

Mail Recorded Deed and Tax Notice To:  
CND-On Point, LLC, a Utah limited liability company  
1111 North Post Oak Road  
Houston, TX 77055

13946872 B: 11336 P: 3668 Total Pages: 5  
05/05/2022 04:18 PM By: jlucas Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: COTTONWOOD TITLE INSURANCE AGENCY, INC.  
1996 EAST 6400 SOUTH SUITE 120 SALT LAKE CITY, UT 84121



**COTTONWOOD  
TITLE**

File No.: 156118-CAF

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## **SPECIAL WARRANTY DEED**

**Boyer Project Company, L.C., a Utah limited liability company**

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

**CND-On Point, LLC, a Utah limited liability company**

**GRANTEE(S)** of Houston, State of Texas

for the sum of Ten and no/100 (\$10.00) DOLLARS and other good and valuable consideration, the following described tract of land in **Salt Lake County**, State of Utah:

**SEE EXHIBIT A ATTACHED HERETO**

**TAX ID NO.: 27-32-201-006** (for reference purposes only)

**This deed is given as a bona fide division of land in anticipation of future land use approvals on the herein described tract of land pursuant to UCA 10-9a-103-(65)(c)(v) of the Utah Code. This deed does not confer any land use approvals and has not been approved by the land use authority.**

**SUBJECT TO:** Property taxes for the year 2022 and thereafter; covenants, conditions, restrictions, reservations and easements of record; and all applicable zoning laws and ordinances.

**ALSO SUBJECT TO:** Permitted Exceptions as shown in **EXHIBIT B** attached hereto.

*[Signature on following page]*

Dated this 5<sup>th</sup> day of May, 2022.

Boyer Project Company, L.C., a Utah limited liability company

BY: The Boyer Company, L.C.,  
a Utah limited liability company  
its Manager

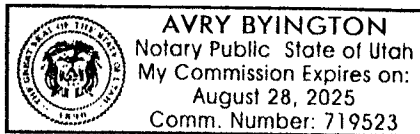
BY: \_\_\_\_\_  
Name: Brian Gochnour  
Title: Manager

STATE OF UTAH

COUNTY OF SALT LAKE

On this 5 day of May, 2022, before me, personally appeared Brian Gochnour, who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Boyer Project Company, L.C., a Utah limited liability company.

Amy Byington  
Notary Public



**EXHIBIT A**  
**Legal Description**

A part of Lot 1, ON POINT PROPERTIES LLC COMMERCIAL CAMPUS, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on November 13, 2003 as Entry No. 8891528 in Book 2003P at Page 352, more particularly described as follows:

Beginning at a point at the Northwest corner of Lot 1, On Point Properties LLC Commercial Campus Subdivision, as recorded November 13, 2003 as Entry No. 8891520 in Book 2003P at Page 352; said point being South 00°14'42" West 825 feet along the section line and East 53 feet from the North quarter corner of Section 32, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along the Northerly line of said Lot 1 East 903.02 feet to the Northwest corner of a Warranty Deed, recorded as Entry No. 13763635 in Book 11233 at Pages 3971-3972, Date: September 2, 2021 on file with the Salt Lake County Recorder; thence along the Westerly line of said deed South 00°06'20" East 235.32 feet to the Northerly right of way of Water Street as dedicated by said subdivision plat; thence along said right of way the following five (5) courses: (1) West 21.68 feet; thence (2) Westerly along the arc of a curve to the left with a radius of 330.50 feet a distance of 123.89 feet through a central angle of 21°28'40" chord bearing South 79°13'19" West chord distance 123.20 feet; thence (3) South 68°31'20" West 574.98 feet; thence (4) Westerly along the arc of a curve to the right with a radius of 139 feet a distance of 52.11 feet through a central angle of 21°28'40" chord bearing South 79°16'25" West chord distance 51.80 feet; thence (5) West 176.86 feet to the Westerly line of Lot 1 of said subdivision, said point also being located on the Easterly right of way of 3600 West street as dedicated by said subdivision plat; thence along said Westerly lot line and Easterly right of way line North 00°14'33" East 478.53 feet to the point of beginning.

