

When recorded, mail to:

Stephen K. Christensen
68 South Main Street, Suite 600
Salt Lake City, Utah 84101

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Book - 9227 Pg - 3134-3139
GARY W. DTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: EPM, DEPUTY - OT 6 P.

Parcel ID No. PART OF 28-05-401-003
PART OF 28-05-451-004

SPECIAL WARRANTY DEED

GIBBONS REALTY COMPANY, a Utah corporation also known as **GIBBONS REALTY COMPANY AND ALSO KNOWN AS GIBBONS REALTY CO.**, a Utah Corporation, "**Grantor**", hereby conveys and warrants against all claiming by, through or under it to **BOYER QUARRY BEND, L.C.**, a Utah limited liability company, "**Grantee**", of 90 South 400 West, Suite 200, Salt Lake City, Utah 84101, for the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration, the following described real estate located in Salt Lake County, State of Utah:

See Attached Exhibit "A"

Subject to easements, covenants, restrictions, rights of way and reservations appearing of record, including, but not limited to, those set forth on Exhibit "B" hereto, and taxes for the year 2006, and thereafter.

TO HAVE AND TO HOLD such property, together with its appurtenances, unto Grantee and its assigns forever. Except as set forth on Exhibit "B" hereto, Grantor does hereby covenant to and with Grantee that it is the owner in fee simple of the property and that it will warrant and defend the Property unto Grantee and its successors and assigns from and against all lawful claims arising by, through or under Grantor, but not otherwise.

DATED this 6th day of December, 2005.

GIBBONS REALTY COMPANY,
a Utah corporation



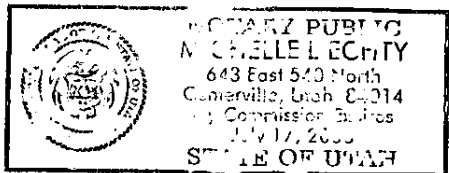
By: William A. Gibbons

Its: President

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

On the 6th day of December, 2005, before me, the undersigned officer, personally appeared William A. Gibbons, who acknowledged himself to be the President of GIBBONS REALTY COMPANY, a Utah corporation, and that being authorized to do so, executed the foregoing instrument in the capacity indicated above for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Michelle LeChity
Notary Public

EXHIBIT "A"

PARCEL B

All that land in the State of Utah, County of Salt Lake, City of Sandy, being part of Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

BEGINNING at a point on the East line of the West half of the Southeast Quarter of said Section 5, Township 3 South, Range 1 East, Salt Lake Base and Meridian; said point being South 89°06'33" East 1320.05 feet to said East line and North 00°26'14" East along said East line 83.01 feet from the South Quarter corner of said Section 5, said point also being South 00°29'25" West along the East section line 2656.65 feet to the Northeast corner of the Southeast Quarter of said Section 5 and North 89°36'39" West along the North line of said Southeast Quarter 1322.72 feet to the East line of the West half of said Southeast Quarter and South 00°26'14" West along said East line 2562.28 feet from the Northeast corner of said Section 5; thence Northwesterly along the Northeast line of State Route 209, as conveyed to Sandy City by a Quit Claim Deed recorded as Entry No. 4519005 in Book 5959 at Page 419 of the Official Records, the following six (6) courses: 1) North 89°06'33" West 266.50 feet; 2) North 86°49'06" West 200.22 feet to the beginning of a non-tangent curve concave to the Northeast, with a radius of 788.05 feet and a radial bearing of South 00°53'28" West; 3) Northwesterly along said curve a distance of 579.36 feet, through a central angle of 42°07'23" to the point of compound curvature with a curve concave to the Northeast having a radius of 1763.86 feet; 4) Northwesterly along said curve a distance of 1457.71 feet through a central angle of 47°21'04"; 5) North 00°21'57" East 418.03 feet to the beginning of a tangent curve concave to the Southwest with a radius of 769.20 feet; 6) Northwesterly along said curve a distance of 547.21 feet, through a central angle of 40°45'36"; thence leaving said Northeasterly line of State Route 209, North 00°21'27" East 124.74 feet to the North line of the South half of said Section 5; thence along said North line South 89°36'39" East 26.46 feet per Special Warranty Deed recorded as Entry No. 4276739 in Book 5789 at Page 810 of the Official Records; thence North 13°05'02" East 373.12 feet; thence South 89°02'46" East 176.88 feet to the beginning of a tangent curve concave to the Southwest, with a radius of 309.00 feet; thence Easterly along said curve 266.96 feet through a central angle of 49°30'05"; thence South 39°32'41" East 61.20 feet to the beginning of a tangent curve concave to the West with a radius of 384.00 feet; thence Southerly along said curve 467.75 feet through a central angle of 69°47'32"; thence South 30°14'51" West 34.77 feet to the beginning of a tangent curve concave to the East, with a radius of 216.00 feet; thence Southerly along said curve 113.10 feet through a central angle of 30°00'00"; thence South 00°14'51" West 137.30 feet; thence North 89°45'09" West 34.00 feet; thence South 00°14'51" West 545.46 feet to the beginning of a tangent curve concave to the Northeast, with a radius of 1500.00 feet; thence Southerly along said curve 1220.30 feet through a central angle of 46°36'43"; thence North 39°29'11" East 25.61 feet; thence South 50°59'35" East 70.76 feet; thence North 39°00'26" East 50.22 feet; thence South 89°45'08" East 495.31 feet; thence North 00°17'59" East 313.73 feet; thence South 89°45'09" East 161.57 feet; thence South 00°26'14" West 749.62 feet to the point of BEGINNING.

LESS AND EXCEPTING that land conveyed to Sandy City in the Quit Claim Deed recorded as Entry No. 4632834 in Book 6035 at Page 1200 on June 3, 1988.

