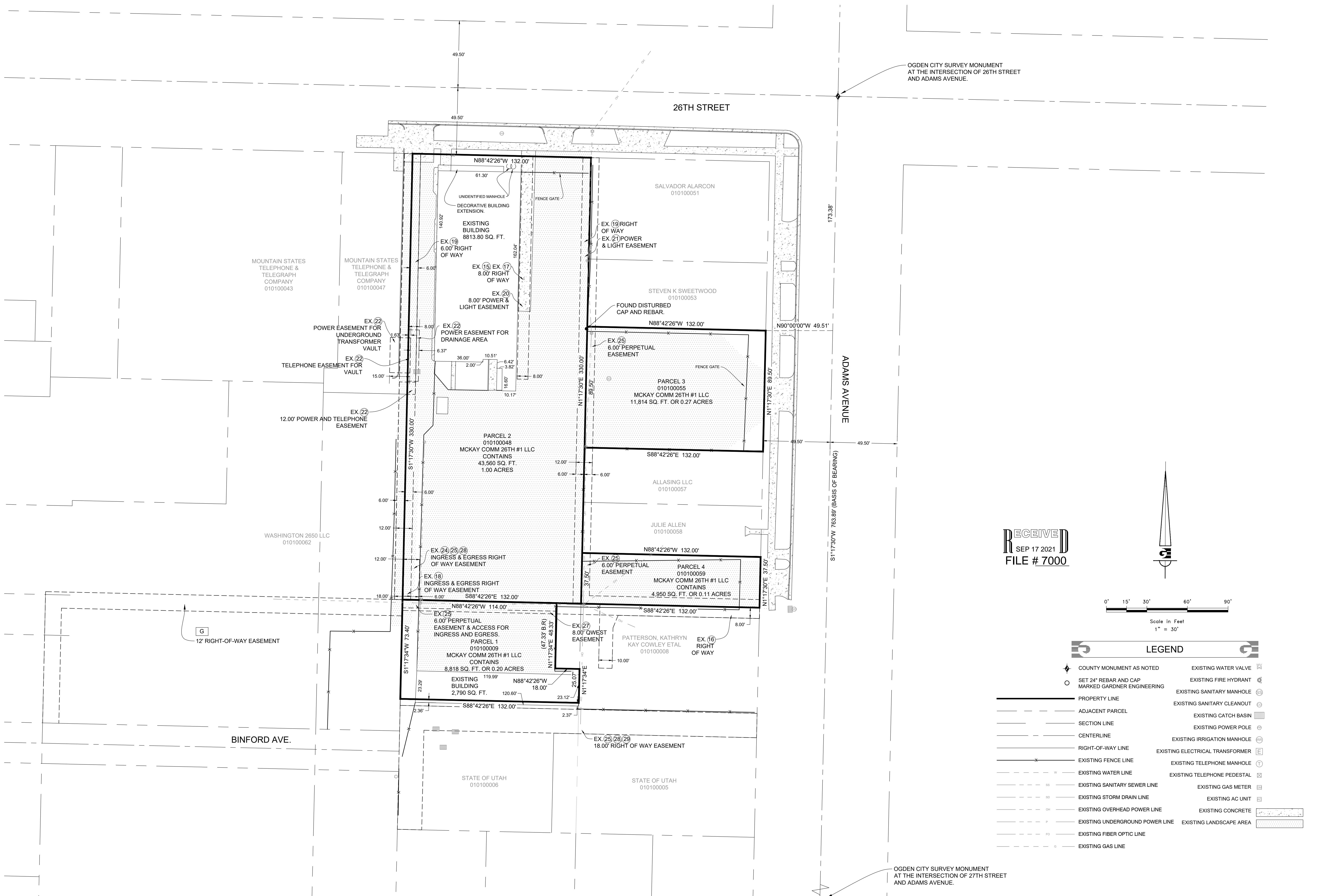
DATE DESCRIPTION

ALTA SURVEY FOR MCKAY COMM 26TH #1 LLC  
457 26TH STREET, OGDEN, UTAH  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 6 NORTH, RANGE 1 WEST, S.L.B. AND M.

