

13839651  
12/3/2021 4:53:00 PM \$40.00  
Book - 11278 Pg - 38-44  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 7 P.

WHEN RECORDED RETURN TO:  
Holladay Hills 38, LLC  
2900 Adams Street, Suite C25  
Riverside, CA 92504

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**SPECIAL WARRANTY DEED**

KMW DEVELOPMENT L.L.C., a Utah limited liability company, and PETERBUILT HH, L.L.C., a Utah limited liability company (collectively "Grantor"), hereby conveys and warrants only against all who claim by, through, or under the Grantor, to HOLLADAY HILLS 38, LLC, a Utah limited liability company ("Grantee"), subject to only the matters set forth on Exhibit "B" attached hereto, for the sum of Ten and 00/100 Dollars (\$10.00), its respective portion of the following described tract of land in Salt Lake County, Utah, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

Effective this 2nd day of Dec, 2021.

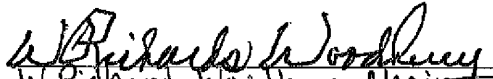
**KMW DEVELOPMENT L.L.C.,**  
a Utah limited liability company

By: **WOODBURY CORPORATION,**  
a Utah corporation, Its Manager

By:

  
Randall Woodbury, President  
Amy R. Woodbury, SVP

By:

  
W. Richards Woodbury, Chairman

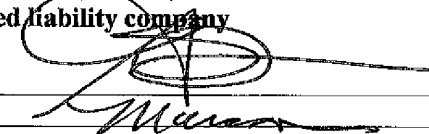
By: **MILLROCK CAPITAL II, LLC,**  
a Utah limited liability company, Its Manager

By:

  
Steven Peterson, Manager

**PETERBUILT HH, L.L.C.,**  
a Utah limited liability company

By:

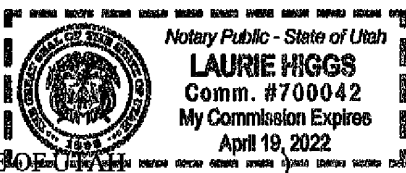


[Acknowledgments Begin on Following Page]

ACKNOWLEDGMENTS

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

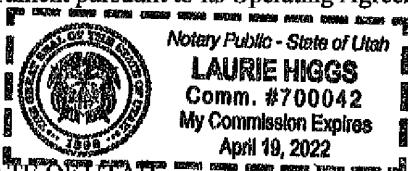
On the 3rd day of December, 2021, before me personally appeared Guy R. Woodbury, to me personally known, who being by me duly sworn did say that he is the Senior Vice President of WOODBURY CORPORATION, known to be the Manager of KMW DEVELOPMENT L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Laurie Higgs  
Notary Public

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

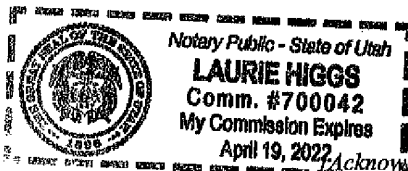
On the 3rd day of December, 2021, before me personally appeared W. Richards Woodbury, to me personally known, who being by me duly sworn did say that he is the Chairman of WOODBURY CORPORATION, known to be the Manager of KMW DEVELOPMENT L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Laurie Higgs  
Notary Public

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 2nd day of December, 2021, before me personally appeared STEVEN PETERSON, to me personally known, who being by me duly sworn did say that he is the Manager of MILLROCK CAPITAL II, LLC, a Utah limited liability company, known to be the Manager of KMW DEVELOPMENT L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



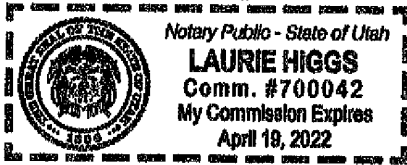
Laurie Higgs  
Notary Public

Acknowledgements Continue on Following Page]

*Handwritten initials*

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 2nd day of December, 2021, before me personally appeared Steven Peterson, to me personally known, who being by me duly sworn did say that he is the Manager of PETERBUILT HH, LLC, a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Laurie Higgs  
Notary Public

[End of Acknowledgements]  
[Exhibit "A" Begins on Following Page]

*[Handwritten signature]*

EXHIBIT A

Legal Description

All that real property situated in the County of Salt Lake, State of Utah, bounded and described as follows:

All of the Lots and Common Area contained within the Royal Holladay Hills Block L Phase 2 subdivision, according to the official plat thereof recorded November 29, 2021, as Entry No. 13834024, in Book 2021P, at Page 317, in the official records of the Salt Lake County Recorder's Office.

**EXHIBIT "B"**  
**Permitted Exceptions**

9. Taxes for the year 2021 are a lien now due and payable in the amount of \$35,594.16 but will not become delinquent until November 30, 2021 under previous Parcel No. 22-09-228-024. (affects this and other land) Taxes for the year 2020 have been paid with other land.

Taxes for the year 2021 are a lien now due and payable in the amount of \$8,374.47 but will not become delinquent until November 30, 2021 under previous Parcel No. 22-10-151-008. Taxes for the year 2020 have been paid under previous Parcel No. 22-10-151-008. (affects this and other land)

Taxes for the year 2021 are a lien now due and payable in the amount of \$951.89 but will not become delinquent until November 30, 2021 under previous Parcel No. 22-10-151-009. Taxes for the year 2020 have been paid under previous Parcel No. 22-10-151-009. (affects this and other land)

Taxes for the year 2021 are a lien now due and payable in the amount of \$71,854.40 but will not become delinquent until November 30, 2021 under previous Parcel No. 22-10-151-012. (affects this and other land) Taxes for the year 2020 have been paid with other land.