[FOR REFERENCE ONLY: Part of Tax Parcel No. 28-05-401-003 and part of Tax Parcel No. 28-05-451-004]

EXHIBIT "B"
Exceptions

1. The lien of all general real and personal property taxes for the year 2006, and thereafter.
2. Said property lies within the boundaries of Sandy City, and is subject to any and all charges and assessments thereof.
3. Said property lies within the boundaries of Sandy Suburban Improvement District, and is subject to any and all charges and assessments thereof.
4. The following recitals contained in that certain Patent recorded December 28, 1878 in Book N of Deeds, at Page 507 of the Official Records, and that certain Patent recorded August 28, 1890 in Book 3R of Deeds, at Pages 163-164 of the Official Records:

"...subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law."

5. A right of way and/or easement for vehicles and pedestrians, together with other recited terms and conditions, as constructed on or across the property herein described by not specifically defined as to exact location as created by Warranty Deed recorded July 20, 1910 as Entry No. 268643 in Book 6K of Deeds at Page 405 of the Official Records.
6. A right of way and easement for the erection and continued maintenance, repair alteration and replacement of the electric transmission, distribution and telephone circuits, and four poles, with the necessary guys, stubs, crossarms and other attachments thereof, or affixed thereto for the support of said circuits, together with other recited terms and conditions, as created in favor of Utah Power & Light Company, a corporation, its successors in interest and assigns, by instrument recorded May 13, 1958 as Entry No. 1591089, in Book 1503 at Page 640 of Official Records, through and across said property as provided for and described in said instrument.
7. A right of way and easement for the erection, operation and continued maintenance, repair, alteration and replacement of the electric transmission and distribution circuits, with the necessary poles, towers, guys, stubs, crossarms, braces and other attachments affixed thereto, for the support of said circuits, together with other recited terms and conditions, as created in favor of Utah Power & Light Company, a corporation, its successors in interest and assigns, by instrument recorded October 29, 1980 as Entry No. 3495680 in Book 5170 at Page 1264 of Official Records, through and across said property as provided for and described in said instrument.

8. A right of way and easement for the erection, operation and continues maintenance, repair, alteration, inspection, relocation, and replacement of the electric transmission and distribution circuits, with the necessary poles, towers, guys, stubs, crossarms, braces and other attachments affixed thereto, for the support of said circuits, together with other recited terms and conditions as created in favor of Utah Power & Light Company, a corporation, its successors in interest and assigns, by Instrument recorded May, 1980 as Entry No. 3495681 in Book 5170 at Page 1265 of Official Records, through and across said property as provided for and described in said instrument.
9. A right-of-way and easement 6 feet in width to construct, operate, maintain and remove communication and other facilities from time to time, together with other recited terms and conditions, as created in favor of The Mountain State Telephone and Telegraph Company, its successors, by instrument recorded April 15, 1981 as Entry No. 3554549 in Book 5237 at Page 68 of Official Records, through and across said property as provided for and described in said instrument.
10. A slope easement for the purpose of construction the 90th South to 9400 South Connector Roadway, and a 10 foot temporary construction easement easterly of and along said easterly boundary of the slope easement, together with other recited terms and conditions, as created in favor of Sandy City, a body corporate and politic of the State of Utah, by instrument recorded September 8, 1987 as Entry No. 4519006 in Book 5959 at Page 422 of Official Records, through and across said property as provided for and described in said instrument, as modified and/or otherwise affected by that certain Release of Easement recorded May 19, 2003 as Entry No. 8655147 in book 8799, at Page 6157 of Official Records.
11. A perpetual right of way and easement to lay, maintain, operate, repair, inspect, protect, clean, remove and replace sewer pipelines, valves, valve boxes and sewer facilities (the "Facilities"), and a temporary right of way and easement for the purpose of construction of the Facilities, together with other recited terms and conditions, as created in favor of Salt Lake county Cottonwood Sanitary District by instrument recorded January 15, 1988 as Entry No. 4574876 in Book 5996 at Page 2885 of Official Records, through and across said property as provided for and described in said instrument.
12. The effects, if any, of that certain Cooperative Agreement executed by and between Sandy City, Utah, a Municipal Corporation and Political Subdivision of the State of Utah, and the Utah Department of Transportation, an agency of State government, dated June 29, 1988 and recorded July 1, 1988 as Entry No. 4644803, in Book 6043, at Page 2597 of the Official Records.
13. A right of way and easement for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including, without limitation; props, wires, fibers, cables and other conductors and conduits thereof; and pads, transformers, switches, vaults and cabinets, together with other recite terms and conditions , as created in favor of PacifiCorp, an Oregon corporation, its successors and assigns, by Instrument recorded August 4, 2003 as Entry No. 8759292 in book 8855 at Page 8937 of Official Records, through and across said property as provided for and described in said instrument.

14. A temporary construction easement to facilitate the future construction of improvements along the northerly right-of-way line of a public roadway, State Route 209, commonly known as the "Ski Connect" between 700 East and 1300 East Streets, in the City of Sandy, County of Salt lake, State of Utah, together with other recited terms and conditions, as created in favor of Sandy City, a municipal corporation of the State of Utah, by Instrument recorded August 21, 2003 as Entry No. 8783392 in Book 8867 at Page 1293 of Official Records, through and across said property as provided for and described in said instrument.

15. Matters disclosed by that certain ALTA/ACSM Land Title Survey, dated December 2, 2005, prepared by CLC Associates as Project No.04-0068 ("the Survey"), including, but not limited to, any boundary discrepancies between the description of the property as described on the Survey and the description of the property as described on the Flint Survey filed as Survey No. S2004-04-0164 in the office of the Salt Lake County Surveyor.

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