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

1. Intentionally deleted by Title Company.
2. Intentionally deleted by Title Company.
3. Intentionally deleted by Title Company.
4. Intentionally deleted by Title Company.
5. Intentionally deleted by Title Company.
6. Intentionally deleted by Title Company.
7. Intentionally deleted by Title Company.
8. Intentionally deleted by Title Company.
9. Taxes for the year 2022 and subsequent years, a lien not yet due and payable.
10. The herein described Land is located within the boundaries of Riverton City, South Salt Lake Valley Mosquito Abatement District, Jordan Valley Water Conservancy District, South Valley Sewer District, Central Utah Water Conservancy District, Unified Fire Services, Riverton Law Enforcement Service Area, and is subject to any and all charges and assessments levied thereunder.

NOTE: None due and payable at Date of Policy.

11. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
12. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
13. Easements as shown on the recorded plat for On Point Properties LLC Commercial Campus, recorded November 13, 2003 as Entry No. 8891528 in Book 2003P at Page 352.
14. Reservations contained within that certain Quit Claim Deed recorded January 9, 1943 as Entry No. 944253 in Book 383 at Page 230.
15. The following matters disclosed on that certain survey prepared by Focus Engineering & Surveying, LLC, having been certified under the date of April 13, 2022, as Job No. 22-0066, by Evan J. Wood, a Professional Land Surveyor holding License No. 183395:
  - a. Existing communications line, communications box, and fire hydrant, located on and across the Land without recorded easements
  - b. Existing open ditches located on and across the Land without recorded easements
  - c. Existing fence not coincident with the north boundary and existing fence not coincident with the west boundary

16. Notice by the Riverton City Development Services Department recorded April 20, 2022 as Entry No. 13936534 in Book 11330 at Page 7296.
  
17. Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing from CND-On Point, LLC, a Utah limited liability company, to \_\_\_\_\_, Trustee for the benefit of Texas Capital Bank, a Texas state bank, in the principal sum of \$6,578,850.00 dated \_\_\_\_\_, 2022 and recorded \_\_\_\_\_, 2022 as Entry Number \_\_\_\_\_ in Book \_\_\_\_\_ at Page \_\_\_\_\_.

**Mail Recorded Documents to:**  
CND-ON POINT, LLC  
c/o Weekley Homes, LLC  
1111 North Post Oak Road  
Houston, TX 77055

CHC: 536-2555  
ORT: 2375983FA

A.P.N.: 27-32-200-064 (portions of)

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\*\*\*\* This CORRECTIVE SPECIAL WARRANTY DEED is being recorded to correct an error in the legal description in that certain Special Warranty Deed, recorded August 16, 2024 as Entry No. 14276981 in Book 11511 at Page 8877, in the official records of the Salt Lake County Recorder, State of Utah\*\*\*\*

THE EFFECTIVE DATE OF THIS CORRECTIVE SPECIAL WARRANTY DEED SHALL DATE BACK TO THE EFFECTIVE DATE OF SAID SPECIAL WARRANTY DEED.

### **CORRECTIVE SPECIAL WARRANTY DEED**

**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**, a Utah corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (“**Grantor**”), whose address is 50 E. North Temple Street, 12<sup>th</sup> Floor, Salt Lake City, Utah 84150, hereby conveys and warrants against all claiming by, through or under Grantor only, to **CND-ON POINT, LLC**, a Utah limited liability company (“**Grantee**”), whose mailing address is c/o WEEKLEY HOMES, LLC, 1111 North Post Oak Road, Houston, TX 77055, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration the real property located in Salt Lake County, State of Utah, and more particularly described on **Exhibit “A”** attached hereto and incorporated herein by reference (the “Property”).

**Grantor is conveying the Property to Grantee by metes and bounds description. Pursuant to Utah Code Ann. § 10-9a-103(65)(c)(v)(2021) (the “Code”), this Warranty Deed (A) is being given in anticipation of future land use approvals on the Property, (B) does not confer any land use approvals, and (C) has not been approved by the applicable land use authority, and therefore this conveyance does not constitute a “Subdivision” as such term is defined in the Code.**

PROVIDED, HOWEVER, that this conveyance is made and accepted on each of the following conditions and restrictions (the “Conditions”):

1. Grantee, their successors and assigns shall not manufacture, keep for sale, or sell on the Subject Parcel any alcoholic beverages or intoxicating liquors.

2. Grantee, its successors and assigns shall not operate a place of public entertainment or amusement (as defined by local statutes) on the Subject Parcel.

