

9084985

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When recorded, return to:
Mercury Investments, L.P.
P.O. Box 3208
Park City, UT 84060-3208

9084985
06/09/2004 12:26 PM 159.00
Book - 8998 Pg - 8940-8989
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: ZJM, DEPUTY - WI 50 P.

ASSIGNMENT OF MORTGAGE


FOR VALUE RECEIVED, Roger W. Peters hereby assigns to Mercury Investments, L.P., a Utah limited partnership, whose address is P.O. Box 3208, Park City, Utah 84060-3208 all of his right, title, and interest as mortgagee in, to, and under that certain Amended and Restated Indenture Mortgage (the "Mortgage") dated September 25, 1989 executed by Titus Foods, Inc. in favor of First Bank National Association and recorded September 26, 1989 in Book 6162, Page 268 as entry number 4827572 in Book 6162 at page 268 of Official Records, Salt Lake City, Utah; and as entry number 870339 in Book 1314 at page 608 of Official Records, Davis County, Utah; and as entry number 526642 in Book 458 at page 186 of Official Records, Cache County, Utah, and which encumbers the following property:

See Exhibit A attached hereto and made a part hereof

together with the note or other instrument of indebtedness described in said Mortgage and secured thereby, any money due and to become due thereon with interest, and all rights and obligations accrued or to accrue under said Mortgage, including the right and obligation to release, in whole or part, the property described therein.

This assignment is made to be effective as of May 31, 2000, without representation, warranty, or recourse of any kind, including without limitation any representation or warranty of the collectability of the indebtedness secured by the Mortgage, the condition or state of title of the property encumbered by the Mortgage, or the enforceability or priority of the lien of the Mortgage.

Dated to be effective May 31, 2000.



ROGER W. PETERS

595721.1

BK 8998 PG 8940

US LTC # 34934

STATE OF Minnesota)
 : ss.
COUNTY OF Freeborn)

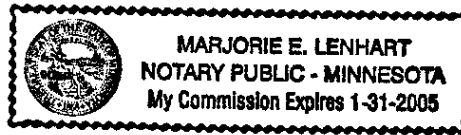
The foregoing instrument was acknowledged before me this 27th day of May, 2004, by
Roger W. Peters.

Marjorie E. Lenhart
NOTARY PUBLIC

My Commission Expires:

1-31-2005

Residing at:
1014 Rosehill Dr
Albert Lea MN 56007



SCHEDULE XI

Lease Agreements Assigned and Leasehold Estates Mortgaged to Lender as Collateral for Obligations of Borrower Pursuant to Amended and Restated Indenture of Mortgage dated September 25, 1989.

SALT LAKE COUNTY

Location Code: A

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at a point on the North line of Lot 5, Block 58, Plat "C", Salt Lake City Survey, said point being North 89°58'38" East along said North line 264.132 feet from the Northwest corner of said Lot 5, said point also being North 89°58'38" East along the North Temple monument line 331.338 feet and South 0°02'05" East 74.988 feet from a Salt Lake City monument in the intersection of said North Temple and 900 West Streets;

Thence North 89°58'38" East 66.034 feet to the Northwest corner of Lot 6, said Block 58'

Thence North 89°58'38" East along the North line of said Lot 6, 123.814 feet to the Northwest corner of the property deeded by Quit-Claim deed #2436079;

Thence along the West line of said property South 0°02'29" East 136.966 feet, South 58°24'52" West 13.315 feet, South 89°58'38" West 28.205 feet and South 2°52'10" West 21.181 feet;

Thence South 89°58'50" West 149.238 feet;

Thence North 0°02'05" West 165.091 feet to the point of BEGINNING.

100-61021-298

Location Code: D

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc. (Parcels 1, 2 & 3) Lease Date: August 3, 1932
Hoyt W. Brewster, Jr. and (Parcels 1, 2
Fielding Craig Brewster & 3)
(Parcel 4) January 6, 1967
(Parcel 4)

Legal Description:

PARCEL NO. 1:

BEGINNING at the Southwest corner of Lot 4, Block 54, Plat "A", Salt Lake City Survey and running thence East 57 feet; thence North 56 feet 9 inches; thence West 20 inches; thence North 50 feet 7 inches; thence West 55 feet 4 inches; thence South 107 feet 4 inches to the place of BEGINNING.

PARCEL NO. 2:

BEGINNING at the Southeast corner of Lot 4, Block 54, Plat "A", Salt Lake City Survey, and running thence West 108 feet; thence North 56.75 feet; thence West 1.67 feet; thence North 50.7 feet; thence East 109.67 feet; thence South 107.45 feet to the point of BEGINNING.

PARCEL NO. 3:

BEGINNING 107 feet 4 inches North from the Southwest corner of Lot 4, Block 54, Plat "A", Salt Lake City Survey, and running thence North 10 feet; thence East 165 feet; thence South 10 feet; thence West 165 feet to the place of BEGINNING.

SUBJECT TO a right of way over the whole thereof.

PARCEL NO. 4:

BEGINNING at the Southwest corner of Lot 3, Block 54, Plat "A", Salt Lake City Survey, and running thence East 3 rods; thence North 10 rods; thence West 3 rods; thence South 10 rods to the place of BEGINNING.

6162-239

Location Code: G

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

A Tract of Land situated in the Northeast Quarter of the Northeast Quarter of Section 18, Township 2 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

COMMENCING at a point North $89^{\circ}59'04''$ West 1181.85 feet and South $0^{\circ}05'30''$ West 138.43 feet from the Northeast corner of said Section 18, and running thence South $89^{\circ}54'30''$ East 165 feet; thence South $0^{\circ}05'30''$ West 165 feet; thence North $89^{\circ}54'30''$ West 165 feet; thence North $0^{\circ}05'30''$ East 165 feet to the point of BEGINNING.

1984-6162 TRS 360

Location Code: H

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at a point which is South 143.68 feet and West 73.96 feet from the Northeast corner of Section 7, Township 3 South, Range 1 East, Salt Lake Base and Meridian, said point also being South 0°21'30" East along the 700 East Street monument line, 182.979 feet and North 89°27'05" West 53.00 feet from a Salt Lake County monument in the intersection of said 700 East and 9400 South Street; thence South 0°21'30" East 150.025 feet; thence North 89°27'05" West 180.00 feet to the East line of Union Square, a subdivision in the Northeast quarter of said Section 7; thence North 0°21'30" West along said East line 260.00 feet; thence South 89°27'05" East 50.00 feet; thence South 0°21'30" East 129.974 feet to the South line of service station property; thence South 89°27'05" East along said South line 130.00 feet to the point of BEGINNING.

*Tax Parcel # 28-07-226-045
and 28-07-226-048*

1984-1982-1-301

Location Code: L

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at the Southeast corner of Lot 1, Block 70, Plat "A", Salt Lake City Survey, thence West 140 feet; thence North 90.75 feet; thence West 25 feet; thence North 41.25 feet; thence East 165 feet; thence South 132 feet to the point of BEGINNING.

SUBJECT TO and together with a right of way described as follows:

BEGINNING 132 feet North of the Southeast corner of Lot 1, said Block 70, thence North 6 feet; thence West 140 feet; thence South 12 feet; thence East 140 feet; thence North 6 feet to the point of BEGINNING.

202-6162-202

Location, Code: M

Lessee: Titus Foods, Inc.

Lessor: Spencer L. Nunley
Donna M. Nunley
Florien J. Wineriter

Lease Date: November 2, 1974

Legal Description:

BEGINNING at a point North $0^{\circ}12'$ West 60 feet and North $89^{\circ}53'$ East 53 feet from the South quarter corner of Section 34, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence South $89^{\circ}56'15''$ East 3.88 feet; to a point of tangency with an 1808.34 foot radius curve to the left; thence Easterly 119.50 feet along the arc of said curve, to the left and bordering on 4100 South Street; thence North $78^{\circ}01'14''$ East, bordering 4100 South Street 51.62 feet; thence North 150 feet; thence West 175 feet, more or less, to the East line of Redwood Road; thence South along Redwood Road 150 feet, more or less, to the point of BEGINNING.

13016162-1-303

Location Code: N

Lessee: Titus Foods, Inc.

Lessor: Professional Manivest, Inc.

Lease Date: June 15, 1976

Legal Description:

COMMENCING at a point on the South line of 5600 South Street, said point being South 1340.07 feet and East 1559.02 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, Utah, and running thence South $0^{\circ}14'30''$ West 155 feet; thence South $89^{\circ}49'35''$ East 155 feet to the West line of 900 East Street; thence North $0^{\circ}14'30''$ East along the West line of 900 East Street 155 feet to the intersection of the West line of 900 East Street and the South line of 5600 South Street; thence North $89^{\circ}49'35''$ West 155 feet along the South line of 5600 South Street to the point of COMMENCEMENT.

SUBJECT TO a right of way over the following described parcels:

BEGINNING at a point on South line of 5600 South Street 1340.07 feet South and 1589.02 feet East from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South $0^{\circ}14'30''$ West 155.0 feet; thence North $89^{\circ}49'35''$ West 30.7 feet; thence North $0^{\circ}14'30''$ East 155.0 feet; thence East $89^{\circ}49'35''$ East 30.0 feet to the point of BEGINNING.

