

13953732 B: 11339 P: 9380 Total Pages: 6
05/17/2022 03:38 PM By: slang Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: KIMBALL ANDERSON
649 E SOUTH TEMPLE FL 2SALT LAKE CITY, UT 841021153

WHEN RECORDED, MAIL TO:

Kimball Anderson
Attn: Derek E. Anderson
649 E South Temple, Floor 2
Salt Lake City, Utah 84102

**AMENDED AND RESTATED
SPECIAL WARRANTY DEED**

RECITALS

WHEREAS, on July 15, 2015, a certain Quitclaim Deed was recorded in the real property records (recording reference/entry no.: 12092488; book: 10343; pages: 6755-6757) of Salt Lake County (the "County Property Records"), which conveyed that certain parcel of land located in Salt Lake County, Utah that is more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"), and certain other real property, from Janet Criner and Douglas A. Wheadon, Co-Trustees of The Gene Wheadon Trust dated April 14, 1993 ("GWT") to Douglas A. Wheadon and Janet W. Criner, as Trustees of the Norma A. Wheadon Revocable Trust u/a/d January 26, 1980 ("NWT", and, together with GWT, the "Grantor Trusts");

WHEREAS, on February 4, 2020, a certain Special Warranty Deed (the "Subject Deed"), executed on November 5, 2019 (the "Conveyance Date"), was recorded in the County Property Records (recording reference/entry no.: 13184881; book: 10891; pages: 9114-9116), and the Subject Deed conveyed (the "Conveyance") an undivided Thirty-Three and 33/100 (33.33%) tenant-in-common interest in the Property (the "TIC Interest") from GWT to Wheadon Herriman Ventures, LLC, a Utah limited liability company ("WHV");

WHEREAS, the Subject Deed was executed by the aforementioned Douglas A. Wheadon ("Mr. Wheadon"), who is Co-Trustee and the authorized signer of both of the Grantor Trusts, to carry out the Conveyance, and in so doing Mr. Wheadon, acting as grantor, intended to convey the TIC Interest in the name (and on behalf) of whichever of the Grantor Trusts on behalf of which Mr. Wheadon actually held the Property, as its Co-Trustee, not remembering that it was, in fact, held by him in his role as Co-Trustee of NWT, rather than in his role as Co-Trustee of GWT;

WHEREAS, based on the foregoing, Mr. Wheadon, the Grantor Trusts and Grantee (as defined hereinafter, i.e., WHV), which are the undersigned parties, acknowledge that an error was

made in the Subject Deed because the same indicates Mr. Wheadon made the Conveyance in his role as Co-Trustee and authorized signer of GWT, instead of as Co-Trustee and authorized signer of NWT, on behalf of which he was actually acting, of necessity, in transferring title pursuant to the Conveyance, as such title was, in fact, held by him on behalf of NWT;

WHEREAS, all of such undersigned parties desire to acknowledge and cure such error by executing this Amended and Restated Special Warranty Deed (this "Deed"), thereby clarifying and ratifying the Conveyance, and confirming the effectiveness thereof as of the Conveyance Date, but in the intended, proper form of the Conveyance as reflected herein; and

WHEREAS, the Subject Deed is intended to be amended, replaced and superseded, in its entirety, by this Deed, effective as of the Conveyance Date, so that, among other things, the County Property Records will properly reflect which Grantor Trust Mr. Wheadon was acting on behalf of when he made the Conveyance on the Conveyance Date.

CONVEYANCE AND OTHER PROVISIONS

NOW, THEREFORE, FOR THE SUM OF TEN AND 00/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged:

DOUGLAS A. WHEADON AND JANET W. CRINER, AS TRUSTEES OF THE NORMA A. WHEADON REVOCABLE TRUST U/A/D JANUARY 26, 1980 (NWT, as defined above, or "Grantor"), with an address of 649 E South Temple, Floor 2, Salt Lake City, Utah 84102, hereby conveys and warrants against all who claim by, through or under Grantor, to Wheadon Herriman Ventures, LLC, a Utah limited liability company (WHV, as defined above, or "Grantee"), with an address of 649 E South Temple, Floor 2, Salt Lake City, Utah 84102 an undivided Thirty-Three and 33/100 (33.33%) tenant-in-common interest in the following real property located in Salt Lake County, Utah: the Property (as defined in the Recitals and more particularly described on Exhibit A attached hereto and incorporated herein), together with all improvements located thereon, and all rights, titles and interests therein.

As described above in the Recitals, the Subject Deed is amended, replaced and superseded, in its entirety, by this Deed, effective as of the Conveyance Date.

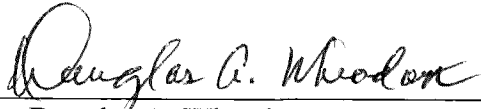
Grantor, Grantee, Mr. Wheadon and the GWT Trust hereby acknowledge and agree upon (a) all of the Recitals set forth hereinabove, all of which are hereby incorporated into and made part of this Deed for all purposes, and the accuracy thereof and (b) all other terms and provisions of this Deed.

[End of page; signature page(s) follow(s).]