3. Grantee, its successors and assigns shall not permit on the Subject Parcel a nuisance or offensive activity which is an annoyance or a nuisance to a church or private dwelling located nearby.

The foregoing Conditions touch and concern the property conveyed herein (the "Subject Parcel") and the land owned by Grantor on the date this deed is recorded is directly abutting of the Subject Parcel (the "Adjacent Parcel(s)"), and constitute permanent restrictions and covenants running with, and for the benefit of, the Adjacent Parcel(s) and shall be binding upon all persons now having or hereafter acquiring any right, title or interest in the Subject Parcel, or any part thereof.

In the event of a breach of any of the Conditions, Grantor shall have the right to obtain an injunction enforcing the Conditions and shall be entitled to reasonable attorneys' fees and costs incurred in the enforcement thereof from the party then owning the Subject Parcel and in breach of such Conditions. A breach of any of the Conditions shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Subject Parcel or any part thereof, but the Conditions shall be binding upon, and effective against, any owner whose title to the Subject Parcel or any part thereof, is acquired by foreclosure, trustee's sale or otherwise.

All and each of the Conditions shall be in all respects, terminate, expire and end and be of no further effect either legal or equitable and shall not be enforceable upon the first to occur of the following:

1. A period of 50 years expires from the date of the recording of this conveyance (the "Expiration Date"), unless Grantor owns an Adjacent Parcel on the Expiration Date.

2. Grantor demolishes all of its buildings located on Adjacent Parcels and does not begin construction to replace at least one of them with a building for religious purposes within 36 months of the date the building is demolished.

3. Grantor sells all of its Adjacent Parcels to a buyer or buyers not affiliated with The Church of Jesus Christ of Latter-day Saints.

SUBJECT TO easements, rights, rights-of-way, reservations, conditions, restrictions, covenants and taxes and assessments of record or enforceable in law or equity.

IN WITNESS WHEREOF, the Grantor has executed this Corrective Special Warranty Deed as of the 17 day of September, 2024.

**GRANTOR:**

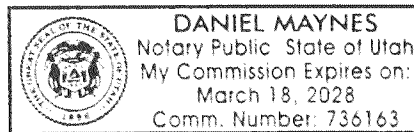
**THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**, a Utah corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: *Joseph D. Lowe*  
Name: **Joseph D. Lowe**  
Title: Authorized Agent

STATE OF UTAH )  
 : ss.  
COUNTY OF Salt Lake )

On this 17 day of September, 2024, personally appeared before me Joseph D. Lowe, who indicated to me that he/she is an Authorized Agent of THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that he/she duly acknowledged to me that he/she executed the foregoing instrument as a free and voluntary act for and on behalf of the said corporation.

WITNESS my hand and official seal.



Signature *D. Maynes*

(Seal)



EXHIBIT "A" TO CORRECTIVE SPECIAL WARRANTY DEED

DESCRIPTION OF PROPERTY

**LEGAL DESCRIPTION  
PREPARED FOR  
THE HOMESTEAD SUBDIVISION PHASE 2  
RIVERTON CITY, UTAH**

September 3, 2024

22-0413

(JDL)

***BOUNDARY DESCRIPTION***

A part of the Northeast Quarter of Section 32, Township 3 South, Range 1 West, Salt Lake Base and Meridian, located in Riverton City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at a point located on the Northerly line of THE HOMESTEAD SUBDIVISION, on file in the Salt Lake County Recorder's Office as Entry No. 14128159, recorded on July 12, 2023, said point also located S0°14'42"W 822.63 feet along the Section line and S89°45'18"E 553.15 feet from the North Quarter Corner of Section 32, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence N00°14'33"E 161.06 feet; thence S89°45'27"E 60.16 feet; thence N00°10'15"E 152.95 feet to Warranty Deed Entry No. 9443208, on file in the Salt Lake County Recorder's Office; thence along said deed N89°54'52"E 179.85 feet to Quit Claim Deed Entry No. 8817660, on file in the Salt Lake County Recorder's Office; thence along said Deed S00°12'44"W 314.03 feet returning to the Northerly line of said plat; thence continue along said plat West 239.98 feet to the point of beginning.

Containing 66,115 square feet or 1.51 acres +/-

(The following is for informational purposes only: Tax ID No. 27-32-200-064 [part of])