ALSO, BEGINNING at a point South 1340.07 feet and East 1589.02 feet and South $0^{\circ}14'30''$ West 125 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South $89^{\circ}49'35''$ East 125.0 feet; thence South $0^{\circ}14'30''$ West 30.0 feet; thence North $89^{\circ}49'35''$ West 125.0 feet; thence North $0^{\circ}14'30''$ East 30.0 feet to the point of BEGINNING.

TOGETHER WITH a right of parking in common with others in the shopping center over the following:

An area of parking a minimum of 30 feet wide adjoining and all along the West and South boundary of the above described leased premises more particularly described as follows:

COMMENCING at a point on the South line of 5600 South Street, said point being South 1340.07 feet and East 1559.02 feet from the Northwest corner of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, Utah, and running thence West along the South line of 5600 South Street 30 feet, thence South $0^{\circ}14'30''$ West 155 feet; thence South $89^{\circ}49'35''$ East 155 feet to the West line of 900 East Street; thence North $0^{\circ}14'30''$ East along the West line of 900 East Street 30 feet to the South boundary of the above described leased premises, thence West along the South boundary of the above described leased premises 155 feet to the West boundary of the above described leased premises, thence North along the West boundary of the above described premises 155 feet to the point of COMMENCEMENT.

1994-10-20-104

Location Code: O

Lessee: Titus Foods, Inc.

Lessor: Sherie A. Olsen

Lease Date: August 3, 1982

Legal Description:

Lot 2 and the East 10 feet of Lot 1 of ARK SUBDIVISION, according to the official plat thereof on file in the office of the County Recorder of said County.

SUBJECT TO AND TOGETHER WITH a non-exclusive 25.0 foot wide right of way limited to use in connection with adjoining property to which is it appurtenant, and the center line of which is described as follows:

BEGINNING on the North line of 9000 South Street, said point being South 89°53' West along the Center line of 9000 South Street 1866.81 feet and North 0°07' West 73.00 feet from an existing monument in the intersection of 9000 South and State Street, said point being also North 162.00 feet and East 869.86 feet from the center of Section 1, Township 3 South, Range 1 West. Salt Lake Base and Meridian, and running thence North 0°07' West 214.50 feet; thence South 89°53' West 444 feet, more or less, to the Easterly line of 240 West Street. the location of the right of way may be changed upon mutual agreement among the owners of adjoining property to which it is appurtenant.

ES&T 102 rec 305

Location Code: P

Lessee: Titus Foods, Inc.

Lessor: Delores D. Mousley
Willa D. Conkle
Lamar Frank Roberts
Shirley W. Roberts
Barbara Roberts Wilcox
Herman Wilcox
Dennis James Roberts
Anita L. D. Roberts
Willard Lovendahl
Marjorie B. Dansie
Sarah M. Dorton Olsen
Nola E. Stark
Kay E. Smith

Lease Date: December 31, 1976

Legal Description:

PARCEL NO. 1:

BEGINNING 33 feet West and 33 feet North from the Southeast Corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian; thence North 75 feet; thence West 100 feet; thence South 75 feet; thence East 100 feet to BEGINNING.

TOGETHER WITH a right of way over the following described tract of land:

BEGINNING 33 feet North and 133 feet West from the Southeast Corner of the Southwest Quarter of said Section 27, and running thence North 219 feet; thence West 11 feet; thence South 219 feet; thence East 11 feet to the point of BEGINNING.

PARCEL NO. 2:

BEGINNING 33 feet West and 108 feet North from the Southeast Corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian; thence North 36 feet; thence West 100 feet; thence South 36 feet; thence East 100 feet to BEGINNING.

TOGETHER WITH a right of way over the following described tract of land:

BEGINNING 33 feet North and 133 feet West from the Southeast Corner of the Southwest Quarter of said Section 27, said running thence North 219 feet; thence West 11 feet; thence South 219 feet; thence East 11 feet to the point of BEGINNING.

PARCEL NO. 3:

BEGINNING 33 feet West and 144 feet North from the Southeast corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian; thence North 36 feet; thence West 100 feet; thence South 36 feet; thence East 100 feet to BEGINNING.

234-6162-306

TOGETHER WITH a right of way over the following described tract of land:

BEGINNING 33 feet North and 133 feet West from the Southeast corner of the Southwest Quarter of said Section 27, and running thence North 219 feet; thence West 11 feet; thence South 219 feet; thence East 11 feet to the point of BEGINNING.

PARCEL NO. 4:

BEGINNING 33 feet West and 180 feet North of the Southeast corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian; thence North 36 feet; thence West 100 feet; thence South 36 feet; thence East 100 feet to BEGINNING.

TOGETHER WITH a right of way over the following described tract of land:

BEGINNING 33 feet North and 133 feet West from the Southeast Corner of the Southwest Quarter of said Section 27, and running thence North 219 feet; thence West 11 feet; thence South 219 feet; thence East 11 feet to the point of BEGINNING.

PARCEL NO. 5:

BEGINNING 33 feet West and 216 feet North of the Southeast Corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian, thence North 36 feet; thence West 100 feet; thence South 36 feet; thence East 100 feet to the point of BEGINNING.

TOGETHER WITH a right of way over the following described tract of land:

BEGINNING 33 feet North and 133 feet West from the Southeast Corner of the Southwest Quarter of said Section 27, and running thence North 219 feet; thence West 11 feet; thence South 219 feet; thence East 11 feet to the point of BEGINNING.

PARCEL NO. 6:

BEGINNING 33 feet West and 252 feet North of the Southeast Corner of the Southwest Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Meridian, thence North 50 feet; thence West 254 feet; thence South 50 feet; thence East 254 feet to the point of BEGINNING.

BK 8998 PG 8951

Location Code: Q

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease date: August 3, 1982

Legal Description:

Part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 1 South, Range 1 West, Salt Lake Base and Meridian; Beginning at the intersection of the Southerly right of way line of Utah State Highway F. A. Project No. 218 and the Westerly line of Utah State Highway F. A. Project No. 225, which point is South $0^{\circ}02'16''$ East 50.00 feet and South $89^{\circ}41'$ West 69.00 feet from a Salt Lake City Monument, said monument being North $33^{\circ}25'29''$ East 3.60 feet from the Northeast corner of the Northwest quarter of said Section 22 and running thence from said point of beginning South $2^{\circ}13'$ East along said Westerly right of way line of Utah State Highway F. A. Project No. 229 a distance of 160.00 feet; thence South $89^{\circ}41'$ West 160.00 feet; thence North $2^{\circ}13'$ West 160.00 feet to said Southerly right of way line of Utah State F. A. Project No. 218; thence North $89^{\circ}41'$ East 160.00 feet to the point of BEGINNING.

2025-08-08 10:02 AM

Location Code: R

Lessee: Titus Foods, Inc.

Lessor: Mirian Wadsworth
Vayles Bailey

Lease Date: October 15, 1976

Legal Description:

BEGINNING at a point 875.74 feet East and 1128.60 feet North from the Southwest corner of the Southwest Quarter of Section 28, Township 1 South, Range 1 East, Salt Lake Meridian, thence West along the South side of 33rd South Street 200 feet to the East side of County road known as Highland Drive; thence South 16° East along the East side of Highland Drive 200 feet; thence East 144.87 feet; thence North 192.25 feet to the place of BEGINNING.

1334(182) 389

Location Code: S

Lessee: Titus Foods, Inc.

Lessor: Dne's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at a point 2 rods North and 2 rods West from the Southeast Corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 190 feet along the West line of 5600 West Street; thence West 120 feet; thence South 190 feet to the North line of 3500 South Street; thence East along said North line 190 feet to the point of BEGINNING.

LESS; BEGINNING at a point North $0^{\circ}09'50''$ West along the Section line 33.00 feet and South $89^{\circ}59'10''$ West 33.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and running thence South $89^{\circ}59'10''$ West 190.00 feet; thence North $0^{\circ}09'50''$ West 7.00 feet; thence North $89^{\circ}59'10''$ East 170.00 feet; thence North $0^{\circ}09'50''$ West 183.00 feet; thence North $89^{\circ}59'10''$ East 20.00 feet; thence South $0^{\circ}09'50''$ East 190.00 feet to the point of BEGINNING.

PLAT 6162 REC 310

DAVIS COUNTY

Location Code: T

Lessee: Titus Foods, Inc.

Lessor: William K. Olson
Barbara L. Olson

Lease Date: November 9, 1971

Legal Description:

BEGINNING at the Southeast corner of Lot 4, Block 3, North Mill Creek Plat Bountiful Townsite Survey, in the City of Bountiful, and running thence South 89°45'30" West 225.36 feet along the North line of a street; thence North 0°07' East 132.0 feet parallel to the West line of 200 West Street; thence North 89°45'30" East 73.0 feet; thence South 0°07' West 14.0 feet; thence North 89°45'30" East 152.48 feet to the West line of said 200 West Street; thence South 0°07' West 118.0 feet along said street to the point of BEGINNING.