IN WITNESS WHEREOF, this Deed is executed by Grantor, Grantee, Mr. Wheadon and GWT on May 13 2022, to be effective as of the Conveyance Date, as more fully described above.

GRANTOR (NWT):

DOUGLAS A. WHEADON AND JANET W. CRINER, AS TRUSTEES OF THE NORMA A. WHEADON REVOCABLE TRUST U/A/D JANUARY 26, 1980




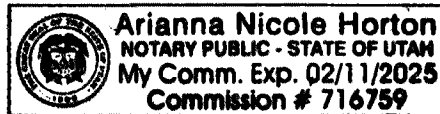
By: Douglas A. Wheadon
Its/Title: Co-Trustee and the Authorized Signer of Grantor

State of Utah)
 §
County of Salt Lake)

On this 13 day of May 2022, before me, Arianna Nicole Horton, a Notary Public, personally appeared Douglas A. Wheadon, who, being by me duly sworn, acknowledged and proved to me on the basis of satisfactory evidence that he is the person whose name is subscribed to the within instrument and that he signed the same in the applicable space provided above in his authorized capacity, as a trustee and the authorized signer of NWT (as defined in the within instrument), and that by his signature on the instrument NWT executed the same.

I certify that under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public

GRANTEE (WHV):

**WHEADON HERRIMAN VENTURES, LLC,
A UTAH LIMITED LIABILITY COMPANY**



By: Derek Anderson
Its/Title: Authorized Signer

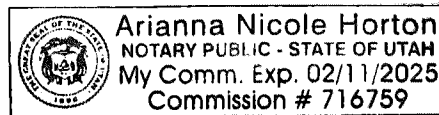
State of Utah)
 §
County of Salt Lake)

On this 13 day of May 2022, before me, Arianna Nicole Horton, a Notary Public, personally appeared Derek Anderson, who, being by me duly sworn, acknowledged and proved to me on the basis of satisfactory evidence that he is the person whose name is subscribed to the within instrument and that he signed the same in his authorized capacity, as the authorized signer of Grantee, and that by his signature on the instrument Grantee executed the same.

I certify that under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Arianna Nicole Horton
Signature of Notary Public



MR. WHEADON:

DOUGLAS A. WHEADON

Douglas A. Wheadon
Douglas A. Wheadon, individually

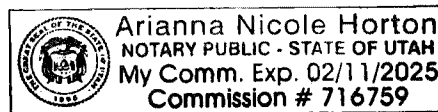
State of Utah)
 §
County of Salt Lake)

On this 13 day of May 2022, before me, Arianna Nicole Horton, a Notary Public, personally appeared Douglas A. Wheadon, who, being by me duly sworn, acknowledged and proved to me on the basis of satisfactory evidence that he is the person whose name is subscribed to the within instrument and that he signed the same in the applicable space provided above for and on his own behalf.

I certify that under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Arianna Nicole Horton
Signature of Notary Public



GWT:

JANET CRINER AND DOUGLAS A. WHEADON, AS CO-TRUSTEES OF THE GENE WHEADON TRUST DATED APRIL 14, 1993

Douglas A. Wheadon

By: Douglas A. Wheadon
Its/Title: Co-Trustee and the Authorized Signer of GWT

State of Utah)
 §
County of Salt Lake)

On this 13 day of May 2022, before me, Arianna Nicole Horton a Notary Public, personally appeared Douglas Wheadon, who, being by me duly sworn, acknowledged and proved to me on the basis of satisfactory evidence that he is the person whose name is subscribed to the within instrument and that he signed the same in the applicable space provided above in his authorized capacity, as a trustee and the authorized signer of GWT (as defined in the within instrument), and that by his signature on the instrument GWT executed the same.

I certify that under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Arianna Nicole Horton
Signature of Notary Public

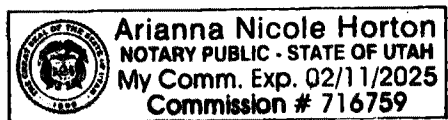


Exhibit A
PROPERTY DESCRIPTION

Parcel Number: 33-21-100-020-0000

Property Location: 15880 MTN VIEW CORID HWY

Legal Description:

LOT 3, SEC 21, T4S, R1W, SLM; LESS & EXCEPT BEG W 1321.31 FT M OR L & S 1206.82 FT M OR L FR N 1/4 COR SEC 21, T4S, R1W, SLM; N 0°09'44" W 60.04 FT; N 87°43'25" E 945.63 FT; E'LY ALG 3830 FT RADIUS CURVE TO R 388.71 FT; S 0°36'47" E 60.16 FT; W'LY ALG 3770 FT RADIUS CURVE TO L 386.97 FT; S 87°43'25" W 947.84 FT TO BEG. LESS & EXCEPT BEG W 1321.31 FT M OR L & S 1206.82 FT M OR L FR N 1/4 COR SD SEC 21; N 87°43'25" E 947.84 FT; E'LY ALG 3770 FT RADIUS CURVE TO R 386.97 FT; S 0°36'47" E 168.77 FT; N 89°33'44" W 1335.36 FT M OR L; N 0°09'44" W 125.40 FT TO BEG. 34.75 AC M OR L. 6872-0747 8595-4598 9242-1242 9879-485