

WHEN RECORDED MAIL TO:
BENERGY INC.
5178 Kneale Bldg.
CLEVELAND, OH 44124-1227
MNT #94011504

6215217
11/16/95 4:18 PM 27-00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
METRO NATIONAL TITLE
REC BY: B GRAY ,DEPUTY - HI

UNITED STATES OF AMERICA

BARGAIN AND SALE DEED

6215217

THIS INDENTURE, made this 8th day of November, 1995, between INDEPENDENT PAPER STOCK COMPANY, a California Corporation, and JEFFERSON SMURFIT CORPORATION (U.S.), successor by name change to CONTAINER CORPORATION OF AMERICA, a Delaware corporation, duly qualified to do business in the State of Utah, Party of the First Part and BENERGY, INC., an Ohio corporation, duly qualified to do business in the State of Utah, Party of the Second Part,

WITNESSETH:

THAT the said Party of the First Part, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid by the Party of the Second Part, and for other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the Party of the Second Part, its successors and assigns forever, all those certain tracts or parcels of land situate in the County of Salt Lake and State of Utah, described as follows, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Subject to those certain reservations, easements and restrictions as set forth on Exhibit "B" attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Party of the Second Part, its successors and assigns forever.

And the First Party, for itself, its successors and assigns, covenants with said Party of the Second Part, its successors and assigns, that, except as hereinabove set forth, the above granted and described premises are free from all encumbrances made or suffered by the Party of the First Part, and the Party of the First Part will, and its successors and assigns, shall, except as to any encumbrance hereinabove set forth, warrant and defend the same to the said Party of the Second part, its successors and assigns forever against the lawful claims and demands of all persons claiming by, through or under the Party of the First Part.

IN WITNESS WHEREOF, Jefferson Smurfit Corporation (U.S.), Party of the First Part as aforesaid, has caused this instrument to be signed by its duly authorized Vice President and its duly attested corporate seal to be hereunto affixed by its Assistant Secretary the day and year

BK7272PG0128

in this Indenture first above written.

JEFFERSON SMURFIT CORPORATION (U.S.)

By: [Signature]
Vice President

ATTEST: [Signature]
Assistant Secretary

STATE OF MISSOURI

COUNTY OF ST. LOUIS

On the 8th day of NOVEMBER, 1995, personally appeared before me DAVID C. STEVENS and JOHN F. ALLGOOD, who being by me duly and severally sworn did say that they are respectively the Vice President and the Assistant Secretary of JEFFERSON SMURFIT CORPORATION (U.S.), that the above instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and the said VICE PRESIDENT and ASSISTANT SECRETARY acknowledged to me that said corporation executed the same.

[Signature]
Notary Public
Residing at 8182 MARYLAND AVE
ST. LOUIS, MO 63105

My Commission Expires:

9/1/97

JACQUELINE C. DIECKMEYER
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS, MISSOURI
MY COMMISSION EXPIRES 9/1/97

BK7272PG0129

EXHIBIT "A"

PARCEL 1:

Beginning at a point which is North 38 deg. 40' East 621.00 feet from the Salt Lake City Survey Monument in the intersection of Beck Street and Victory Road and from which monument the Beck Street monument line bears South 24 deg. 22'53" East, said monument also bearing North 33 deg. 43' West 1416.8 feet (Old Deed Tie) from the Southeast corner of the Northwest quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point of beginning also being on the Northeasterly line of the Denver's Rio Grande Western Railroad Company spur tract right of way as conveyed by that certain instrument recorded December 31, 1958, as Entry No. 1629380, in Book 1574 at Page 19 of Official Records; thence along said right of way line North 44 deg. 14' West 150.00 feet; thence North 45 deg. 46' East 10.68 feet; thence North 40 deg. 50'56" West 13.00 feet to a point on the arc of a 331.22 foot radius curve, the center of which bears South 49 deg. 33'23" West; thence Northwesterly 242.00 feet along said Railroad right of way line and the arc of said curve to the left through a central angle of 41 deg. 51'43"; thence North 79 deg. 14' West along said Railroad right of way line parallel with and 16.5 feet perpendicularly distant from the center line of said right of way and said spur tract, 121.77 feet to a point on the extension of an old wire fence line which bears South 46 deg. 14'46" West; thence North 46 deg. 09' East 253.59 feet; thence South 79 deg. 14' East 57.90 feet to the point of tangency with a 505.145 foot radius curve; thence Southeasterly 308.58 feet along the arc of said curve to the right through a central angle of 35 deg. 00'; thence South 44 deg. 14' East 240.60 feet; thence South 45 deg. 46' West 167.44 feet; thence South 44 deg. 14' East 358.21 feet; thence South 63 deg. 56' West 287.00 feet; thence North 26 deg. 04' West 145.00 feet to the point of tangency with a 338.93 foot radius curve; thence Northerly 80.78 feet along the arc of said curve to the right through a central angle of 13 deg. 39'21" to a point on the arc of a 336.10 foot radius curve, the center of which bears North 89 deg. 27'49" West, said point also being on the aforesaid Northeasterly Railroad right of way line; thence Northwesterly 173.39 feet along said Railroad right of way line and the arc of said 336.10 foot radius curve to the left through a central angle of 29 deg. 33'30"; thence along said Railroad right of way line North 45 deg. 46' East 25.17 feet to the point of beginning.