FILED 1971 NOV 9 314

Location Code: U

Lessee: Titus Foods, Inc.

Lessor: William K. Olson
Barbara L. Olson

Lease Date: April 30, 1977

Legal Description:

BEGINNING on the North line of a Highway 53.0 feet Northerly from the center line thereof, at it's intersection with the Westerly right of way line of the former Bamberger Railroad, at a point 1947.29 feet North, more or less, and 1164.7 feet East, more or less, from the South Quarter corner of Section 36, Township 2 North, Range 1 West, Salt Lake Meridian, in the City of Woods Cross, which point is North $89^{\circ}52'$ West 246.02 feet along the center line of said Highway and North $0^{\circ}08'$ East 53.0 feet from a monument at the center line intersection of said Highway and of Highway 91; and running thence South $89^{\circ}52'$ East 219.95 feet along the North line of said Highway to the West line of Highway 91; thence North $31^{\circ}12'33''$ East 31.13 feet along the West line of Highway 91 to the point of tangency with a 30.0 foot radius curve to the left; thence Northeasterly and Westerly 63.61 feet along the arc of said curve; thence South $89^{\circ}52'16''$ West 192.75 feet to the Westerly Right of Way line of said former Railroad at a point 307.77 feet perpendicularly Northerly from the center line of a Highway opposite Engineer's Station 28+88.45, which point is also 285.33 feet North $26^{\circ}53'33''$ East of the point of beginning; thence North $26^{\circ}53'33''$ East 61.2 feet; thence South $89^{\circ}29'50''$ West 124.98 feet; to a point due North of the Southeast corner of Lot 9, said Section 36; thence South 251 feet, more or less, to the Westerly Right of Way line of said former Railroad; thence South $26^{\circ}53'33''$ West 68.74 feet to the point of BEGINNING.

1997/6162 REC-312

Location Code: V

Lessee: Titus Foods, Inc.

Lessor: Maureen Johnson
John H. Field
R. Ann Field

Lease Date: August 3, 1982

Legal Description:

BEGINNING on the North line of Gentile Street, North $89^{\circ}10'55''$ West 74.58 feet along said street from an angle corner of the property conveyed to the Board of Education of Davis County School District, by Warranty Deed, recorded April 9, 1965, in Book 314 at page 478 which point is North $0^{\circ}49'$ East 33.0 feet and North $89^{\circ}10'55''$ West 302.43 feet along said street from the South Quarter corner of Section 21, Township 4 North, Range 1 West, Salt Lake Meridian, in the City of Layton, and running thence South $89^{\circ}10'55''$ East 165 feet along said street; thence North $0^{\circ}49'$ East 175.45 feet; thence North $89^{\circ}25'24''$ West 125 feet; thence South $0^{\circ}49'$ West 175.45 feet to the point of BEGINNING.

~~BOOK 314 PAGE 319~~

Location Code: W

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at a point 1024.98 feet South 0°08' West along the Quarter Section line and North 89°58' West 662.35 feet and South 0°02' West 125.2 feet from the Northeast corner of the Southwest Quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Meridian, in the City of Clearfield, and running thence North 89°58' West 248.07 feet, more or less, to the Easterly line of a Highway; thence South 41°24' East 166.79 feet, more or less, along the Easterly line of said Highway to the North line of a street; thence South 89°58' East 138.11 feet, more or less, along said street to a point due South of the point of beginning; thence North 125.08 feet, more or less, to the point of BEGINNING.

REC-2919-114

CACHE COUNTY

Location Code: AA

Lessee: Titus Foods, Inc.

Lessor: Dee's, Inc.

Lease Date: August 3, 1982

Legal Description:

BEGINNING at a point North 46.36 feet along the monument line of Main Street and South 89°52'12" East 61 feet from monument in intersection of Main Street and 200 North Street, Logan, Utah, and running thence South 89°52'12" East 165.307 feet to a point 0.3 feet West of an existing 4 foot high chain link fence; thence North 176.183 feet, more or less parallel to said fence and along a 5 foot high cinder block wall to the North of said fence to a point 0.4 feet South of a 5 foot high cinder block wall; thence North 89°52'12" West 165.31 feet, more or less, parallel to said wall and along South wall of existing motel structure; thence South 176.18 feet to the point of BEGINNING.

20061102 REC-315

EXHIBIT A
PERMITTED ENCUMBRANCES

Location Code: A

THE FOLLOWING EXCEPTIONS AFFECT TRACT "A":

Taxes for the year 1989 now a lien, not yet due. Sidwell
No. 08-35-457-003-0000 and Sidwell No. 08-35-457-004-0000.

2018-01-29 14:29:19

Location Code: D

THE FOLLOWING EXCEPTIONS AFFECT TRACT "D":

Taxes for the year 1989 now a lien, not yet due.

A Special Assessment for concrete replacement, Extension No. 0003756, assessed August 12, 1986, in the amount of \$1,543.61, payable in five (5) equal annual installments of \$308.72 each; interest paid to September 2, 1988; balance of principal \$917.24, plus interest.

A Special Assessment for concrete replacement, Extension No. 0003768, assessed August 12, 1986, in the amount of \$408.53, payable in five (5) equal annual installments of \$81.70 each; interest paid to September 7, 1988; balance of principal \$245.13, plus interest.

(Affects Parcel No. 4 of Tract "D")
Reservation contained in that certain Assignment and Assumption Agreement recorded August 13, 1982, as Entry No. 3702197 in Book 5402 at page 2382 of Official Records, which recite as follows:

"Dee's Inc. specifically retains the billboard sign presently located on the premises, together with a right of ingress and egress over the premises covered by the Lease to maintain, remodel or dismantle and sign."

334(162) REC-317

Location Code: G

THE FOLLOWING EXCEPTIONS AFFECT TRACT "G":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 21-18-226-002-0000.

Said property is included within the boundaries of Kearns Improvement District, for the purpose of supplying water and sewage facilities to said District. For current status of the account call: 968-1011.

Permanent easements for sewage treatment and disposal plant and system (exact location not disclosed) as set forth in that certain Conveyance recorded October 17, 1949 as Entry No. 1174665 in book 713 at page 625 of Official Records, executed by Kearns Town Site Inc., a Corporation of New York, to the Kearns Sewage Disposal Company, Inc., a Corporation of the State of Utah.

Permanent easement for a water distribution facilities and storage system (exact location not disclosed) as set forth in that certain Conveyance recorded October 21, 1949 as Entry No. 1175268 in Book 715 at page 89 of Official Records, executed by Kearns Town Site, Inc., a Corporation of New York, to Kearns Water Distributing Company, a Corporation of the State of Utah.

The terms, agreements, conditions and covenants as contained in that certain agreement, relating to the parking of motor vehicles, etc., recorded January 31, 1957 as Entry No. 1523788 in Book 1386 at page 240 of Official Records, executed by and between Kearns Centre, Inc., a Utah Corporation, Kearns Centre, Inc., -"A", a Utah Corporation, and Kearns Centre, Inc., -"B", a Utah Corporation, and C. J. Call and Eileen Call, his wife, and Louis H. Callister and Geraldine Callister, his wife.

A Deed of Trust given to secure the amount of \$80,000.00 and any other amounts payable under the terms thereof, dated May 5, 1972 and recorded June 20, 1972 as Entry No. 2464611 in Book 3091 at page 186 of Official Records,
TRUSTOR : Robert V. McCullough and Margaret S. McCullough
TRUSTEE : Valley Bank and Trust Company
BENEFICIARY: VALLEY BANK AND TRUST COMPANY.

A Request for Notice recorded January 27, 1984 as Entry No. 3897458 in Book 5526 at page 1011 of Official Records, wherein Notice of any Default or Sale under the instrument referred to in Exception No. 22 herein be mailed to: Doe's, Inc., at 777 East 2100 South, Salt Lake City, Utah 84106.

ENCLOSURE 318

Location Code: H

THE FOLLOWING EXCEPTIONS AFFECT TRACT "H":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 28-07-226-045-0000 and Sidwell No. 28-07-226-048-0000.

Said property is included within the boundaries of Sandy Suburban Improvement District and is subject to the charges and assessments thereof. For current status of the account call 561-7662.

Said property is included within the incorporated city limits of Sandy City, a municipal corporation of the State of Utah, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 566-1561.

A right of way and easement twenty feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes, and other gas transmission and distribution facilities (hereinafter collectively called "facilities") through and across the following described land and premises in the Country of Salt Lake, State of Utah, to-wit:

The land of the Grantors located in the Northeast Quarter of the Northeast quarter of Section 7, Township 3 South, Range 1 East, Salt Lake Base and Meridian.

The center line of said right of way and easement shall extend through and across the above described land and premises as follows, to-wit:

Beginning at a point 8.111 feet North and 244.889 feet West from the Northeast Corner of said Section 7, thence South 0°21'30" East 305 feet.

