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Rhonda Francis Summit County Recorder

09/28/2022 04:45:11 PM Fee \$40.00

By COTTONWOOD TITLE INSURANCE AGENCY, INC.

Electronically Recorded

When Recorded, Return To:

IHC Development, LLC  
13504 South 7530 West  
Herriman, UT 84096

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Tax Parcel No's: CD-575-B, CD-413-A, CD-499, CD-563-D, CD-563

**AMENDED AND RESTATED  
WARRANTY DEED**

RECITALS

A. WHEREAS, on September 16, 2021, a certain Warranty Deed (the "Initial Deed"), executed by Indian Hollow Creek LLC ("Grantor") on September 14, 2021 (the "Conveyance Date"), was recorded in the real property records of the Office of the Summit County Recorder (entry no.: 01173325; book: 2693; page: 0321) of Summit County, Utah (the "County Property Records"), which conveyed that certain parcel of land located in Summit County, Utah that is defined as "Parcel 1" on Exhibit A attached hereto and is more particularly described on such Exhibit (the "Initially Described Land") from Grantor to IHC Development LLC ("Grantee"), whose mailing address is set forth above on this Amended and Restated Warranty Deed (this "Deed"). Such conveyance is hereinafter referred to as the "Conveyance".

B. WHEREAS, the Initially Described Land is only one of the parcels of land located in Summit County, Utah that was intended by Grantor and Grantee to be conveyed under the Initial Deed (the Initially Described Land, together with all such other parcels, the "Land"). The Land is more particularly described on Exhibit A attached hereto. To be clear, Grantor and Grantee intended that the entirety of the Land (and all of the Property, as defined hereinafter), be described in the Initial Deed and conveyed thereunder via the Conveyance, consistent with and pursuant to the provisions of a certain Real Estate Purchase Contract for Land, dated March 21<sup>st</sup>, 2021 (as amended and including all addenda thereto), governing such transaction; however, the description of the Land in the Initial Deed was erroneous in that it mistakenly omitted all parcels of the Land other than the Initially Described Land.

C. WHEREAS, based on the foregoing, Grantor and Grantee acknowledge that an error was made in the Initial Deed and such parties desire to acknowledge and cure such error by executing 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, with the entirety of the Property being clearly conveyed hereunder to Grantee as described above.

D. WHEREAS, the Initial Deed is intended to be amended, replaced and superseded, in its entirety, by this Deed, effective as of 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:

Grantor hereby conveys and warrants to Grantee the following: the Land, together with all improvements located thereon and all rights, privileges and appurtenances pertaining to, or in connection with, any of the foregoing, including without limitation any water rights/water shares appurtenant to the Land (all of the foregoing, collectively, the "Property").

Subject only to (a) easements, restrictions and rights of way appearing of record in the County Property Records and (b) general property taxes for the year 2021 and thereafter.

As described in the recitals set forth hereinabove (the "Recitals"), the Initial Deed is amended, replaced and superseded, in its entirety, by this Deed, effective as of the Conveyance Date.

Grantor and Grantee hereby acknowledge and agree upon (x) all of the Recitals, all of which are, together with Exhibit A, hereby incorporated into and made part of this Deed for all purposes, and the accuracy thereof and (y) 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 and Grantee on September 28, 2022, to be effective as of the Conveyance Date, as more fully described above.

GRANTOR:

Indian Hollow Creek LLC

By: [Signature]  
Name: Blaine Gough  
Its/Title: Manager

STATE OF Utah )  
 )ss.  
COUNTY OF Salt Lake )

On this 28 day of September 2022, before me, the undersigned Notary Public, personally appeared Blaine Gough, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the Grantor (as identified above), upon behalf of which the person(s) acted, executed the instrument.

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]  
Signature of Notary Public

My commission expires: 7-6-2024



GRANTEE:

IHC Development LLC

By: \_\_\_\_\_  
Name: Joe Darger  
Its/Title: Managing Member

STATE OF Utah )  
 )ss.  
COUNTY OF Salt Lake )

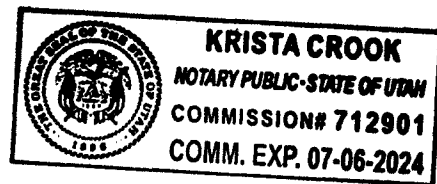
On this 28 day of September 2022, before me, the undersigned Notary Public, personally appeared Joe Darger, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the Grantee (as identified above), upon behalf of which the person(s) acted, executed the instrument.

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.

