



W2401212

When Recorded, Return To:

Kirton & McConkie
Attn: Joel D. Wright
60 East South Temple Suite 1800
Salt Lake City, Utah 84145-0120

E# 2401212 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
31-MAR-09 856 AM FEE \$16.00 DEP SC
REC FOR: LINCOLN TITLE INSURANCE AGENCY
ELECTRONICALLY RECORDED

Tax Parcel Nos. 03-040-0004

017140

(Space above for Recorder's use only)

SPECIAL WARRANTY DEED

FOR THE SUM OF TEN DOLLARS and other good and valuable consideration received, OGDEN COMMUNITY FOUNDATION, a Utah non-profit corporation ("Grantor"), whose address is 4723 Harrison Blvd., Suite 200, Ogden, Utah 84403, hereby conveys and warrants, against all claiming by, through, or under Grantor, to DAVINCI ACADEMY OF SCIENCE AND THE ARTS, a Utah non-profit corporation ("Grantee"), whose address is 2033 Grant Avenue, Ogden, Utah 84401, the following described property situated in Weber County, Utah, to wit:

See Exhibit A annexed hereto and incorporated herein by this reference (the "Property");

TOGETHER WITH all and singular the easements, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property, including, but not limited to, all: (i) buildings, structures, fixtures, signs, and other improvements and landscaping of every kind and nature presently situated on, in, under or about the Property; (ii) water and water rights of any and every kind, including, but not limited to, all: wells, well rights, ditches, ditch rights, and stock in water used on the Property or appurtenant thereto; and (iii) all mineral and subsurface rights of any and every kind.


SUBJECT ONLY TO those certain exceptions and encumbrances specifically listed on Exhibit B annexed hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 30th day of March, 2009.

Grantor:

OGDEN COMMUNITY FOUNDATION,
a Utah non-profit corporation

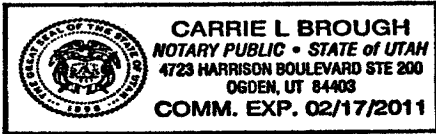
By:


Name (print): Mark L. Johnson
Its: Board chair

[notary acknowledgement on following page.]

STATE OF UTAH)
COUNTY OF Weber) ss.

On this 30th day of March, 2009, personally appeared before me Mark L. Johnson, known or satisfactorily proved to me to be the person who signed the foregoing instrument, and acknowledged to me that he is the Board Chair of OGDEN COMMUNITY FOUNDATION, a Utah non-profit corporation, and acknowledged to me that said corporation executed the same.



Carrie L Brough
Notary Public

EXHIBIT A

to Special Warranty Deed

(Legal Description of the Property)

That certain real property located in Weber County, Utah, specifically described as follows:

LOT 4, AMERICAN CAN SUBDIVISION, OGDEN CITY, WEBER COUNTY,
UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

03-040-0004 *pd*

EXHIBIT B
to Special Warranty Deed

(Exceptions and Encumbrances)

1. General taxes for the year 2009 are accruing as a lien but not yet due and payable. 2008 taxes were paid. Serial No. 03-040-0004.

2. Said property is located within the Mosquito Abatement District, Weber Basin Water General District, Weber Basin Water Ogden District, Central Weber Sewer District and the Weber Area Dispatch 911 and Emergency Services District, and is subject to the charges and assessments levied thereunder. At the time this Special Warranty Deed is recorded, all charges are currently paid and no charges or assessments are currently a lien against the land.

3. An Ordinance Adopting the Redevelopment Plan for the American Can Redevelopment Project Area as the Official Redevelopment Plan for The Project, dated December 7, 1999 and recorded December 21, 1999 as Entry No. 1680527 in Book 2049 at Page 2825 of Official Records. At the time this Special Warranty Deed is recorded, all charges are currently paid and no charges or assessments are currently a lien against the land.

Notice of Adoption of Amended Project Area Plan Entitled "Amended American Can Redevelopment Project Area Plan" Dated March 17, 2003 and Adopted April 29, 2003 recorded May 20, 2003 as Entry No. 1940374 in Book 2371 at Page 322 of Official Records. At the time this Special Warranty Deed is recorded, all charges are currently paid and no charges or assessments are currently a lien against the land.

4. An Ordinance of Ogden City, Utah, Providing for New Assessments within the Ogden City, Utah Central Business Improvement District No. 1 and Providing that this Ordinance shall become effective January 11, 2004, recorded January 9, 2004 as Entry No. 2004067 and re-recorded March 23, 2004 as Entry No. 2019270 of Official Records. At the time this Special Warranty Deed is recorded, all charges are currently paid and no charges or assessments are currently a lien against the land.

5. Subject to easements, building setback lines, restriction, dedications or offer for dedications if any, conditions of approval if any, and notes if any, all as set forth on the recorded plat.

6. Declaration of Access Easement recorded August 10, 2004 as Entry No. 2049340 of Official Records.

7. The following matters contained in ALTA/ACSM Land Title Survey titled DaVinci Academy, 227 20th Street, Ogden Utah, prepared by Patrick M. Harris (Certificate No. 286882) at Ensign, Project No. L1814 dated March 12, 2009:

- a) Building corner is 0.2' South of property line.
- b) Building corner is 0.3' South of property line.