As granted to Mountain Fuel Supply Company, its successors and assigns by Right of Way and Easement Grant, dated December 21, 1976, recorded January 24, 1977 as Entry No. 2901183 in book 4441 at page 585 of Official Records. (See record for further recitals)

2017-02-16 10:31:31

Location Code: H

THE FOLLOWING EXCEPTIONS AFFECT TRACT "H" CONTINUED:

A right of way and easement for ingress and egress and public utilities over, and across the West 20 feet, and the South 20 feet of the West 35 feet, and public utilities over the South 20 feet of the following described property:

BEGINNING at point on the West right of way line of 700 East Street, said point being South 0°21'30" East 338.005 feet along the 700 East Street Monument Line and North 89°27'05" West 33.004 feet from a monument at the Intersection of 9400 South Street and 700 East Street, said monument being North 29°33'10" West 44.81 feet from the Northeast corner of Section 7, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 89°27'05" West 200.00 feet; thence North 0°21'30" West 305.00 feet, to the Southerly right of way line of 9400 South Street; thence South 89°27'05" East along said right of way line 50.00 feet; thence South 0°21'30" East 150.00 feet; thence South 89°27'05" East 150.0 feet to the West line of 700 East Street; thence South 0°21'30" East along said West line 155.0 feet to the point of BEGINNING.

As granted to Union Square Property Owners, a Utah Non-Profit Corporation by Quit-Claim Deed dated June 24, 1980, recorded June 26, 1980 as Entry No. 3447876 of Official Records.

A Deed of Trust given to secure the amount of \$169,900.00 and any other amounts payable under the terms thereof, dated June 1, 1980 and recorded June 26, 1980 as Entry No. 3447880 in Book 5116 at page 1191 of Official Records,
TRUSTOR : Dee's, Inc., a Utah Corporation
TRUSTEE : Security Title Company
BENEFICIARY: GLEN B. MINER, Trustee as to an undivided 1/2 interest and CAROLINE E. MINER, Trustee, as to an undivided 1/2 interest.

A Right of Way and Easement 12.0 feet in width to lay, maintain, operate, repair, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities (hereinafter collectively called ("facilities")) through and across the following described land and premises situated in Salt Lake County, State of Utah, to-wit:

Land of the Grantor located in the Northeast quarter of the Northeast quarter of Section 7, Township 3 South, Range 1 East, Salt Lake Base and Meridian,

The center line of said right of way and easement shall extend through and across the above described land and premises as follows; to-wit:

Beginning at a point South 279.82 feet and West 233.09 feet from the Northeast corner of said Section 7, said point being on an existing Mountain Fuel Supply Co. 20.00 foot Right of Way, thence North 89°38'30" East 35.00 feet.

As granted to Mountain Fuel Supply Company, its successors and assigns, by Right of Way and Easement Grant recorded November 14, 1980 as Entry No. 3503181 in Book 5178 at page 142A of Official Records (See record for further recitals)

SALT LAKE COUNTY REC-328

Location Code: L

THE FOLLOWING EXCEPTIONS AFFECT TRACT "L":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 16-06-151-016-0000, (1988 taxes paid \$11,648.91).

A Special Assessment for street lighting, Extension No. 0000371, assessed November 30, 1987, in the amount of \$2,050.29, payable in five (5) equal annual installments of \$410.06 each; interest paid to November 30, 1988; balance of principal \$1,230.17, plus interest,

PGC 2915705

Location Code: M

THE FOLLOWING EXCEPTIONS AFFECT TRACT "M":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 15-34-452-009-0000, (1988 taxes paid \$2,003.97) and Sidwell No. 15-34-452-010-0000, (1988 taxes paid \$595.69).

Said property is included within the boundaries of Granger-Hunter Improvement District, for the purpose of supplying water and sewage facilities to said District. For current status of the account call: 968-3551.

Said property is included within the incorporated city limits of West Valley City, a municipal corporation of the State of Utah, and is subject to any special assessment for improvements or services as may be therein provided. For information and status on accounts call: 974-5501.

Recitals contained in the Deed from Carol A. Todd, aka Carol A. Peters Todd Wineriter to Salt Lake County, covering property abutting on the South, dated December 27, 1964, recorded February 8, 1965 as Entry No. 2058605 in Book 2290 at page 139 of Official Records, as follows:

To enable the Grantee to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Grantor hereby release and relinquish to the Grantee any and all rights or easements appurtenant to the Grantors remaining property by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all right of ingress to or egress from the Grantors remaining property contiguous to the lands hereby conveyed, to or from said highway.

An Easement upon part of an entire tract of property in the SW 1/4 SE 1/4 of Section 34, Township 1 South, Range 1 West, Salt Lake Base and Meridian, in Salt Lake County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of an expressway known as Project No. 0141.

Said part of an entire tract is a parcel of land, 20.0 feet wide and adjoining Northerly the Northerly limited-access line of said project. The boundaries of said parcel of land are described as follows:

FILED 1989 FEB 27 1989

Location Code: M

THE FOLLOWING EXCEPTIONS AFFECT TRACT "M" CONTINUED:

Beginning at the Northeast corner of said entire tract of property, which point is 141.9 feet North $0^{\circ}12'$ West and 470.71 feet North $89^{\circ}48'$ East from the South Quarter Corner of said Section 34; thence South $2^{\circ}46'$ West 12 feet, more or less to said limited access line; thence South $78^{\circ}01'14''$ West 317 feet, more or less, to a point opposite Engineer Station 3+20; thence North $11^{\circ}58'46''$ West 20.0 feet; thence North $78^{\circ}01'14''$ East 275 feet, more or less, to the Northerly boundary line of said entire tract of property; thence North $89^{\circ}48'$ East 45 feet, more or less, to the point of Beginning.

As granted to Salt Lake County by Easement dated December 17, 1964 and recorded February 8, 1965 as Entry No. 2059606 in book 2290 at page 140 of Official Records.

A Right of Way and Easement for the purpose of digging a trench along said Right of Way, and to lay, maintain, operate, repair, remove or replace the pipe line for transportation through and across the Grantor's land and premises in Salt Lake County, State of Utah, and located in:

Commencing North $0^{\circ}12'$ West 41.9 feet North and $89^{\circ}53'$ East 2 rods from the South Quarter Corner of Section 34, Township 1 South, Range 1 West, Salt Lake Meridian; thence North $0^{\circ}12'$ West 100 feet; thence North $89^{\circ}48'$ East 470.71 feet; thence South $2^{\circ}46'$ West 54.65 feet; thence South $87^{\circ}28'30''$ West 197.3 feet; thence South $68^{\circ}08'30''$ West 104.2 feet; thence North $89^{\circ}51'30''$ West 173.9 feet to beginning.

the center line of said pipe shall extend through and across the above land and premises on a line described approximately as follows:

Crossing from East line to a point on the South line,

As granted to the Taylorsville Bennion Sewer District by Right of Way Agreement dated March 13, 1958, recorded January 15, 1969 as Entry No. 2273721 in Book 2722 at page 515 of Official Records.

BOOK 2014-109-329

Location Code: M

THE FOLLOWING EXCEPTIONS AFFECT TRACT "M" CONTINUED:

A Perpetual Easement, upon part of an entire tract of property, in the SW1/4 SW1/4 of Section 34, Township 1 South, Range 1 West, Salt Lake Base and Meridian, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof incident to the construction of a highway known as Project No. 0136.

Said part of an entire tract is a parcel of land 10 feet wide adjoining easterly the east right of way line of said project. The boundaries of said parcel are described as follows:

BEGINNING at a point on said East right of way line, said point being approximately North 0°12'00" West 172.3 feet and North 89°53'00" East 53 feet from the South Quarter Corner of said Section 34; thence Northerly 450.0 feet along said East right of way line; thence Easterly 10.0 feet; thence Southerly 450.0 feet; parallel to said East right of way line; thence Westerly 10.0 feet to the point of BEGINNING.

It is further agreed that the Grantee shall have the right to construct any necessary fences along either side line of the above described strip of land, during the construction period of said project, and the Grantor, by consent to the Department of Highways, shall have the right to lessen but not to increase the vertical distance of grade of said slopes.

As granted to the State Road Commission of Utah by Easements recorded November 23, 1973 as Entry No. 2583888, 2583889, 2583890, 2583891 and 2583892 of Official Records, each instrument conveying an undivided interest.

A Perpetual Easement in the Southwest Quarter of the Southeast Quarter of Section 34, Township 1 South, Range 1 West, Salt Lake Base and Meridian, for the purpose of constructing and maintaining thereon a traffic signal pole and appurtenant parts on the following described tract of land:

BEGINNING at the intersection of the northerly right of way line of 4100 South Street and the Easterly right of way line of Redwood Road, which point is 60 feet North 0°12' West and 53 feet North 89°53' East from the South Quarter corner of said Section 34; thence North 0°01'15" West 6.0 feet; thence South 89°56'15" East 6.0 feet; thence South 0°01'15" East 6 feet, more or less, to the Northerly right of way line of 4100 South Street; thence Westerly 6 feet, more or less, along said Northerly right of way line to the point of BEGINNING.

Granted to Utah Department of Transportation by instrument dated August 10, 1983 and recorded September 9, 1983 as Entry No. 3841770 in Book 5489 at page 1383 of Official Records.