Krista Crook  
Signature of Notary Public

My commission expires: 7-6-2024



**EXHIBIT "A "**

Escrow No. **392-6127104 (CD)**

A.P.N.: **CD-575-B, CD-413-A, CD-499, CD-563-D, CD-563**

PARCEL 1:

THE SOUTH HALF OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 2 AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN.

LESS AND EXCEPTING THEREFROM THAT PORTION BEING TAX PARCEL NO. CD-575, SAID PARCEL IS FURTHER DEFINED AS BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 2), OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN, LYING SOUTH OF A BOUNDARY LINE ESTABLISHED IN THAT BOUNDARY AGREEMENT DATED SEPTEMBER 17, 1981, RECORDED SEPTEMBER 17, 1981, AS ENTRY NO. 183681 IN BOOK 198 AT PAGE 487, OF OFFICIAL RECORDS.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION BEING TAX PARCEL NO. CD-575-A, AS DESCRIBED BY A WARRANTY DEED RECORDED AUGUST 15, 2019, AS ENTRY NO. 1116087 IN BOOK 2523 AT PAGE 1126, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS NORTH 2668.61 FEET AND WEST 1165.52 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN, (SAID POINT BEING ON AN EXISTING 5/8 INCH REBAR, WHICH IS LOCATED AT A FENCE CORNER ON THE WESTERLY LINE OF COUNTY ROAD, 2000 WEST) AND RUNNING THENCE NORTH 84°20'26" WEST 632.28 FEET ALONG AN OLD EXISTING FENCE LINE TO AN EXISTING 5/8 INCH REBAR, AT A FENCE CORNER; THENCE NORTH 7°51'20" EAST 540.96 FEET ALONG AN OLD EXISTING FENCE LINE TO A FENCE CORNER; THENCE NORTH 64°07'27" EAST 159.12 FEET ALONG AN OLD EXISTING FENCE LINE TO THE NORTHWESTERLY CORNER ON LOT NO. 2 OF THE NAYLOR SUBDIVISION AMENDED; THENCE SOUTH 7°48'49" WEST 268.18 FEET ALONG SAID SUBDIVISION LINE; THENCE SOUTH 81°54'56" EAST 348.20 FEET ALONG SAID SUBDIVISION LINE; THENCE SOUTH 28°57'41" EAST 147.00 FEET; THENCE SOUTH 81°35'18" EAST 63.87 FEET TO AN EXISTING FENCE LINE, ON THE WESTERLY LINE OF 2000 WEST ROAD; THENCE SOUTH 8°05'04" WEST 217.22 ALONG SAID ROAD LINE TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION BEING TAX PARCEL CD-563-B AS DESCRIBED BY A WARRANTY DEED RECORDED DECEMBER 24, 1986 AS ENTRY NO. 262704 IN BOOK 411 AT PAGE 198, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING NORTH 2677.40 FEET AND WEST 6.85 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°04'18" WEST 786.31 FEET; THENCE NORTH 89°45'44" WEST 315.16 FEET; THENCE NORTH 13°49'04" WEST 25.59 FEET; THENCE NORTH 08°30'33" EAST 90.29 FEET; THENCE NORTH 12°16'48" EAST 109.12 FEET; THENCE EAST 1071.62 FEET; THENCE SOUTH 00°10'34" WEST 234.81 FEET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION BEING TAX PARCEL CD-563-C, AS DESCRIBED BY A WARRANTY DEED RECORDED MAY 29, 1983, AS ENTRY NO. 271889 IN BOOK 432 AT PAGE 575, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING NORTH 2942.22 FEET AND WEST 6.05 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 1065.19 FEET; THENCE NORTH 12°16'48" EAST 216.64 FEET; THENCE NORTH 11°18'36" EAST 8.48 FEET; THENCE EAST 1018.13 FEET; THENCE 50°10'34" WEST 220.00 FEET THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION BEING TAX PARCEL CD-563-E, AS DESCRIBED BY A WARRANTY DEED RECORDED JANUARY 29, 1990, AS ENTRY NO. 319644, IN BOOK 552 AT PAGE 330, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING NORTH 2912.22 FEET AND WEST 6.13 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°10'34" EAST 30.0 FEET; THENCE WEST 1065.19 FEET; THENCE SOUTH 12°16'48" WEST 30.70 FEET; THENCE EAST 1071.62 FEET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION WITHIN THE BOUNDS OF NAYLOR SUBDIVISION AMENDMENT NO. II, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED MARCH 06, 2007 AS ENTRY NO. 806336 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE UTAH.

