

Entry 2017003913
Book 1521 Pages 582-590 \$30.00
31-May-17 03:46
BRENDA MCDONALD
RECORDER, UINTAH COUNTY, UTAH
COTTONWOOD TITLE INSURANCE AGENCY, INC.
1996 EAST 6400 SOUTH SUITE 120, SALT LAKE CITY, UTAH 8412
Rec By: April McRae, Deputy Recorder
Electronic Recording

WHEN RECORDED MAIL TO:

Jackson Kelly PLLC
221 NW Fifth Street
Evansville, IN 47708
Attention: Chris L. Lucas

File No.: 83376-AM

Ent 2017003913
Book 1521 Pg 582

SPECIAL WARRANTY DEED

In Reference to Tax ID Number(s):

05-078-0026, 05-078-0038, 05-078-0046, 05-081-0028 and 05-080-0037

**AFTER RECORDING,
PLEASE RETURN TO:**

Jackson Kelly PLLC
221 NW Fifth Street
Evansville, IN 47708
Attention: Chris L. Lucas

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated effective as of May 30, 2017, is executed by GARDNER TOWNE CENTER, LLC, a Utah limited liability company, whose address is 201 South Main Street, Suite 200, Salt Lake City, Utah 84111 (the "Grantor"), in favor of REGENCY VERNAL LLC, a Delaware limited liability company, whose address is 330 Cross Pointe Boulevard, Evansville, Indiana 47715 ("Grantee").

WITNESSETH:

FOR TEN 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, warranting title against persons claiming by, through or under Grantor, but not otherwise, the real property located in Uintah County, Utah and more particularly described on Exhibit A attached hereto and made a part hereof together with all improvements located thereon (the "Property").

THE CONVEYANCE HEREBY ACCOMPLISHED IS SUBJECT TO the Permitted Exceptions attached hereto as Exhibit "B".

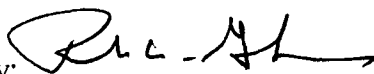
This Special Warranty Deed may be executed in counterparts.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date and year first written above.

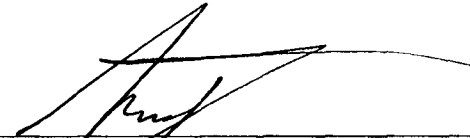
GRANTOR:

GARDNER TOWNE CENTER, LLC, a Utah limited liability company, by its Manager

By: 
Name: Rulon C. Gardner
Its: Manager

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

On this 30 day of May, 2017, personally appeared before me Rulon C. Gardner the Manager of Gardner Towne Center, LLC, a Utah limited liability company, on behalf of said company.


NOTARY PUBLIC
Residing at: DAVIS COUNTY, UT

My Commission Expires: 10.16.20



EXHIBIT A TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

PARCEL 1:

LOT A AMENDED: 05:078:0026 SESW

Beginning at a point that is 1214.54 feet North 09°47'37" West from the South quarter corner of Section 28, Township 4 South, Range 21 East, Salt Lake Base and Meridian; thence North 45°59'50" West perpendicular to the Southeast right-of-way line of U.S. Highway 40, 170.99 feet; thence South 44°00'10" West along the said highway right-of-way line 302.23 feet; thence South 45°59'50" East perpendicular to the said highway right-of-way line 199.20 feet; thence North 44°00'10" East parallel with said highway right-of-way line 29.33 feet; thence North 38°06'04" East 274.35 feet to the point of beginning.

LOT C AMENDED: 05:078:0038 SESW

Beginning at a point that is 810.27 feet North 55°18'44" West from the South quarter corner of Section 28, Township 4 South, Range 21 East, Salt Lake Base and Meridian; thence North 45°59'50" West perpendicular to the Southeast right-of-way line of U.S. Highway 40, 351.45 feet; thence North 44°00'10" East along the said highway right-of-way line 173.21 feet; thence South 45°59'50" East perpendicular with said highway right-of-way line 199.57 feet; thence South 44°00'10" West parallel with said highway right-of-way line 28.51 feet; thence South 02°23'02" East 209.77 feet to the point of beginning.

LOT D AMENDED: 05:078:0046 SESW

Beginning at a point that is 952.39 feet North 43°27'58" West from the South quarter corner of Section 28, Township 4 South, Range 21 East, Salt Lake Base and Meridian; thence North 45°59'50" West perpendicular to the Southeast right-of-way line of U.S. Highway 40, 199.57 feet; thence North 44°00'10" East along the said highway right-of-way line 161.51 feet; thence South 45°59'50" East perpendicular to said highway right-of-way line 199.57 feet; thence South 44°00'10" West parallel with said highway right-of-way line 161.51 feet to the point of beginning.