REC-24-297-1001

Location Code: M

THE FOLLOWING EXCEPTIONS AFFECT TRACT "M" CONTINUED:

A Perpetual Easement in the Southwest quarter of the Southeast Quarter of Section 34, Township 1 South, Range 1 West, Salt Lake Base and Meridian, for the purpose of constructing and maintaining thereon a traffic signal pole and appurtenant parts on the following described tract of land:

BEGINNING at the intersection of the Northerly right of way line of 4100 South Street and the Easterly right of way line of Redwood Road, which point is 60 feet North 0°12' West and 53 feet North 89°53' East from the South Quarter Corner of said Section 34; thence North 0°01'15" West 6.0 feet; thence South 89°56'15" East 6.0 feet; thence South 0°01'15" East 6 feet, more or less, to the Northerly right of way line of 4100 South Street; thence Westerly 6 feet, more or less, along said Northerly right of way line to the point of BEGINNING.

Granted to Utah Department of Transportation by instrument dated August 10, 1983 and recorded September 9, 1983 as Entry No. 3841771 in Book 5489 at page 1385 of Official Records.

Notice of Adoption of Redevelopment Plan Entitled "C.B.D. Neighborhood Development Plan and dated May 1, 1982", recorded November 28, 1984 as Entry No. 4020604 in Book 5609 at page 1953 of Official Records.

A Financing Statement disclosing a security interest and recorded January 31, 1983 as Entry No. 3754379 in Book 5435 at page 452 of Official Records, and executed by: Scott M. Waldron, Barbara F. Waldron, Dean R. Lindsay and Joan B. Lindsay in favor of: NORTH AMERICAN FINANCIAL CORP.

An amendment to said Financing Statement was recorded July 20, 1983 as Entry No. 3820681 in Book 5476 at page 893 of Official Records, whereby Titus Foods Incorporated was added as an additional debtor.

2007-11-02 10:32 AM

Location Code: N

THE FOLLOWING EXCEPTIONS AFFECT TRACT "N":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 22-17-176-001-0000, (1988 taxes paid \$3,173.89). and Part of Sidwell No. 22-17-154-012-0000, (1988 taxes paid \$7,123.78).

Said property is included within the boundaries of Salt Lake County Cottonwood Sanitary District and is subject to the charges and assessments thereof. For current status of the account call 943-7671.

Said property is included within the incorporated city limits of Murray City, a municipal corporation of the State of Utah, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 264-2647.

A right of way for 5600 South street and for 900 East street as to the Northerly and Easterly portions of said property.

An 8 foot easement for a canal.

A Lease and Option to Purchase, dated October 14, 1960, executed by Earl E. Howe and Vivian Howe, his wife, and John O. Howe and Maxine Howe, his wife, as Lessor and Valley Shopping Center as Lessee, from the 15th day of October, 1960, to the 15th day of October, 2010, upon the terms, conditions and covenants therein provided, recorded October 31, 1960 as Entry No. 1744315 in Book 1754 at page 25 of Official Records.

The interest of Valley Shopping Center in said lease was assigned to South Lake Shopping Center by Assignment recorded November 14, 1960 as Entry No. 1746187 in Book 1757 at page 113 of Official Records.

The interest of South Lake Shopping Center was conveyed to Professional Maninvest Inc., Trustee, by Quit Claim Deed dated June 22, 1976, recorded June 23, 1976 as Entry No. 2827624 in Book 4243 at page 395 of Official Records, for the purpose of winding down the affairs of South Lake Shopping Center, a corporation which was dissolved December 23, 1971.

2025-10-23 10:23:23

Location Code: N

THE FOLLOWING EXCEPTIONS AFFECT TRACT "N" CONTINUED:

(Affects the South 30 feet and the West 30 feet of Tract "N")

An unrecorded Lease dated April 16, 1986 by and between Professional Manivest Inv., a Utah corporation as Landlord and Paul C. Adamson, dba Paul's Buyway, as Tenant as disclosed by that certain Addendum to Lease recorded April 1, 1987 as Entry No. 4428903 in Book 5897 at page 1867 of Official Records.

The terms and conditions of that certain Addendum to Lease recorded April 1, 1987 as Entry No. 4428903 in Book 5897 at page 1867 of Official Records.

A Leasehold Deed of Trust given to secure the amount of \$170,000.00 and any other amounts payable under the terms thereof, dated March 31, 1987 and recorded April 1, 1987 as Entry No. 4428902 in Book 5897 at page 1831 of Official Records,

TRUSTOR : Paul C. Adamson dba Paul's Buyway,
TRUSTEE : David R. Olson, Esq.,
BENEFICIARY : FLEMING FOODS WEST, INC., a California corporation.

A Perpetual easement, upon a part of an entire tract of property, in the SE 1/4 NW 1/4 of Section 17, Township 2 South, Range 1 East, Salt Lake Base and Meridian, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a traffic signal pole and appurtenant parts thereof incident to the construction of a traffic safety project known as Project No. 1043.

Said part of an entire tract is described as follows:

Beginning on the existing Westerly right of way line of 900 East Street at a point 1714.02 feet East and 1352.75 feet South from the Northwest Corner of said Section 17, thence West 22.6 feet; thence South 6.0 feet; thence East 22.6 feet; thence North 6.0 feet, along said right of way line to the point of beginning.

as granted to the Utah Department of Transportation by Easement recorded February 4, 1980 as Entry No. 3395719 in Book 5040 at page 54 of Official Records.

(Affects this and other property)

An Assignment of Leases for Security given to secure payment of a promissory Note in the amount of \$488,000.00, and any other amounts payable under the terms thereof, dated May 21, 1982 and recorded June 16, 1982 as Entry No. 3584642 in Book 5384 at page 34 of Official Records, executed by Professional Manivest Inc. and Manivest Corporation, in favor of VALLEY BANK AND TRUST COMPANY.

4428902 REC 327

Location Code: N

THE FOLLOWING EXCEPTIONS AFFECT TRACT "N" CONTINUED:

A Financing Statement disclosing a security interest and recorded January 31, 1983 as Entry No. 3754373 in Book 5435 at page 448 of Official Records, and executed by: Scott M. Waldron and Barbara F. Waldron and Dean R. Lindsay and Joan B. Lindsay in favor of: NORTH AMERICAN FINANCIAL CORP.

Amendment to said Financing Statement whereas Titus Foods Incorporated was added as an additional debtor, recorded July 20, 1983 as Entry No. 3820679 in Book 5476 at page 890 of Official Records.

An action pending in the Third Judicial District Court, in and for the County of Salt Lake, State of Utah, filed November 22, 1988 as Case No. 88-907595PR, for the purpose of:

1. Declaratory relief ordering that a Lease in which the defendants claim an interest has been terminated;
2. Relief requiring the defendants to vacate the real property described herein and ordering that possession of said real property be awarded to plaintiffs; and
3. Various other relief, including, but not limited to recovery of rents.

PLAINTIFFS: John. O. Howe, Trustee, Robert E. Howe and Bonnie F. Howe, husband and wife; William K. Evans and Carole H. Evans, husband and wife, as Trustee; and Judith H. Steenblik,

DEFENDANTS: PROFESSIONAL MANIVEST INC., a Utah Corporation; PROFESSIONAL MANIVEST, INC., a Utah Corporation, as Trustee; MANIVEST CORPORATION, a Utah Corporation and JOHN DOES 1 through 10.

Lis Pendens in said action was recorded November 22, 1988 as Entry No. 4705165 in Book 6083 at page 1435 of Official Records. Recorded by Michael R. Carlston, Attorney for Plaintiff.

PL 6162-44-328

Location Code: 0

THE FOLLOWING EXCEPTIONS AFFECT TRACT "O":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 27-01-251-021-0000, (1988 taxes paid \$3,453.56), and Part of Sidwell No. 27-01-251-020-0000, (1988 taxes paid \$2,207.31).

Said property is included within the incorporated city limits of Sandy City, a municipal corporation of the State of Utah, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 566-1561.

Said property is included within the boundaries of Sandy Suburban Improvement District and is subject to the charges and assessments thereof. For current status of the account call 561-7662.

A right of way over the East 25.00 feet of said property, as recited in various instruments of record.

Easement for public utilities, sewer, drainage and incidental purposes over the East 10 feet, of said property, as shown on the recorded plat.

BOOK 6162 PAGE 329

Location Code: P

THE FOLLOWING EXCEPTIONS AFFECT TRACT "P":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 27-27-376-047-0000, (1988 taxes paid \$371.56), Sidwell No. 27-27-376-036-0000, (1988 taxes delinquent), Sidwell No. 27-27-376-037-0000, (1988 taxes paid \$106.06), Sidwell No. 27-27-376-038-0000, (1988 taxes paid \$106.06), Sidwell No. 27-27-376-039-0000, (1988 taxes paid \$106.06), and Sidwell No. 27-27-376-040-0000, (1988 taxes delinquent).

Said property is included within the boundaries of Salt Lake County Sewerage Improvement District No. 1 and is subject to the charges and assessments thereof. For current status of the account call 571-1166.

Said property is included within the boundaries of the East Riverton Drainage District, and is subject to the charges and assessments thereof.

Said property is included within the incorporated city limits of Riverton City, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 572-6660.

