

Inn #686 – Layton, UT

E 3384634 B 7765 P 1964-1968

RICHARD T. MAUGHAN

DAVIS COUNTY, UTAH RECORDER

5/21/2021 2:31:00 PM

FEE \$40.00 Pgs: 5

DEP eCASH REC'D FOR COTTONWOOD TITLE IN

135667-DTF

THIS INSTRUMENT WAS PREPARED BY:

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

WHEN RECORDED, RETURN TO:

Chicago Title Insurance Company
2828 Routh Street, Suite 800
Dallas, Texas 75201
Attention: Daniel Tsakonas

Send Tax Notice To:

KA LAYTON HOTEL, LLC
6318 S Lake Fork Circle
Taylorsville, UT 84129

10-042-0041
10-042-0040

STATE OF UTAH)
)
COUNTY OF DAVIS)

SPECIAL WARRANTY DEED

THAT CPLG PROPERTIES L.L.C., a Delaware limited liability company, having an address at 125 East John Carpenter Freeway, Suite 1650, Irving, TX 75062 (hereinafter referred to as "**Grantor**"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid by **KALAYTON HOTEL, LLC**, a Utah limited liability company (hereinafter referred to as "**Grantee**"), whose mailing address is 6318 S Lake Fork Circle, Taylorsville, UT 84129, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee, all of the real property described on Exhibit A attached hereto and made a part hereof for all purposes (hereinafter referred to as the "**Land**") and all buildings and improvements located thereon, together with all and singular, Grantor's right, title and interest, if any, in and to adjacent streets, roads, alleys, rights-of-way, strips and gores, easements, rights of ingress and egress, tenements, hereditaments and appurtenances on the Land or in anywise appertaining thereto (the foregoing, together with the Land, being hereinafter collectively referred to as the "**Property**").

This conveyance is made and accepted subject to the matters set forth on Exhibit B attached hereto and made a part hereof for all purposes, to the extent, and only to the extent, that such matters are now in force, valid, and affect title to the Property (but reference to same shall not operate to re-impose same), and further subject to all standby fees, ad valorem taxes and assessments for the current year and subsequent years, the payment of which Grantee assumes (hereinafter referred to as the "**Permitted Exceptions**").

This Special Warranty Deed is being executed and delivered by Grantor pursuant to that certain Agreement of Purchase and Sale dated as of October 13, 2020 (as amended, modified and/or supplemented from time to time, the "**Purchase Agreement**") among Grantor, CPLG TX PROPERTIES L.L.C., and CPLG WELLESLEY PROPERTIES L.L.C., each a Delaware limited liability company, collectively as sellers, and Grantee, as Buyer. Recourse against Grantor with respect to the representations, warranties and covenants of Grantor hereunder are subject to the provisions and limitations set forth in the Purchase Agreement.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns, forever; and Grantor does hereby bind itself and its legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, and subject to the Permitted Exceptions.


This Special Warranty Deed is executed on the date set forth in the acknowledgment below, but is made effective as of May 20, 2021 (the "**Effective Date**").

[Signature Page on Next Page]

IN WITNESS WHEREOF, Grantor has executed and delivered this Deed to be effective as of the Effective Date.

"GRANTOR"

CPLG PROPERTIES L.L.C.,
a Delaware limited liability company

By: 
Name: Mark M. Chloupek
Title: Executive Vice President, Secretary
and General Counsel

STATE OF TEXAS

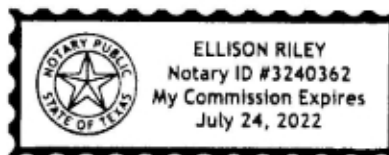
COUNTY OF DALLAS

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Mark M. Chloupek, as Executive Vice President, Secretary and General Counsel of **CPLG PROPERTIES L.L.C.**, a Delaware limited liability company, who is known to me, acknowledged before me, on this day that, being informed of the contents of said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 14 day of May, 2021.


Notary Public

My Commission Expires: 7/24/2022



[Signature Page to Special Warranty Deed]

EXHIBIT A TO DEED

DESCRIPTION OF LAND

Beginning at a point 33 feet West along the Section line and South 60 feet from the Northeast corner of Section 18, Township 4 North, Range 1 West, Salt Lake Base and Meridian; and running thence South 00 deg. 22'10" West 587.10 feet along the West line of 1200 West Street; thence West 73.63 feet; thence along the Easterly line of an exit ramp of State Highway 15 the following three courses and distances: North 41 deg. 01'17" West 183.64 feet to a point on a 748.51 foot radius curve to the right; thence Northerly along said curve 385.57 feet (NOTE: Tangent to said curve at its point of beginning bears North 29 deg. 29'50" West); thence North 00 deg. 06' East 79.74 feet; thence East 295.06 feet to the point of beginning.

Exhibit B to Deed

PERMITTED EXCEPTIONS

Part A: (i) all oil, gas and other minerals previously reserved or conveyed of record, (ii) zoning laws and regulations and ordinances of municipal and other governmental authorities affecting the Property, (iii) all covenants, conditions, restrictions, easements, riparian rights and rights of way affecting the Property, (iv) any and all matters which would be disclosed by a current and accurate survey of the Property, and (v) all matters of record affecting the Property as of the date hereof.

Part B:

1. State, county and local taxes and assessments for the year 2021 and subsequent years, a lien, not yet due and payable.
2. Ordinance 96-41 Changing the Street Number Designation of 1500 North Street to 1425 North Street; Designating a Single Name for a Roadway With Three Street Designations; the I-15 Frontage Road (1200 West), 1600 North Street and Heritage Boulevard, to "Heritage Park Boulevard", recorded June 30, 1997 as Entry No. 1331779 in Book 2147 at Page 27.
3. Non-Access to or from said Land from the North and Westerly property lines as set forth and/or reserved in the Final Order of Condemnation recorded December 30, 1974 as Entry No. 406909 in Book 557 at Page 603 and the Order of Immediate Occupancy recorded March 26, 1981 as Entry No. 588856 in Book 861 at Page 798.
4. A perpetual easement for the purpose of constructing a gas line and appurtenant parts thereof incident to the construction of a freeway known as Project No. 001-7 as disclosed in that certain Order of Immediate Occupancy in favor of Utah Department of Transportation, recorded March 26, 1981 as Entry No. 588856 in Book 861 at Page 798.
5. Right of Way Easement in favor of the Mountain States Telephone and Telegraph Company, to construct, operate, maintain and remove communication equipment and other facilities and incidental purposes, from time to time, upon, over, under and across a portion of the subject Land, recorded July 9, 1984, as Entry No. 677093, in Book 997, at Page 567.
6. Easement in favor of the Utah Department of Transportation for a perpetual easement for the widening of the existing State Route 108 known as Project No. S-0108(31)0 and incidental purposes, by instrument recorded May 5, 2014, as Entry No. 2802160, in Book 6011, at Page 522.
7. The following matters disclosed on that certain survey prepared by Bock & Clark's National Surveyors Network, having been certified under the date of November 4, 2013, last revised April 8, 2014, as Davis County Survey No. 6469, by Dennis K. Withers, a Professional Land Surveyor holding License No. 6135190:
 - a. Gas line(s) and related facilities over and along the Westerly portion; and
 - b. Parking lot improvements including curb wall, asphalt and parking area appear to extend beyond the West line of subject Land, into the UDOT right of way.