

WHEN RECORDED MAIL TO AND MAIL TAX
STATEMENTS TO:

Toll Bros., Inc.
1140 Virginia Drive
Fort Washington, PA 19034
Attention: _____

ENT 190528:2021 PG 1 of 7
Andrea Allen
Utah County Recorder
2021 Nov 10 04:50 PM FEE 40.00 BY SW
RECORDED FOR Cottonwood Title Insurance Agency, Inc.
ELECTRONICALLY RECORDED

Parcel Identification Numbers:
58-021-0394 and 58-021-0249

(Space Above For Recorder's Use)


SPECIAL WARRANTY DEED

For valuable consideration, the receipt of which is acknowledged, TANUKI INVESTMENTS, LLC, a Utah limited liability company ("Grantor"), hereby conveys and warrants to TOLL SOUTHWEST LLC, a Delaware limited liability company ("Grantee"), against all claiming by, through, or under Grantor, but not otherwise, that certain real property ("Property") located in the County of Utah, State of Utah, described on **Exhibit A** attached hereto and by this reference incorporated herein, subject, however, to the matters identified and listed on **Exhibit B** attached hereto (collectively, the "Permitted Exceptions").

Dated this 9th day of November, 2021.

GRANTOR:

TANUKI INVESTMENTS, LLC,
a Utah limited liability company

By: 
Name: Bryan Flamm
Title: Manager

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

The foregoing instrument was acknowledged before me this 9th day of November, 2021, by Bryan Flamm, in his capacity as the Manager of TANUKI INVESTMENTS, LLC, a Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at: Salt Lake

My Commission Expires:

11-16-2023



**EXHIBIT A
TO
SPECIAL WARRANTY DEED**

LEGAL DESCRIPTION

PARCEL 1:

Proposed WILDFLOWER VILLAGE 4, PLAT K-1, being more particularly described as follows:

A portion of the Southwest quarter and the Northwest quarter of Section 3, and the Northwest quarter of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located North 89°32'24" West along the section line 1309.47 feet and North 211.26 feet from the South quarter corner of Section 3, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 51°26'41" West 280.86 feet; thence South 34°41'14" East 197.57 feet; thence South 55°18'46" West 29.86 feet; thence South 34°41'14" East 250.52 feet; thence along the arc of a non-tangent curve to the right 20.50 feet with a radius of 4179.00 feet through a central angle of 00°16'52", chord: North 16°06'44" East 20.50 feet; thence along the arc of a curve to the right 198.97 feet with a radius of 129.50 feet through a central angle of 88°01'47", chord: North 60°16'03" East 179.97 feet; thence along the arc of a curve to the right 56.07 feet with a radius of 1029.50 feet through a central angle of 03°07'13", chord: South 74°09'26" East 56.06 feet to the Westerly right-of-way line of the Mountain View Corridor; thence along said Westerly right-of-way line the following two (2) courses: the arc of a non-tangent curve to the left 619.48 feet with a radius of 4000.00 feet through a central angle of 08°52'24", chord: South 13°40'33" West 618.86 feet; thence South 09°14'21" West 126.21 feet; thence South 89°37'56" West 641.04 feet; thence North 05°03'04" East 1287.02 feet; thence North 84°56'56" West 192.46 feet; thence along the arc of a non-tangent curve to the right 15.61 feet with a radius of 226.31 feet through a central angle of 03°57'03", chord: North 03°04'32" East 15.60 feet; thence North 05°03'04" East 293.82 feet; thence South 84°56'52" East 195.47 feet; thence South 05°06'14" West 21.91 feet; thence South 85°19'19" East 200.71 feet; thence North 04°57'34" East 199.94 feet; thence North 85°06'52" West 243.04 feet; thence North 05°03'04" East 736.36 feet; thence North 84°56'56" West 164.80 feet; thence North 05°03'04" East 2461.03 feet; thence North 89°52'43" East 238.84 feet; thence South 05°03'04" West 1024.33 feet; thence South 12°34'22" West 196.07 feet; thence North 55°42'48" East 165.56 feet; thence North 86°47'27" East 59.00 feet; thence along the arc of a non-tangent curve to the right 21.38 feet with a radius of 170.50 feet through a central angle of 07°11'08", chord: North 00°23'01" East 21.37 feet; thence along the arc of a curve to the right 19.07 feet with a radius of 12.00 feet through a central angle of 91°04'29", chord: North 49°30'49" East 17.13 feet; thence South 84°56'56" East 180.08 feet; thence South 10°42'09" East 67.98 feet; thence South 56°51'25" East 106.46 feet; thence South 32°20'06" East 176.57 feet; thence South 05°03'04" West 563.04 feet; thence South 16°13'59" West 144.88 feet; thence South 34°38'23" West 147.67 feet; thence South 61°43'13" West 329.60 feet; thence South 23°44'44" West 97.10 feet; thence North 70°41'06" West 23.58 feet; thence South 00°18'06" West 42.05 feet; thence South 08°43'02" East 179.72 feet; thence along the arc of a non-tangent curve to the right 88.10 feet with a radius of 179.50 feet through a central angle of 28°07'11", chord: North 67°13'22" East 87.21 feet; thence North 81°16'58" East 51.09 feet; thence South 08°43'02" East 148.24 feet; thence South 34°23'52" East 160.98 feet; thence South 16°14'34" East 76.67 feet; thence South 05°05'22" East 510.95 feet; thence South 05°57'25" West 50.63 feet; thence South 30°43'11" West 294.32 feet to the point of beginning.