(Affects Parcel 6 Plat "P")

A right-of-way easement and the right to construct, operate, maintain and remove communication and other facilities upon, over, under and across the following land:

An easement six (6) feet in width described by a center line with three (3) feet on each side as follows:

COMMENCING West 56 feet and North 386 feet from the South Quarter corner of Section 27, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence South 80 feet; thence West 132 feet; thence South 47 feet.

Granted to Mountain States Telephone and Telegraph Company by instrument dated August 24, 1984 and recorded August 30, 1984 as Entry No. 3987323 in Book 5586 at page 1291 of Official Records.

(Affects Parcel 4 Tract "P")

A right-of-way easement and the right to construct, operate, maintain and remove communication and other facilities upon, over, under, and across the following described land:

An easement six (6) feet in width described by a centerline with three (3) feet on each side as follows:

COMMENCING North 198.36 feet from the South Quarter corner of Section 27, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence West 25 feet to end.

Granted to Mountain States Telephone and Telegraph Company by instrument dated May 10, 1989 and recorded June 26, 1989 as Entry No. 4792204 in Book 8138 at page 1130 of Official Records.

Book 6162 page 330

Location Code: Q

THE FOLLOWING EXCEPTIONS AFFECT TRACT "Q":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 15-22-126-024-0000, Sidwell No. 15-22-126-025-0000, and Sidwell No. 15-22-126-026-0000.

Said property is included within the boundaries of Granger-Hunter Improvement District, for the purpose of supplying water and sewage facilities to said District. For current status of the account call: 968-3551.

Said property is included within the incorporated city limits of West Valley City, a municipal corporation of the State of Utah, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 974-6501.

A perpetual easement and right of way for electric transmission, distribution and telephone circuits and 1 guy anchor, 3 poles to be erected and maintained upon and across said property, as granted to Utah Power & Light Company, a corporation, its successors in interest and assigns, by Pole Line Easement recorded May 17, 1945 as Entry No. 1001271 in Book 423 at page 261 of Official Records, along a line described as follows:

Beginning at the West fence line of 1700 West Street at a point 325 feet South and 700 feet West, more or less, from the North quarter corner of Section 22, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running

thence North $38^{\circ}29'$ West 198 feet; thence South $39^{\circ}41'$ West 1102 feet to a fence on the West boundary of said land.

Said easements includes the following statement:

"Grantee shall at its own expense relocate the above line to some other convenient location on Grantor's premises to avoid interference with any construction proposed to be made on the premises by Grantor, upon receipt of thirty days written notice from Grantors requesting said change."

A Right of Way Easement and the right to construct, operate, maintain and remove such communication and other facilities, from time to time, as said Grantee may require upon, over, under and across the following described land which the Grantor owns or in which the Grantor has any interest, to-wit:

Commencing South 46.12 feet and West 229.42 feet from North Quarter Corner of Section 22, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence South $02^{\circ}13'$ East 125 feet; thence East 5 feet; thence North $02^{\circ}13'$ West 125 feet; thence West 5 feet to beginning.

As granted to The Mountain States Telephone and Telegraph Company, its successors and assigns, by Right of Way Easement recorded November 2, 1981 as Entry No. 3619286 in Book 5308 at page 678 of Official Records.

ENCLOSURE 324

Location Code: R

THE FOLLOWING EXCEPTIONS AFFECT TRACT "R":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 16-28-353-001-0000, (1988 taxes paid \$4,715.27).

Said property is included within the boundaries of Salt Lake Suburban Sanitary District No. 1 and is subject to the charges and assessments thereof. For current status of the account call 262-2904.

(Affects the South line of said property)

The property description contained in that certain Warranty deed executed by George Z. Aposhian and Catharine W. Aposhian, his wife, in favor of Aposhian Enterprises, a Utah Corporation, recorded December 30, 1968 as Entry No. 2271912 in Book 2718 at page 510 of Official Records, overlaps and conflicts with the property described herein by approximately 0.8 feet.

Reservation contained in that certain Assignment and Assumption Agreement recorded August 13, 1982 as Entry No. 3702227 in Book 5402 at page 2754 of Official Records, which recites as follows:

"Dee's, Inc. specifically retains the billboard sign presently located on the premises, together with a right of ingress and egress over the premises covered by the Lease to maintain, remodel or dismantle said sign."

A Financing Statement disclosing a security interest and recorded January 31, 1983 as Entry No. 3754377 in Book 5405 at page 444 of Official Records, and executed by: Scott M. Waldron, Barbara F. Waldron, Dean R. Lindsay and Joan N. Lindsay in favor of: NORTH AMERICAN FINANCIAL CORP.

BOOK 6162 PAGE 332

Location Code: S

THE FOLLOWING EXCEPTIONS AFFECT TRACT "S":

Taxes for the year 1989 now a lien, not yet due. Sidwell No. 14-26-476-008-0000.

Said property is included within the boundaries of Granger-Hunter Improvement District, for the purpose of supplying water and sewage facilities to said District. For current status of the account call: 968-3551.

Said property is included within the incorporated city limits of West Valley City, a municipal corporation of the State of Utah, and is subject to any special assessments for improvements or services as may be therein provided. For information and status on accounts call: 974-5501.

A perpetual easement, upon part of an entire tract of property, in the Southeast Quarter of the Southeast Quarter of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a signal light pole and appurtenant parts thereof incident to a highway safety improvement known as Project No. 1032.

The boundaries of said part of an entire tract are described as follows:

BEGINNING at a point 40.00 feet North 0°09'50" West along the East line of said Section 26 and South 89°59'10" West 53.00 feet from the Southeast corner of said Section 26; thence South 89°59'10" West 10.00 feet; thence North 0°09'50" West 10.00 feet; thence North 89°59'10" East 10.00

feet; thence South 0°09'50" East 10.00 feet to the point of BEGINNING.

As granted to the Utah Department of Transportation, by Easement recorded December 30, 1981 as Entry No. 3635395 in Book 5327 at page 20 of Official Records.

5327-462 REC-333

Location Code: S

THE FOLLOWING EXCEPTIONS AFFECT TRACT "S" CONTINUED:

(Affects Tracts A, D, G, H, L, M, N, O, P, Q, R, S and other property)

A UCC-1 Financing Statement recorded August 13, 1982 as Entry No. 3702232 in Book 5402 at page 2903 of Official Records, executed by Scott M. Waldron, Barbara J. Waldron, Dean R. Lindsay and Joan B. Lindsay, in favor of FIRST SECURITY BANK OF UTAH, N.A.

A continuation of said Financing Statement was recorded June 24, 1987 as Entry No. 4480266 in Book 5933 at page 2361 of Official Records.

(Affects Tracts A, D, G, H, L, M, N, O, P, Q, R, S and other property)

A Financing Statement disclosing a security interest and recorded November 29, 1983 as Entry No. 3874744 in Book 5510 at page 2510 of Official Records, and executed by: Titus Foods, Inc. f/k/a Titus Investment Corp. f/k/a Century Foods, Inc. in favor of: FIRST SECURITY BANK OF UTAH, N.A.

(Affects Tracts A, D, G, H, L, M, N, O, P, Q, R, S and other property)

A Financing Statement disclosing a security interest and recorded November 29, 1983 as Entry No. 3874744 in Book 5510 at page 2551 of Official Records, and executed by: Century Foods Systems, a partnership in favor of: FIRST SECURITY BANK OF UTAH, N.A.

ENCLOSURE 334

Location Code: S

THE FOLLOWING EXCEPTIONS AFFECT TRACT "S" CONTINUED:

(Affects Tracts A, D, H, M, N, O, R, S and other property)
A Leasehold Mortgage, Assignment and Security Agreement given to secure the amount of \$(amount not determined) and any other amounts payable under the terms thereof, dated November 31, 1982 and recorded January 12, 1983 as Entry No. 3748355 in Book 5431 at page 366 of Official Records.

MORTGAGOR : Scott M. Waldron, Barbara J. Waldron, Dean R. Lindsay Trust and the Joan B. Lindsay Trust,
MORTGAGEE : NORTH AMERICAN FINANCIAL CORPORATION.

(Affects Tract O and other property)
A Financing Statement disclosing a security interest and recorded January 31, 1983 as Entry No. 3754374 in Book 5435 at page 417 of Official Records, and executed by: Scott M. Waldron, Barbara F. Waldron, Dean R. Lindsay and Joan B. Lindsay in favor of: NORTH AMERICAN FINANCIAL CORPORATION.

(Affects Tract A, D, H and S)
A Financing Statement disclosing a security interest and recorded January 31, 1983 as Entry No. 3754375 in Book 5435 at page 427 of Official Records, and executed by: Scott M. Waldron, Barbara F. Waldron, Dean R. Lindsay and Joan B. Lindsay in favor of: NORTH AMERICAN FINANCIAL CORP.

(Affects Tract "D")
A continuation of said Financing Statement was recorded July 20, 1983 as Entry No. 3820680 in Book 5476 at page 891 of Official Records.

(Affects Tracts A, D, H and S)
Real Property Waiver recorded January 31, 1983 as Entry No. 3754779 in Book 5435 at page 1188 of Official Records, executed by Dee's Inc., in favor of North American Financial Corporation, and subject to the terms and conditions of said instrument.