EXCEPTING THEREFROM the following:

A parcel of land being part of an entire tract located in the Southeast quarter of the Southwest quarter of Section 28, Township 4 South, Range 21 East, Salt Lake Meridian, the boundary lines of said parcel are described as follows: Beginning at a point situated on the Northwest line of said entire tract, said point also being situated on the Southeasterly right of way line of U.S. Highway 40, as it presently exists, said point also being South 88°01'08" West 679.19 feet and North 02°23'15" West 938.09 feet from the South quarter corner of said Section 28, said point also being located at the Engineers Station 45+25.00, 51.00 feet right of the control line for U.S.

Highway 40 for the Utah Department of Transportation Project S-0040(138)114; thence North 44°00'18" East 45.00 feet along said right of way line of U.S. Highway 40 to the Northerly corner of said entire tract; thence South 45°59'47" East 18.31 feet along the Northeasterly line of said entire tract; thence North 77°02'01" West 5.82 feet; thence South 44°00'18" West 15.16 feet; thence South 70°24'54" West 29.97 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

LOT K AMENDED: 05:08:0028 SWSE 05:080:0037 NWSE

Beginning at a point on the quarter section line that is 220.00 feet North 02°23'02" West from the South quarter corner of Section 28, Township 4 South, Range 21 East, Salt Lake Base and Meridian; thence North 88°00'48" East parallel with the South line of the Southeast quarter of said section, 254.00 feet; thence North 02°23'02" West parallel with the South line of said quarter section, 441.62 feet; thence North 88°04'33" East along the aliquot part line 410.68 feet; thence North 02°12'24" West along the aliquot part line 661.17 feet; thence South 88°08'17" West along the aliquot part line 266.02 feet; thence North 00°46'58" West 184.88 feet; thence South 89°26'11" West 114.06 feet; thence North 45°54'35" West 91.61 feet; thence South 44°00'10" West parallel to the Southeast right-of-way line of U.S. Highway 40, 235.67 feet; thence North 45°59'50" West perpendicular to the said highway right-of-way line 145.50 feet; thence North 44°00'10" East parallel to said highway right-of-way line, 7.00 feet; thence North 45°59'50" West perpendicular to the said highway right-of-way line 23.00 feet; thence South 44°00'10" West along the said highway right-of-way line 67.00 feet; thence South 45°59'50" East perpendicular to the said highway right-of-way line 168.50 feet; thence South 44°00'10" West parallel with said highway right-of-way line 215.00 feet; thence South 45°59'50" East perpendicular to the said highway right-of-way line 207.72 feet; thence South 43°58'25" West 115.72 feet; thence South 46°01'35" East 42.46 feet; thence South 43°58'25" West 164.40 feet; thence South 46°01'35" East 175.29 feet; thence North 87°37'11" East 50.12 feet; thence South 02°23'02" East along the quarter section line 501.46 feet to the point of beginning.

PARCEL 1A:

A non-exclusive right-of-way and easement for vehicular and pedestrian ingress and egress as established in the Declaration of Easements, Covenants and Restrictions for Vernal Towne Center and recorded as Entry No. 2013000530 in Book 1313 at Page 730.

Tax Id No.: 05-078-0026, 05-078-0038, 05-078-0046, 05-081-0028 and 05-080-0037

EXHIBIT B TO WARRANTY DEED

PERMITTED ENCUMBRANCES

1. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 05-078-0026. Taxes for the year 2016 have been paid. (affects Lot A)
2. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 05-078-0038. Taxes for the year 2016 have been paid. (affects Lot C)
3. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel No. 05-078-0046. Taxes for the year 2016 have been paid. (affects Lot D)
4. Taxes for the year 2017 are accruing as a lien not yet due and payable under Parcel Nos. 05-081-0028 and 05-080-0037. Taxes for the year 2016 have been paid. (affects Lot K)
5. Property lies within the boundaries of Uintah County, Uintah County Water Conservancy District, Central Utah Water Conservancy District, Vernal Towne Centre and the Uintah County Mosquito Abatement District and is subject to any and all charges and assessments levied thereunder. As of the effective date of this policy, said charges and assessments are paid current.
6. 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 in Schedule B. 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.
7. Claim, right, title or interest to water or water rights whether or not shown by the public records.
8. Utility easements according to the official plat file in the official records of Uintah County, Utah, filed as Survey No. 3794.1, dated October 8, 2012.
9. Right of Way Grant in favor of Uintah Water Conservancy for a perpetual easement to construct, reconstruct, operate and maintain a closed drain pipeline or pipelines and appurtenant structures which later may protrude above the ground surface on, over or across said property and incidental purposes, by instrument recorded January 18, 1978, as Entry No. 161008, in Book 232, at Page 216. (affects Lot K) (location shown on survey)
10. Right of Way Easement in favor of PacifiCorp, an Oregon Corporation, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment over, under and across a portion of the subject property. Said Easement dated May 18, 2000 and recorded May 19, 2000, as Entry No. 2000002834, in Book 731, at Page 755. (affects Lot K) (electric and telecom easement; not located on survey)
11. Right of Way Easement in favor of PacifiCorp, an Oregon Corporation, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment over, under and across a portion of the subject property. Said Easement dated February 11, 2000 and recorded February 18, 2000, as Entry No. 2000000916, in Book 724, at Page 789. (affects Lot K) (electric and telecom easement; not located on survey)
12. Subject to an Agreement for Change of Access Openings granted in a Deed in Book 109 at Page 108 is hereby released and relinquished and a right-of-way line for one (1) twenty-eight (28) foot section at Station 1384+85.3, recorded November 8, 1982 as Entry No. 196813 in Book 317 at