**GARDNER ENGINEERING**  
CIVIL - LAND PLANNING  
MUNICIPAL - LAND SURVEYING  
3150 SOUTH 37.5 EAST OGDEN, UT  
OFFICE: 801-476-6020 FAX: 801-476-6066

S1  
2

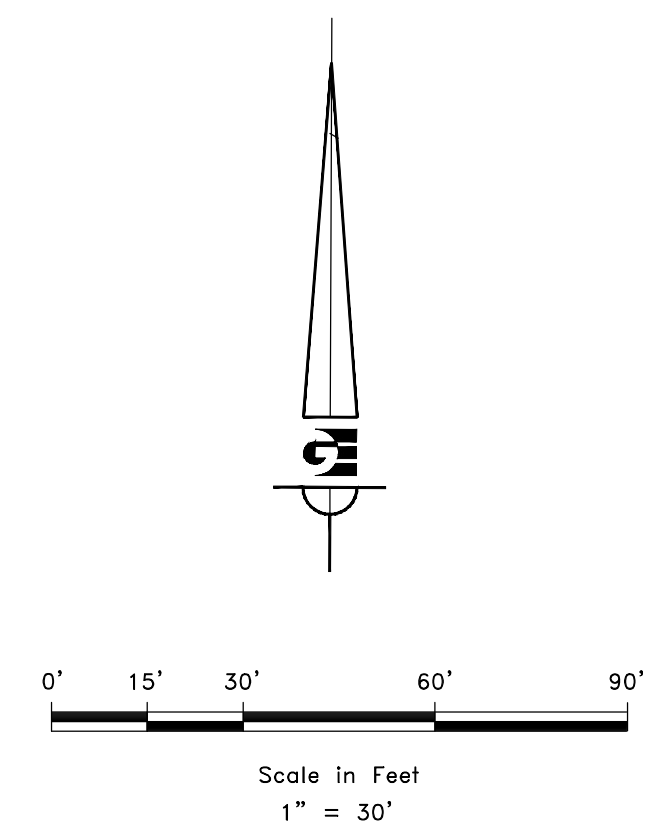




OGDEN CITY SURVEY MONUMENT  
AT THE INTERSECTION OF 26TH STREET  
AND ADAMS AVENUE.

OGDEN CITY SURVEY MONUMENT  
AT THE INTERSECTION OF 27TH STREET  
AND ADAMS AVENUE.

RECEIVED  
SEP 17 2021  
FILE # 7000



LEGEND			
	COUNTY MONUMENT AS NOTED		EXISTING WATER VALVE
	SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING		EXISTING FIRE HYDRANT
	PROPERTY LINE		EXISTING SANITARY MANHOLE
	ADJACENT PARCEL		EXISTING SANITARY CLEANOUT
	SECTION LINE		EXISTING CATCH BASIN
	CENTERLINE		EXISTING POWER POLE
	RIGHT-OF-WAY LINE		EXISTING IRRIGATION MANHOLE
	EXISTING FENCE LINE		EXISTING ELECTRICAL TRANSFORMER
	EXISTING WATER LINE		EXISTING TELEPHONE MANHOLE
	EXISTING SANITARY SEWER LINE		EXISTING TELEPHONE PEDESTAL
	EXISTING STORM DRAIN LINE		EXISTING GAS METER
	EXISTING OVERHEAD POWER LINE		EXISTING AC UNIT
	EXISTING UNDERGROUND POWER LINE		EXISTING CONCRETE
	EXISTING FIBER OPTIC LINE		EXISTING LANDSCAPE AREA
	EXISTING GAS LINE		

REVISIONS	DATE	DESCRIPTION

SCALE: 1:30, XREF
DATE: 1-10-17
DESIGN: _____
DRAWN: SGP
CHECKED: KHW
DWG.: E.0001 - MEC SURVEY 139 - THANE FISCHER/ARVAVE/OWD/THANE FISCHER.DWG

ALTA SURVEY FOR MCKAY COMM 26TH #1 LLC  
457 26TH STREET, OGDEN, UTAH  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 6 NORTH, RANGE 1 WEST, S.L.B. AND M.

**GARDNER ENGINEERING**  
CIVIL - LAND PLANNING  
MUNICIPAL - LAND SURVEYING  
5150 SOUTH 375 EAST OGDEN, UT  
OFFICE: 801.476.0202 FAX: 801.476.0066