(Affects Tracts A, D, H, M, N, O, R, S and other property)
Real Property Waiver recorded January 31, 1983 as Entry No. 3754780 in Book 5435 at page 1193 of Official Records, executed by Dean R. Lindsay Trust and Joan B. Lindsay Trust, in favor of North American Financial Corporation and subject to the terms and conditions of said instrument.

(Affects Tract O)
Real Property Waiver recorded January 31, 1983 as Entry No. 3754781 in Book 5435 at page 1208 of Official Records, executed by Anderson Investment Corporation, in favor of North American Financial Corporation and subject to the terms and conditions of said instrument.

(Affects Tract "N")
Real Property Waiver recorded January 31, 1983 as Entry No. 3754783 in Book 5435 at page 1211 of Official Records, executed by Professional Maninvest, Inc., in favor of North American Financial Corporation and subject to the terms and conditions of said instrument.

2016162 285

Location Code: S

THE FOLLOWING EXCEPTIONS AFFECT TRACT "S" CONTINUED:

(Affects Tracts A, D, H, M, N, O, R, S and other property)
Real Property Waiver recorded January 31, 1983 as Entry No. 3754784 in Book 5435 at page 1213 of Official Records, executed by First Security Bank, in favor of North American Financial Corporation and subject to the terms and conditions of said instrument.

(Affects Tracts A, D, G, H, L, M, N, O, P, Q, R, S and other property)
A Indenture of Mortgage, Deed of Trust, Security Agreement and Fixture Financing Mortgage given to secure the amount of \$3,000,000.00 and any other amounts payable under the terms thereof, dated August 7, 1987 and recorded August 12, 1987 as Entry No. 4506399 in Book 5950 at page 2905 of Official Records.

MORTGAGOR : Titus Foods, Inc., a Utah Corporation,
MORTGAGEE : TERRATRON, INC., a Wisconsin corporation.

(Affects Tracts A, D, G, H, L, M, N, O, P, Q, R, S and other property)
The effect of those certain Warranty Deeds all of which are dated August 3, 1982, and executed by Dee's, Inc., a Utah Corporation, as Grantor, to Scott M. Waldron, as Grantee, all of which were recorded August 13, 1982 as follows:

<u>ENTRY NO.</u>	<u>TRACT</u>	<u>ENTRY NO.</u>	<u>TRACT</u>
3702191	"A"	3702224	"P"
3702198	"D": all parcels	3702226	"Q"
3702204	"G"	3702228	"R"
3702206	"H"	3702230	"S"
3702213	"L"	620857	"T"
3702215	"M"	620860	"U"
3702217	"N"	620864	"W"
3702219	"O"		

all of which Warranty Deeds convey and warrant to Grantee "all of the buildings, structures, parking surfaces and other improvements related to the food service drive-in business located on the land described in Exhibit A" attached to each Deed "expressly reserving unto grantor and the fee title owner all right, title and interest in and to said land and ground."

The interest of Scott M. Waldron has since passed to Century Foods, Inc., now known as Titus Foods, Incorporated by Special Warranty Deed Entry No. 3702233, in Book 5402 at page 2947 of official records and by Special Warranty Deed Entry No. 4065449 in Book 5639 at page 2198 of official records.

822-342919

Location Code: T

THE FOLLOWING EXCEPTIONS AFFECT TRACT "T":

Taxes for the year 1989 now a lien, not yet due.
Taxes for the year 1988 have been paid in the amount of \$3,753.12, Serial No. 03-025-0075; and in the amount of \$679.97, Serial No. 03-025-0076.

Said property is included within the boundaries of Weber Basin Water Conservancy District and is subject to the charges and assessments thereof.

Subject property is within the bounds of the C. B. D. Neighborhood Development Plan and subject to any charges or assessments thereof, dated April 22, 1981 and recorded

November 28, 1984 as Entry No. 688677 in Book 1014 at page 736 of official records.

Easement granted to Bountiful, a Municipal Corporation, by instrument recorded June 19, 1987 as Entry No. 791010 in Book 1175 at page 212 of official records and recorded as Entry No. 791461 in Book 1175 at page 223 of official records, described as follows: (Affect's the South 5 feet)

A Financing Statement executed by Century Foods Systems, a partnership, in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658940 in Book 970 at page 352 of official records.

A Financing Statement executed by Titus Foods, Inc., fka Titus Investment Corp., fka Century Foods, Inc., in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658941 in Book 970 at page 375 of official records.

Indenture of Mortgage, Deed of Trust, Security Agreement and Fixture Financing Statement, dated August 7, 1987 by and between Titus Foods, Inc., as Mortgagor, Debtor, Trustor, and/or Assignor, and Terratron, Inc., a Wisconsin Corp., as Lender, in the amount of \$3,000,000.00, recorded August 12, 1987 as Entry No. 797814 in Book 1187 at page 236 of official records.

BOOK 6162 PAGE 337

Location Code: U

THE FOLLOWING EXCEPTIONS AFFECT TRACT "U":

Taxes for the year 1989 now a lien, not yet due.

Taxes for the year 1988 have been paid in the amount of \$165.08 as to part of Serial No. 06-095-0027; \$4,095.99 as to part of Serial No. 06-095-0031; and \$1,568.49 as to Part of Serial No. 06-095-0025.

Said property is included within the boundaries of Weber Basin Water Conservancy District, South Davis County Water Improvement District, South Davis County Sewer District and is subject to assessments by said Districts.

The right to relocate and reconstruct within said property and outside the limits of the State Highway right of way along the East line thereof, any irrigation ditches existing within the limits of said right of way; as granted to STATE

ROAD COMMISSION OF UTAH, by Right of Way Deed, recorded December 10, 1934, in Book 1-M, Page 171 of Deeds.

Said property has no access to the Highway along the South line thereof, and no access shall be permitted along the existing Northwesterly right of way line of the existing Highway US-91 for a distance of 50.0 feet Northeasterly from a point opposite US-91 Engineer Station 158+01.27 to point opposite US-91 Engineer Station 158+51.27, as granted to STATE ROAD COMMISSION OF UTAH, Grantee, by Warranty Deed, dated August 16, 1972 and recorded October 30, 1972, as Entry No. 372119 in Book 503 at page 97 of Official Records, and reserved in Quit Claim Deed, recorded August 16, 1972, as Entry No. 368692 in Book 496 at page 153 of Official Records.

The right to use the following described parcel for a slope easement adjoining Northerly the Northerly right of way and limited-access line of a highway known as Project No. NS-29(1) for the purpose of constructing thereon cut and/or fill slopes and necessary drainage ditches and appurtenant parts thereof incident to the grading of the roadway of said project. Said part of an entire tract is described as follows: Beginning in the Northwesterly boundary line of said entire tract, which is also the Southeasterly right of way line of the former Bamberger Railroad at a point 53.0 feet perpendicularly distant Northerly from the Center line of said project opposite Engineer Station 28+34.46, said point is also approximately 1947.12 feet North and 1239.18 feet East from the South Quarter corner of said Section 36; thence South 69°52' East 145.20 feet, to a point in the existing Northwesterly right of way line of Highway US-91 opposite 2500 South Street Engineer Station 29+79.66; thence

BOOK 6162 PAGE 338

Location Code: U

THE FOLLOWING EXCEPTIONS AFFECT TRACT "U" CONTINUED:

North 31°21' East 11.69 feet along said Northwesterly right of way line; thence North 89°52' West 146.22 feet, more or less, to said Northwesterly boundary line; thence South 26°53'33" West 11.20 feet, more or less, along said Northwesterly boundary line to the point of beginning. It is agreed that the grantor, by consent of the Department of Highways, shall have the right to lessen but not to increase the vertical distance or grade of said slopes, however, grantor may erect a retaining wall along the South line of said easement to permit fill along the slope easement without jeopardy to the Highway, as granted to STATE ROAD COMMISSION OF UTAH, Grantee, by Slope Easement, recorded October 30, 1972, as Entry No. 372120 in Book 503 at page 98 of Official Records.

A right of way and easement 12.0 feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities through and across the following described property, the center line of said right of way and easement is described as follows: Beginning at a point located on the North right of way line of 2600 South Street, said point being North 1947.22 feet and East 1196.70 feet from the South Quarter Corner of said Section 36; thence North 00°00'47" West 243.00 feet; thence North 89°59'13" East 58.00 feet, with the right of ingress and egress to and from said right of way to maintain, operate, repair, inspect, protect, remove, and replace the same, the Grantors shall not build or construct nor permit to be built or constructed any building or other improvement over or across said right of way, nor change the contour thereof without written consent of Grantee, as grantee to MOUNTAIN FUEL SUPPLY COMPANY, a Corporation, by Right of Way and Easement Grants, recorded May 7, 1982, as Entry No. 614743 and 614744 in Book 901 at page 785 and 787 of Official Records.

(Affects this and other property)
Leasehold Mortgage, Assignment and Security Agreement dated December 31, 1982, by and between Scott M. Waldron, et al, as Mortgagors, and North American Financial Corporation, disclosing a security interest recorded January 14, 1983 as Entry No. 630836 in Book 927 at page 570 of official records.