Page 767. (affects Lot A)

13. Subject to a change of access an increase in size of an existing access opening of record in Uintah County, State of Utah, by instrument recorded January 19, 1994 as Entry No. 94000386 in Book 566 at Page 1. (affects Lot K) (access opening; location shown on survey)
 14. Grant of Access in favor of Steven D. Crowther, Trustee of SCCU Pension Trust for the right of access, recorded May 11, 1994 as Entry No. 94002243 in Book 570 at Page 715. (affects Lot A) (access opening; location shown on survey)
 15. Right of Way Grant, in favor of Utah Gas Service Company, for a right of way to lay, install, construct, maintain, operate, inspect, repair and remove pipelines over and through said property and incidental purposes, by instrument, recorded October 11, 1974, as Entry No. 139507, in Book 198, at Page 167. (affects Lot K)
- A Corrective Right of Way and Easement Grant, recorded November 19, 2007 as Entry No. 2007013148 in Book 1063 at Page 357. (gas pipeline easement; location shown on survey)
16. Right of Way Grant in favor of David Royal Deuel over and across the Southeasterly right of way and limited-access line and incidental purposes, by instrument recorded December 13, 2002, as Entry No. 2002009035, in Book 819, at Page 834. (affects Lots C and D) (access easement to Highway 40; location shown on survey [doesn't match current access])
 17. Right of Way Easement in favor of City of Vernal, a municipal corporation of the State of Utah for a perpetual easement to construct, reconstruct, operate and maintain a (closed drain) pipeline together with appurtenant works or structures thereto, on, over, and across said property, and incidental purposes, by instrument recorded May 28, 2003, as Entry No. 2003004053, in Book 840, at Page 633. (affects Lot K) (sewer easement; location shown on survey)
 18. Right of Way Easement in favor of City of Vernal, a municipal corporation of the State of Utah for a sewer transmission line, a perpetual easement to construct, reconstruct, operate and maintain a sewer transmission line together with appurtenant works or structures thereto, on, over, and across said property, and incidental purposes, by instrument recorded May 28, 2003, as Entry No. 2003004054, in Book 840, at Page 635. (affects Lot A) (sewer easement; location shown on survey)
 19. Right of Way Easement in favor of City of Vernal, a municipal corporation of the State of Utah for a sewer transmission line, a perpetual easement, granting the right and privilege to enter upon and maintain a permanent sewer transmission line over and across said property, and incidental purposes, by instrument recorded May 28, 2003, as Entry No. 2003004055, in Book 840, at Page 637. (affects Lots A and K) (sewer easement; location shown on survey)
 20. A 10 foot irrigation easement along the South line of said property as disclosed in that certain Warranty Deed recorded May 2, 2007 as Entry No. 2007005120 in Book 1030 at Page 451 of official records of Uintah County, Utah. (affects Lot K) (location shown on survey)
 21. Protective Covenants, Conditions and Restrictions, but deleting any covenant condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate Title 42, USC 3604. Recorded May 2, 2007 as Entry No. 2007005122 in Book 1030 at Page 458.
 22. Pipeline Easement Agreement for a perpetual easement to construct, maintain, repair and replace and operate the pipe system, retention basin and related drainage facilities, together with appurtenant works or structures, recorded March 18, 2009, as Entry No. 2009002845, in Book