PARCEL 2:

Proposed WILDFLOWER VILLAGE 4, PLAT K-2, being more particularly described as follows:

A portion of the Southwest quarter and the Northwest quarter of Section 3, and the Northwest quarter of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located North 89°32'24" West along the section line 1529.12 feet and North 34.44 feet from the South quarter corner of Section 3, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 51°26'41" East 280.86 feet; thence North 30°43'11" East 294.32 feet; thence North 05°57'25" East 50.63 feet; thence North 05°05'22" West 510.95 feet; thence North 16°14'34" West 76.67 feet; thence North 34°23'52" West 160.98 feet; thence North 08°43'02" West 148.24 feet; thence South 81°16'58" West 51.09 feet; thence along the arc of a curve to the left 88.10 feet with a radius of 179.50 feet through a central angle of 28°07'11", chord: South 67°13'22" West 87.21 feet; thence North 08°43'02" West 179.72 feet; thence North 00°18'06" East 42.05 feet; thence South 70°41'06" East 23.58 feet; thence North 23°44'44" East 97.10 feet; thence North 61°43'13" East 329.60 feet; thence North 34°38'23" East 147.67 feet; thence North 16°13'59" East 144.88 feet; thence North 05°03'04" East 563.04 feet; thence North 32°20'06" West 176.57 feet; thence North 56°51'25" West 106.46 feet; thence North 10°42'09" West 67.98 feet; thence South 84°56'56" East 140.63 feet; thence along the arc of a curve to the right 42.60 feet with a radius of 220.50 feet through a central angle of 11°04'09", chord: South 79°24'52" East 42.53 feet; thence South 16°07'13" West 100.00 feet; thence South 61°37'19" East 51.17 feet; thence South 37°06'24" East 51.17 feet; thence South 13°18'08" East 51.03 feet; thence South 05°11'47" West 150.00 feet; thence South 84°48'13" East 100.00 feet; thence South 05°11'47" West 380.49 feet; thence along the arc of a curve to the left 365.21 feet with a radius of 529.50 feet through a central angle of 39°31'08", chord: South 14°33'47" East 358.02 feet to a point of reverse curve; thence along the arc of a curve to the right 690.22 feet with a radius of 920.50 feet through a central angle of 42°57'44", chord: South 12°50'29" East 674.17 feet to a point of reverse curve; thence along the arc of a curve to the left 48.21 feet with a radius of 279.50 feet through a central angle of 09°52'59", chord: South 03°41'54" West 48.15 feet; thence South 01°14'35" East 59.01 feet; thence along the arc of a curve to the left 192.40 feet with a radius of 229.50 feet through a central angle of 48°02'00", chord: South 25°15'36" East 186.81 feet to the Westerly right-of-way line of the Mountain View Corridor; thence along said Westerly right-of-way line the following three (3) courses: the arc of a non-tangent curve to the right 65.78 feet with a radius of 1085.00 feet through a central angle of 03°28'26", chord: South 28°19'07" West 65.77 feet; thence South 30°03'20" West 320.30 feet; thence along the arc of a curve to the left 833.78 feet with a radius of 3993.75 feet through a central angle of 11°57'42", chord: South 24°05'03" West 832.27 feet; thence along the arc of a non-tangent curve to the left 56.07 feet with a radius of 1029.50 feet through a central angle of 03°07'13", chord: North 74°09'26" West 56.06 feet; thence along the arc of a curve to the left 198.97 feet with a radius of 129.50 feet through a central angle of 88°01'47", chord: South 60°16'03" West 179.97 feet; thence along the arc of a curve to the left 20.50 feet with a radius of 4179.00 feet through a central angle of 00°16'52", chord: South 16°06'44" West 20.50 feet; thence North 34°41'14" West 250.52 feet; thence North 55°18'46" East 29.86 feet; thence North 34°41'14" West 197.57 feet to the point of beginning.

**EXHIBIT B
TO
SPECIAL WARRANTY DEED**

PERMITTED EXCEPTIONS

1. The herein described Property is located within the boundaries of Saratoga Springs City, Central Utah Water Conservancy, Wasatch Mental Health Special Service District, North Utah Valley Animal Shelter Special Service District, Utah Valley Dispatch Special Service District, and is subject to any and all charges and assessments levied thereunder.
2. 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 Property, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the public records or listed herein.
3. Claim, right, title or interest to water or water rights whether or not shown by the public records.
4. Utility Easement in favor of Eagle Mountain City, a municipal corporation of the State of Utah to erect, construct, reconstruct, replace, enlarge, remove, maintain, and use a line of poles or towers with such wires and cables, as Grantee may from time to time suspend therefrom for the purpose of communication and the moving or transporting of electric energy, together with all necessary and proper foundations, footings, cross arms, and other appliances and fixtures and incidental purposes, by instrument dated June 7, 2002 and recorded July 12, 2002, as Entry No. 78520:2002.