ALSO, LESS AND EXCEPTING THEREFROM THAT PORTION WITHIN THE BOUNDS OF SPRING HILLS PLAT "A", ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED JUNE 12, 1980 AS ENTRY NO. 167471 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, STATE UTAH.

(FOR INFORMATIONAL PURPOSES ONLY: TAX PARCEL NO. CD-575-B)

PARCEL 2:

NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN.

LESS AND EXCEPTING FROM THE ABOVE DESCRIBED PROPERTIES THE FOLLOWING 2 TRACTS:

COMMENCING AT A FENCE CORNERPOST SET IN CONCRETE, SAID POST ASSUMED TO BE THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 89°46'08" EAST ALONG A FENCE LINE 1303.89 FEET THENCE SOUTH 0°18'15" EAST ALONG A FENCE LINE ON THE WESTERLY BOUNDARY OF A COUNTRY ROAD 270.25 FEET THENCE WEST 1300.36 FEET THENCE NORTH 1°04'14" ALONG A FENCE LINE 265.03 FEET TO THE POINT OF BEGINNING.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 18 TOWNSHIP 2 SOUTH RANGE 6 EAST SALT LAKE BASE & MERIDIAN. SOUTH 89°54'51" EAST, A DISTANCE OF 1,295.09 FEET; THENCE SOUTH 00°33'14" EAST, A DISTANCE OF 760.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°16'52" EAST, A DISTANCE OF 243.20 FEET; THENCE NORTH 82°52'28" WEST, A DISTANCE OF 207.05 FEET; THENCE NORTH 10°04'24" EAST, A DISTANCE OF 172.21 FEET; THENCE NORTH 62°59'55" EAST, A DISTANCE OF 117.81 FEET; THENCE SOUTH 85°26'00" EAST, A DISTANCE OF 69.39 FEET TO THE POINT OF BEGINNING.

(FOR INFORMATIONAL PURPOSES ONLY: TAX PARCEL NO. CD-563)

PARCEL 3:

COMMENCING AT A FENCE CORNERPOST SET IN CONCRETE, SAID POST ASSUMED TO BE THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 89°46'08" EAST ALONG A FENCE LINE 1303.89 FEET; THENCE SOUTH 0°18'15" EAST ALONG A FENCE LINE ON THE WESTERLY BOUNDARY OF A COUNTRY ROAD 270.25 FEET; THENCE WEST 1300.36 FEET; THENCE NORTH 1°04'14" WEST ALONG A FENCE LINE 265.03 FEET TO THE POINT OF BEGINNING.

(FOR INFORMATIONAL PURPOSES ONLY: TAX PARCEL NO. CD-563-D)

PARCEL 4:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 60.10 FEET; THENCE SOUTH 37°12' WEST 594.90 FEET; THENCE SOUTH 51°22' WEST 898.00 FEET; THENCE SOUTH 45°36' WEST 309.80 FEET; THENCE SOUTH 84°23' WEST 664.30 FEET; THENCE SOUTH 89°51' WEST 271.0 FEET; THENCE NORTH 11°41' WEST 588.34 FEET; THENCE NORTH 81°24' EAST 235.80 FEET; THENCE NORTH 52°11' EAST 195.40 FEET; THENCE NORTH 70°57' EAST 144.30 FEET; THENCE NORTH 81°19' EAST 359.50 FEET; THENCE NORTH 63°0' EAST 117.80 FEET; THENCE NORTH 28°34' EAST 84.10 FEET; THENCE NORTH 66°38' EAST 346.40 FEET; THENCE SOUTH 87°06' EAST 78.30 FEET; THENCE NORTH 67°49' EAST 295.70 FEET; THENCE NORTH 43°13' EAST 192.90 FEET; THENCE NORTH 24°58' EAST 269.20 FEET; THENCE NORTH 20°17' EAST 414.50 FEET; THENCE NORTH 19°30' EAST 774.76 FEET; AND THENCE SOUTH 1329.29 FEET TO THE POINT OF BEGINNING.

(FOR INFORMATIONAL PURPOSES ONLY: TAX PARCEL NO. CD-413-A)

PARCEL 5:

COMMENCING AT POINT THAT IS 1330.51 FEET WEST AND 1 ROD NORTH FROM THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 1041.5 FEET; THENCE SOUTH 83°00' WEST 715.65 FEET; THENCE SOUTH 954.29 FEET; THENCE EAST 710.32 FEET TO THE POINT OF COMMENCEMENT.

(FOR INFORMATIONAL PURPOSES ONLY: TAX PARCEL NO. CD-499)