- 1134, at Page 370. (location shown on survey)
23. Subject to the following matters disclosed on that certain Survey dated February 8, 2007: (affects Lot A and K)
 - a. 8" culinary waterline running Northeasterly along Highway 40 from the South line of the property
 - b. 4" waterline connecting to the 8" line and running Southwesterly along Highway 40
 24. Ordinance of Vernal City Approving the Creation of a Community Development and Renewal Agency, recorded February 23, 2012 as Entry No. 2012001503 in Book 1266 at Page 183.
 25. Affidavit of Record, recorded March 28, 2012 as Entry No. 2012002528 in Book 1270 at Page 360 of official records of Uintah County, Utah.
 26. Ordinance of Vernal City Approving the Creation of a Community Development and Renewal Agency, recorded February 23, 2012 as Entry No. 2012009240 in Book 1299 at Page 479.
 27. Easement Agreement by and between Gardner Towne Center, LLC, a Utah limited liability company and Jeffry Jenkins and Peggy L. Jenkins, recorded July 3, 2013 as Entry No. 2013006442 in Book 1339 at Page 149 (affects Lot K) (irrigation pipeline easement; location shown on survey)
 28. Easements as disclosed in that certain Warranty Deed of Easement, recorded February 15, 1978 as Entry No. 161425 in Book 233 at Page 66. (closed drain pipeline easements granted to U.S.A.; location shown on survey)
 29. Reciprocal Easement Agreement, Conveyance and Quit Claim executed by and between Pitt Roofing & Construction, Inc. and Wal-Mart Stores, Inc., a Delaware corporation, by instrument recorded March 9, 2000 as Entry No. 2000001234 in Book 726 at Page 130 of official records of Uintah County, Utah.

Amendment to Reciprocal Easement Agreement, Conveyance and Quit Claim, recorded January 9, 2003 as Entry No. 2003000145 in Book 823 at Page 161.

Second Amendment to Reciprocal Easement Agreement, Conveyance and Quit Claim, recorded July 23, 2014 as Entry No. 2014006779 in Book 1390 at Page 144. (ingress/egress easements; parking and utility easement f/b/o shopping center located on survey)
 30. Storm Drain and Temporary Grading Easement by and between Pitt Roofing & Construction, Inc. and Wal-Mart Stores, Inc., a Delaware corporation, by instrument recorded April 3, 2000 as Entry No. 2000001916 in Book 728 at Page 444 of official records of Uintah County, Utah. (temporary easements expired; stormwater drainage/run-off easement only in effect)
 31. Distribution Right of Way Easement in favor of PacifiCorp, an Oregon Corporation for the right to construct, reconstruct, operate and maintain its lines of electric power distribution and communication over and across the following: being located in Section 28, Township 4 South, Range 21 East, Salt Lake Meridian, dated May 5, 2000 and recorded May 5, 2000 as Entry No. 2000002581 in Book 730 at Page 843. (electric/telecom easement; location shown on survey)
 32. Protective Covenants, Conditions and Restrictions, but deleting any covenant condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate Title 42, USC 3604. Recorded January 17, 2013 as Entry No. 2013000530 in

- Book 1313 at Page 730. (vehicular/pedestrian ingress/egress, utility and drainage easements)
33. Protective Covenants, Conditions and Restrictions, but deleting any covenant condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate Title 42, USC 3604. Recorded March 5, 2013 as Entry No. 2013002443 in Book 1322 at Page 240. (affects Lots A and K) (vehicular/pedestrian ingress/egress and parking)
 34. Terms and provisions of a Lease executed by Gardner Towne Center, LLC, a Utah limited liability company as Landlord and Jo-Ann Stores, Inc., an Ohio corporation as Tenant, dated May 10, 2013 and recorded July 2, 2013 as Entry No. 2013006417 in Book 1339 at Page 26 of official records. (affects Lot K)
 35. Terms and provisions of a Lease executed by Gardner Towne Center, LLC, a Utah limited liability company as Lessor and Ross Dress For Less, Inc., a Virginia corporation as Lessee, dated March 3, 2014 and recorded March 31, 2014 as Entry No. 2014002871 in Book 1374 at Page 493 of official records.
 36. Memorandum of a Lease executed by Gardner Towne Center, LLC, a Utah limited liability company as Landlord and Ulta Salon, Cosmetics & Fragrance, Inc., a Delaware corporation as Tenant, dated May 14, 2014 and recorded June 6, 2014 as Entry No. 2014005265 in Book 1383 at Page 868 of official records.
 37. Subject to the following matters disclosed on that certain survey prepared by Bock and Clark, having been certified under the date of February 27, 2017, last revised March 1, 2017, as Job No. 201700559,001, by David D. Peterson, a Registered Land Surveyor holding License No. 295720:
 - a. Parking stalls along the Northeasterly side of Lot A encroaches onto adjoining property
 - b. Existing building on Lot K encroaches onto the Easement recorded as Entry No. 2000002581 and referenced herein
 - c. Fence encroaches between 1.5 feet and 2.9 feet from property line