Taxes for the year 2021 are a lien now due and payable in the amount of \$46,348.35 but will not become delinquent until November 30, 2021 under previous Parcel No. 22-10-151-013. (affects this and other land) Taxes for the year 2020 have been paid with other land.

NOTE: Taxes for the year 2022 will be assessed under Parcel No. NOT YET ASSESSED.

10. The herein described Land is located within the boundaries of Holladay City, South Salt Lake Valley Mosquito Abatement District, Mt. Olympus Improvement District, Central Utah Water Conservancy District, Cottonwood Mall Urban Renewal Project, Cottonwood Mall Community Development Area, and is subject to any and all charges and assessments levied thereunder.

The herein described Land is located within the boundaries of Holladay City, South Salt Lake Valley Mosquito Abatement District, Mt. Olympus Improvement District, Central Utah Water Conservancy District, and is subject to any and all charges and assessments levied thereunder.

11. Notice of Adoption of Community Development Project Area Plan Entitled "Cottonwood Mall Community Development Project Area Plan" and Dated November 8, 2007, recorded January 8, 2008 as Entry No. 10317647 in Book 9556 at Page 7925.
12. Notice of Adoption of Cottonwood Mall Urban Renewal Project Area Plan Dated November 8, 2007, recorded February 26, 2008 as Entry No. 10356532 in Book 9574 at Page 2166.
13. Right of Way for Big Cottonwood Creek, and any facilities appurtenant thereto, including but not limited to, water pipelines and ditches, as the same may be found to intersect the herein described Land, together with any rights or asserted rights in and to said Creek or pertaining to the use and maintenance of said Creek. The Company further excepts any adverse claim based on (i) the assertion that some of the boundaries of the herein described Land have been affected by a change in the course of said Creek; (ii) the uncertainty of the boundaries of said Creek; and (iii) the assertion that the Land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.
14. Intentionally deleted by Title Company.
15. Pole Line Easement in favor of Utah Power and Light Company, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment over, under and across a portion of the subject Land. Said Easement recorded September 1, 1965, as Entry No. 2107892, in Book 2371, at Page 237.

Partial Release of Easement from PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, recorded March 21, 2014 as Entry No. 11821738 in Book 10218 at Page 6086.



16. Intentionally deleted by Title Company.
17. Easement and Right of Way in favor of Salt Lake City, dated June 12, 1968 and recorded June 21, 1968 as Entry No. 2249801 in Book 2668 at Page 190.
18. Intentionally deleted by Title Company.
19. Terms and conditions of that certain unrecorded Agreement by and between S. M. Horman and Veoma Horman, his wife and Cottonwood Inc. as disclosed by an Assignment recorded June 12, 1980 as Entry No. 3443023 in Book 5110 at Page 1259.

Modification of Agreement between Price Development Company, Limited Partnership, a Maryland limited partnership, an affiliate of General Growth Properties, Inc. and Cottonwood, Inc., a Utah non-profit corporation, recorded October 9, 2007 as Entry No. 10244996 in Book 9524 at Page 1799.

Quit Claim Deed for Original Buffer recorded October 9, 2007 as Entry No. 10244997 in Book 9524 at Page 1815.

Amendment to Modification Agreement recorded August 16, 2021 as Entry No. 13746622 in Book 11223 at Page 2094.

20. Agreement for Development of Land between Cottonwood Mall, LLC, a Delaware limited liability company, City of Holladay, a Utah community development and renewal agency and City of Holladay, a Utah municipal corporation, recorded June 16, 2009 as Entry No. 10730729 in Book 9736 at Page 572.

Memorandum of Amendment to the Second Amended and Restated Agreement for Development of Land, recorded December 30, 2020 as Entry No. 13517119 in Book 11090 at Page 9548.

Consent and Acknowledgement, recorded December 30, 2020 as Entry No. 13517126 in Book 11090 at Page 9697.

21. Intentionally deleted by Title Company.
23. Notice of Private Sewer Agreement recorded October 7, 2020 as Entry No. 13419652 in Book 11034 at Page 4152.
25. Easements, notes and restrictions as shown on the recorded plat for Royal Holladay Hills Subdivision #2, recorded June 25, 2021 as Entry No. 13700581 in Book 2021P at Page 171.
31. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).
32. Intentionally deleted by Title Company.
33. 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.
34. Subject to the following matters disclosed on that certain survey prepared by Johanson Surveying, having been certified under the date of August 18, 2021, last revised \_\_\_\_\_, as Job No. S-21-119, by R. Shane Johanson, a Professional Land Surveyor holding License No. 7075114:
  - a. Existing utilities, including but not limited to: irrigation control valves; gas line; and vertical pipes located on and across the Land without recorded easements
  - b. Existing chain link fence not located on boundary line
35. Easements, notes and restrictions as shown on the recorded plat of Royal Holladay Hills Block L Phase 2 recorded November 29, 2021 as Entry No. 13834024 in Book 2021P at Page 317.

Declaration of Covenants Regarding Development recorded even date herewith in the Salt Lake County Recorder's Office.

Declaration of Easements, Covenants, and Restrictions Regarding Common Areas for Royal Holladay Hills Subdivision recorded even date herewith in the Salt Lake County Recorder's Office.

*[End of Exhibit "B"]*

A handwritten signature in black ink, appearing to be 'W. J. D.', located in the lower right quadrant of the page.