Real Property Waiver executed by William K. Olson, et al, recorded January 14, 1983 as Entry No. 630850 in Book 927 at page 657 of official records.

BOOK 6162 PAGE 339

Locatuib Code L:

THE FOLLOWING EXCEPTIONS AFFECT TRACT "U" CONTINUED:

Real Property Waiver executed by First Security Bank recorded January 14, 1983 as Entry No. 630851 in Book 927 at page 659 of official records.

Real Property Waiver executed by Dee's, Inc., recorded January 14, 1983 as Entry No. 630852 in Book 927 at page 662 of official records.

Real Property Waiver executed by D. R. Lindsay & Assoc., etal, recorded January 14, 1983 as Entry No. 630853 in Book 927 at page 665 of official records.

A Financing Statement executed by Scott M. and Barbara Waldron, etal, in favor of North American Financial Corp., disclosing a security intrest, recorded January 19, 1983 as Entry No. 631170 in Book 928 at page 220 of official records.

BOOK 6162 PAGE 340

Location Code: V

THE FOLLOWING EXCEPTIONS AFFECT TRACT "V":

- Taxes for the year 1989 now a lien, not yet due.
- Taxes for the year 1988 have been paid in the amount of \$3,428.27. Serial No. 10-090-0008.
- Said property is included within the boundaries of Weber Basin Water Conservancy District, North Davis County Sewer District and is subject to assessments by said Districts.
- An easement to construct, maintain, operate, repair, remove and replace electric light and power and telephone lines, service meters and appurtenant facilities for the transmission and distribution of electric service through, over, and across said property, including the right from time to time of said Grantee, successor or assigns to cut or trim any tree, vines, or branches, on said premises which interfere with any such wires, cables or attachments, with right of ingress and egress to, from and over the said property for the purpose of this easement as granted to UTAH POWER & LIGHT COMPANY, a corporation, by Easement, recorded January 6, 1958 as Entry No. 173083 in Book 135 at page 491 of Official Records.

(Affects this and other property)
Leasehold Mortgage, Assignment and Security Agreement dated December 31, 1982, by and between Scott M. Waldron, et al, as Mortgagors, and North American Financial Corporation, disclosing a security interest recorded January 14, 1983 as Entry No. 630836 in Book 927 at page 570 of official records.

Real Property Waiver executed by Alvin H. and Maureen Johnson, et al, recorded January 14, 1983 as Entry No. 630849 in Book 927 at page 655 of official records.

Real Property Waiver executed by First Security Bank recorded January 14, 1983 as Entry No. 630851 in Book 927 at page 659 of official records.

ENCLOSURE 341

Location Code: V

THE FOLLOWING EXCEPTIONS AFFECT TRACT "V" CONTINUED:

Real Property Waiver executed by Dee's, Inc., recorded January 14, 1983 as Entry No. 630852 in Book 927 at page 662 of official records.

Real Property Waiver executed by D. R. Lindsay & Assoc., etal, recorded January 14, 1983 as Entry No. 630853 in Book 927 at page 665 of official records.

A Financing Statement executed by Scott M. and Barbara Waldron, etal, in favor of North American Financial Corp., disclosing a security interest, recorded January 19, 1983 as Entry No. 631169 in Book 928 at page 216 of official records and amended by instrument recorded July 7, 1983 in Book 949 at page 529 of official records.

A Financing Statement executed by Century Foods Systems, a partnership, in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658940 in Book 970 at page 362 of official records.

A Financing Statement executed by Titus Foods, Inc., fka Titus Investment Corp., fka Century Foods, Inc., in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658941 in Book 970 at page 375 of official records.

Indenture of Mortgage, Deed of Trust, Security Agreement and Fixture Financing Statement, dated August 7, 1987 by and between Titus Foods, Inc., as Mortgagor, Debtor, Trustor, and/or Assignor, and Terratron, Inc., a Wisconsin Corp., as Lender, in the amount of \$3,000,000.00, recorded August 12, 1987 as Entry No. 797814 in Book 1187 at page 236 of official records.

273-797814-372

Location Code: W

THE FOLLOWING EXCEPTIONS AFFECT TRACT "W":

Taxes for the year 1989 now a lien, not yet due.

Serial No. 12-003-0119.

Said property is included within the boundaries of Weber Basin Water Conservancy District, North Davis County Sewer District and is subject to assessments by said Districts.

Excepting and reserving all coal and other minerals within or underlying said lands, with the reserved rights to prospect for, mine and remove coal or other minerals therefrom, as reserved in the Deed, executed by UNION PACIFIC RAILROAD COMPANY, recorded October 27, 1899, in Book Q, Pages 519-22 of Deeds.

The right to relocate and reconstruct within the limits of said property and outside the limits of the Highway right of way along the West line of said property, all irrigation ditches existing within the limits of the said right of way, and to extend onto said property and outside the limits of the highway right of way, all cut and/or fill slopes made necessary by the grading for sidewalks on said project, as granted to STATE ROAD COMMISSION OF UTAH, by Right of Way, recorded August 16, 1940 in Book 1-S, Page 2 of Deeds.

A Financing Statement executed by Century Foods Systems, a partnership, in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658940 in Book 970 at page 362 of official records.

A Financing Statement executed by Titus Foods, Inc., fka Titus Investment Corp., fka Century Foods, Inc., in favor of First Security Bank of Utah, N.A., disclosing a security interest, recorded December 5, 1983 as Entry No. 658941 in Book 970 at page 375 of official records.

ENC 6162 REC 348

Location Code: T, U, V and W

The following exceptions affect Tracts T, U, V and W:

A UCC-1 Financing Statement recorded August 13, 1982 as Entry No. 620867 in Book 911 at page 574 of Official Records, executed by Scott M. Waldron, Barbara J. Waldron, Dean R. Lindsay and Joan B. Lindsay, in favor of FIRST SECURITY BANK OF UTAH, N.A.

Continuation recorded June 24, 1987 as Entry No. 791461 in Book 1176 at page 40 of Official Records.

The effect of those certain Warranty Deeds all of which are dated August 3, 1982, and executed by Dee's, Inc., a Utah Corporation, as Grantor, to Scott M. Waldron, as Grantee, all of which were recorded August 13, 1982 as follows:

Tract "T": Entry No. 620857
Tract "U": Entry No. 620860
Tract "W": Entry No. 620864

all of which Warranty Deeds convey and warrant to Grantee "all of the buildings, structures, parking surfaces and other improvements related to the 1000 service drive-in business located on the land described in Exhibit A" attached to each Deed "expressly reserving unto grantor and the fee title owner all right, title and interest in and to said land and ground."

Warranty Deed executed by Scott M. Waldron, as Grantor, to Scott M. Waldron, as to a 12% undivided interest as a tenant in common, D. R. Lindsay Associates, a Utah limited partnership, as to a 21% undivided interest as a tenant in common, Dean R. Lindsay and Joan B. Lindsay, as Trustees for Joan B. Lindsay, as to a 33.5% undivided interest, as a tenant in common, and Joan B. Lindsay and Dean R. Lindsay, as trustees for Dean R. Lindsay, as to a 33.5% undivided interest as a tenants in common, as Grantees, recorded as Entry No. 620868.

The effects of that certain Special Warranty Deed recorded April 1, 1985 as Entry No. 698187 in Book 1023 at page 978 of official records, wherein the Grantees shown in Exception No. 95 above, convey to Century Foods, Inc.

Affidavit recorded April 1, 1985 as Entry No. 698191 in Book 1028 at page 998 of official records, which states among other things that Titus Foods., Inc., is the successor-in-interest to all right, title, and interest of Titus Foods., Inc., (FKA Titus Investment Corp.), also that Century Foods, Inc., merged with Titus Foods, Inc.

ENCLOSURE 347

Location Code: AA

THE FOLLOWING EXCEPTIONS AFFECT TRACT "AA":

Taxes for the year 1989 now a lien, not yet due.

Reservations in Patents of Record or in Acts authorizing the issuance thereof; unpatented mining claims, reservations or exceptions, water rights, claims or title to water.

Financing Statement executed by Scott M. Waldron, Barbara J. Waldron, Dean R. Lindsay, and Joan B. Lindsay, as Debtor, to First Security Bank of Utah, N.A., as Secured Party. Recorded August 13, 1982 as Entry No. 453535 in Book 305 at Page 361 of official records.

Continuation of Financing Statement executed by Scott M. Waldron, Barbara J. Waldron, Dean R. Lindsay, and Joan B. Lindsay, as Debtor, to First Security Bank of Utah, N.A., as Secured Party. Recorded June 22, 1987 as Entry No. 503442 in Book 407 at pages 276 of official records. (Refers to Financing Statement 453535)

Indenture of Mortgage, Deed of Trust, Security Agreement, and Fixture Finance Statement executed August 7, 1987 by Titus Foods, Inc., as Borrower, and Terratron, Inc., a Wisconsin Corporation, as Lender. Recorded August 13, 1987 as Entry No. 505130 in Book 411 at page 109 of official records. Principal Amount: \$3,000,000.00. The amount due, terms and conditions of said indebtedness should be determined by contacting the owner of the debt.

2017 6162 REF 345