PARCEL 2:

Beginning at the most Northerly corner of the Covey property as conveyed by that certain instrument recorded November 13, 1959, as Entry No. 1685693 in Book 1665 at Page 116 of Official Records, said point of beginning being further described as bearing North 28 deg. 29'03" East 444.46 feet from the Salt Lake City Survey monument in the intersection of Beck Street and Victory Road and from which Monument the Beck Street Monument line bears South 24 deg. 22'53" East, said monument also bearing North 33 deg. 48' West 1416.8 feet (Old Deed Tie) from the Southeast corner of the Northwest quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian said point of beginning being on the arc of a 186.50 foot radius curve, the center of which bears North 49 deg. 22'35" East, and said point of beginning also being on the Easterly line of the Denver & Rio Grande Western Railroad spur tract right of way known as the Covey spur as conveyed by that certain instrument recorded December 31, 1958, as Entry No. 1629380 in Book 574 at Page 19 of Official Records; thence Northerly 201.94 feet along said right of way line and the arc of said curve to the left through a central angle of 62 deg. 02'22" to a point on the

Exhibit "A" Legal Description (continued)

Southwesterly line of the D & RGW Railroad main spur right of way conveyed by the aforesaid instrument; thence South 36 deg. 55'27" East along said Railroad right of way line 117.00 feet to a point on the arc of a 301.60 foot radius curve; thence which bears South 52 deg. 08'06" West; thence Southerly 274.02 feet along said Railroad right of way line and the arc of said curve to the right through a central angle of 52 deg. 03'22"; thence North 43 deg. 51' West along the Northeasterly line of the aforementioned Covey property 225.13 feet to the point of beginning.

PARCEL 3:

Subject to and together with a right of way for ingress and egress over the following described property:

Beginning at the most Southerly corner of the Covey property as conveyed by that certain Warranty Deed recorded July 13, 1939 as Entry No. 661476, in Book 230, at Page 613 of Official Records, said point of beginning being North 89 deg. 59'34" West 182.00 feet and North 24 deg. 22'53" West 1315.288 feet (Deed = 182 feet West and 1316.4 feet North 24 deg. 22' West) from the Southeast corner of the Northwest quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point of beginning being further described as bearing North 72 deg. 18'05" East 66.80 feet from the Salt Lake City Survey monument in the intersection of Beck Street and Victory Road and from which monument the Beck Street monument line bears South 24 deg. 22'53" East; thence along the Easterly line of Beck Street North 43 deg. 50'39" West 33.00 feet; thence North 46 deg. 01' East 500.15 feet to a point on the Northeasterly line of the Denver & Rio Grande Western Railroad Company spur tract right of way, said point being on the arc of a 336.10 foot radius curve, the center of which bears South 74 deg. 58'00" West; thence Southerly 39.05 feet along said right of way line and the arc of said curve through a central angle of 6 deg. 39'28"; thence South 46 deg. 01' West 479.39 feet to the point of beginning.