Agreement for the Assignment of Easements by and between PacifiCorp, an Oregon corporation, d/b/a Rocky Mountain Power and Eagle Mountain City, dated September 12, 2016 and recorded September 19, 2016 as Entry No. 91359:2016.

5. Declaration of Easements and Restrictive Covenants by Sunrise 3, LLC, a Utah limited liability company and Collins Brothers Oil Company, dated December 31, 2012 and recorded December 31, 2012 as Entry No. 115824:2012.

Amendment to Declaration of Easements and Restrictive Covenants, recorded March 15, 2017 as Entry No. 25291:2017.

6. Easement in favor of the Utah Department of Transportation for the purpose of constructing and maintaining highway appurtenances including, but not limited to cut and/or fill slopes, drainage facilities and appurtenant parts thereof incident to the construction of a highway known as Project No. SP-0182(1)0 and incidental purposes, by instrument dated January 17, 2018 and recorded February 1, 2018, as Entry No. 10388:2018.

7. Communications Easement Agreement between Tanuki Investments, LLC, a Utah limited liability company and Firstdigital Telecom, LLC, a Utah limited liability company, dated May 8, 2020 and recorded May 19, 2020 as Entry No. 67378:2020.

8. Master Development Agreement for Wildflower by and between the City of Saratoga Springs, Utah, a Utah municipal corporation and Sunrise 3, LLC, a Utah limited liability company, WFR 3, LLC, a Utah limited liability company and Tanuki Investments, LLC, a Utah limited liability company, dated February 24, 2015 and recorded March 18, 2015 as Entry No. 21748:2015.

First Amendment to Master Development Agreement for Wildflower, recorded January 4, 2018 as Entry No. 1204:2018.

Amended and Restated Master Development Agreement for the Wildflower Master Planned Community, recorded November 10, 2020 as Entry No. 178066:2020.

9. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Master Declaration of Covenants, Conditions, and Restrictions for Wildflower recorded February 23, 2018 as Entry No. 17973:2018.

First Amendment to the Master Declaration of Covenants, Conditions, and Restrictions for Wildflower, recorded December 11, 2020 as Entry No. 198101:2020.

Designation of Builder and Certification of Builder Rights recorded _____ as Entry No. _____.

10. Owner's Covenant by Tanuki Investments, LLC, a Utah limited liability company and its successor and assigns, recorded January 9, 2020 as Entry No. 2920:2020.

Notice of Approval of Subdivision Exception, dated January 9, 2020 and recorded January 15, 2020 as Entry No. 5611:2020.

11. Amended & Restated Declaration of Easements and Restrictive Covenants, by and among Sunrise 3, LLC, a Utah limited liability company, Tanuki Investments, LLC, a Utah limited liability company, and Western States Ventures, LLC, a Utah limited liability company, dated as of April 27, 2015 and recorded May 8, 2015 as Entry No. 39577:2015.

Release and Termination of Amended & Restated Declaration of Easements and Restrictive Covenants recorded _____ as Entry No. _____.

12. Vehicular access to and from Mountain View Corridor is limited to openings permitted by the Utah State Department of Transportation in accordance with Title 72, Chapter 6, Section 117, Utah Code Annotated 1998, as further disclosed by that certain Warranty Deed (Controlled Access) recorded February 1, 2018, as Entry No. 10369:2018 of official records.

13. Subject to the following matters disclosed on that certain survey prepared by LEI, having been last certified under the date of August 18, 2021, as Job No. 2020-0042, by Chad A. Poulsen, a Professional Land Surveyor holding License No. 501182:

- a. Various utility lines and/or facilities lying outside of recorded easements
- b. Fence lines do not coincide with record boundaries around water tank on Westerly side of said land
- c. Track road running through the Property, and any rights and/or easements as may be associated therewith
- d. Dirt drainage ditch along Easterly boundary and Mountain View Corridor.

14. Transmission Line Easement in favor of Utah Power and Light Company, its successors in interest and assigns, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded June 29, 1964, as Entry No. 1517, in Book 961, at Page 621.

15. Transmission Line Easement in favor of Utah Power and Light Company, its successors in interest and assigns, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded September 2, 1970, as Entry No. 9158, in Book 1191, at Page 462.

16. Easements, notes and restrictions as shown on the proposed plats of Wildflower Village 4 Plat K-1 and Wildflower Village 4 Plat K-2.

17. Notice of Revenue Sharing Payment executed by Tanuki Investments, LLC, a Utah limited liability company, and Toll Southwest, LLC, a Delaware limited liability company, recorded _____ as Entry No. _____.