EXHIBIT "B"

1. Reservations contained in that certain Warranty Deed from Utah Lime & Cement Company to Salt Lake Hot Springs Sanitarium Company, recorded February 1, 1894, in Book 4-M of Deeds at page 206 of Official Records, which grants the spring of hot mineral water situated on land described in said Deed, and "also a perpetual right of way for pipe lines

BK 7272 PG 0132

from such springs, wells or reservoirs or any other springs, or wells, or reservoirs that may hereafter be developed on said Subdivision along or across the same, or any street or alley therein at such place or places, as may hereafter be selected by grantee or its agents or assigns for the convenient piping of any of said waters across and off said Subdivision together with the right to erect and maintain and operate at such places as it may deem proper any and all pumping and other machinery, appliances and improvements as said second party, its successors, or assigns may deem proper to pump and transfer any and all waters from such springs, wells, or reservoirs; also the right of ingress and egress for the perpetual maintenance and repair of such pipe lines, wells, springs or reservoirs, reserving, however, to the said grantor and its assigns the right to pass over such pipe lines with railway or tramway track if necessary to reach its lime kilns or quarries.

2. The right, privilege and authority to construct, reconstruct, operate, and maintain lines of telephone and telegraph, consisting of such poles, wires, cables, conduits, guys, anchors and other fixtures and appurtenances, as the grantee may from time to time require, upon, across, over and/or under the property which it owns or in which it has any interest in the Section 25 of Township 1 North, Range 1 West, County of Salt Lake and State of Utah, and upon, along and/or under the roads, streets, or highways adjoining the said property, with the right to trim from time to time, any trees along said lines so as to keep the wires and cables cleared at least thirty-six inches and the right to permit the attachment of and/or carry in conduit wires and cables of any other property. Said sum being received in full payment for the rights herein granted.

The rights hereby granted are subject to the condition that should the said wires or attachments of the grantee interfere with the erection of any building or tracks which the owner of said premises may hereafter desire to erect therein. The grantee at its own expense will readjust its wires and attachments to avoid such interference or will remove the same to any other possible point upon said premises, to be furnished by the owner, thereof.

As granted to the American Telephone and Telegraph Company of Wyoming by document recorded June 29, 1929 as Entry No. 635597 in Book 56 of Liens and Leases at page 383 of Official Records.

BK 7272 PG 0133

3. A right of way and easement where the same may be found to cross or intersect said property (exact location not disclosed) for telephone and telegraph lines and incidental purposes, as created in favor of Salt Lake Pipe Line Company, a Nevada Corporation, by Agreement recorded February 4, 1949 as Entry No. 1147501 in Book 660 at page 201 of Official Records.

4. A right of way and easement for electric transmission, distribution, and telephone circuits and incidental purposes, as created in favor of Utah Power & Light Company by Pole Line Easement recorded April 29, 1955 as Entry No. 1423849 in Book 1191 at page 189 of Official Records, more particularly described as follows:

BEGINNING at existing M.S.T.&T. Company pole on grantor's land at a point 1234 feet South and 2118 feet East, more or less, from the Northwest corner of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, thence North 57°30' East 254 feet to an existing pole, thence North 16°18' West 25 feet, more or less, to a Northerly boundary line of said land.

ALSO, BEGINNING on an Easterly boundary line of grantor's land at a point 980 feet South and 2295 feet East, more or less, from the Northwest corner of said Section 25, thence North 16°18' West 45 feet, more or less, to a Westerly boundary line of said land.

5. A right of way and easement for electric transmission, distribution, circuits and incidental purposes, as created in favor of Utah Power & Light Company by Pole Line Easement recorded April 29, 1955 as Entry No. 1423850 in Book 1191 at page 191 of Official Records, more particularly described as follows:

BEGINNING on a Southerly boundary line of grantor's land at a point 1077 feet South and 2325 feet East, more or less, from the Northwest corner of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, thence North 16°18' West 100 feet, more or less, to a Westerly boundary line of said land, and being in the Northeast 1/4 of the Northwest 1/4 of said Section 25.

6. A right of way and easement for electric transmission, distribution, telephone circuits and incidental purposes, as created in favor of Utah Power & Light Company by Pole Line Easement recorded April 29, 1955 as Entry No. 1423851 in Book 1191 at page 193 of Official Records, more particularly described as follows:

BK7272PG0134

BEGINNING at an Easterly boundary line of grantor's land at a point 940 feet South and 2282 feet East, more or less, from the Northwest corner of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, thence North 16°18' West one foot to existing pole on said land and being in the Northeast 1/4 of the Northwest 1/4 of said Section 25

BK7272PG0135