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 Book - 9914 Pg - 8308-8315
 Gary W. Ott
 Recorder, Salt Lake County, UT
 COTTONWOOD TITLE
 BY: eCASH, DEPUTY - EF 8 P.

WHEN RECORDED, MAIL TO:
 Sundborn, LLC
 978 East Woodoak Lane
 Salt Lake City, Utah 84117
 Attn: Christopher Gamvroulas

PLEASE MAIL TAX NOTICE TO GRANTEE
 AT ITS ADDRESS LISTED BELOW

47145 . AF

Space above for County Recorder's Use

14.23 . 400 . 024

SPECIAL WARRANTY DEED

In consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, OM Enterprises Company, a Utah corporation with an address of 4700 Daybreak Parkway, South Jordan, UT 84095 ("**Grantor**"), hereby conveys and warrants, against all claiming by, through, or under it (and no others), to Sundborn, LLC, a Utah limited liability company, whose address is 978 East Woodoak Lane, Salt Lake City, Utah 84117 ("**Grantee**"), that certain real property located in Salt Lake County, Utah, and described as follows:

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

TOGETHER WITH all and singular the easements, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property, including, but not limited to, (a) buildings, structures, fixtures, signs, and other improvements of every kind and nature presently situated on, in, under or about the Property; (b) all easements, rights of way, benefits, and appurtenances running with such Property; (c) all of Grantor's right, title and interest, if any, in any land (and related improvements) lying in any street, road or avenue in front of, adjacent to, or adjoining, such real property; and (d) all of Grantor's right, title and interest, if any, in and to all mineral and subsurface rights of any kind whatsoever related or appurtenant to such real property.

Grantor hereby reserves all appurtenant water rights, non-appurtenant water rights, all water company shares of stock, and water now held, owned or used in connection with the Property including but not limited to Water Right Nos. 59-2197, 59-2198, 59-2216, 59-2217, 59-2219, 59-2223, 59-2229, 59-2230, 59-2218, 59-2220, 59-2221, 59-2222, 59-2226, 59-2227, 59-2224, 59-2225, 59-2228, 59-2232, 59-2200, 59-2201, 59-2231, 59-2233, 59-2235, 59-2199, 59-2236, 59-2237, 59-2196, 59-2234 and 59-3867.

Grantor hereby reserves a perpetual right-of-way and easement (the "**Canal Easement Area**") on, over, across, through and under the Property for the use, operation, maintenance, repair, replacement, modification, relocation, enlargement, protection, inspection, upgrading and rebuilding of the existing water canal along with any dams, weirs, headgates, other diversion facilities, bridges, fences, gates and all other facilities reasonably related thereto (the "**Riter Canal**"). The Canal Easement Area is more particularly described on Exhibit B attached hereto and incorporated herein by this reference.

Grantor hereby reserves a perpetual right of ingress and egress over such portion of the Property as necessary to provide access to the Canal Easement Area. Said right of ingress and egress shall be of such scope as is reasonably necessary for the purposes of the use, operation, maintenance, repair, replacement, modification, relocation, enlargement, protection, inspection, upgrading and rebuilding of the Riter Canal. OME shall have the right to construct fences around, and bridges over, the Riter Canal and shall also have the right to line with concrete or other suitable lining material and/or pipe all or portions of the Riter Canal. Grantee hereby covenants that Grantee and its successors and assigns shall not construct, or allow others to construct structures on the surface of the Canal Easement Area. No trees may be planted within the Canal Easement Area, and any shrubs planted within the Canal Easement Area shall have shallow root systems of no greater than 36 inches in length at maturity.

Grantor hereby reserves perpetual easements on, over and across an area within a twenty-five (25') foot radius from those points described on Exhibit C hereto (the "**Well Easement Areas**"), for the construction, operation, inspection, repair, modification, maintenance, relocation, enlargement, replacement, rebuilding or closure of one or more existing water monitoring wells (collectively, the "**OME Monitoring Wells**") located on the Property. Grantor hereby reserves a right of ingress and egress over and across the Property to and from the Well Easement Areas as is reasonably necessary in order to access, construct, operate, inspect, repair, modify, maintain, relocate, enlarge, replace, rebuild or closure of the OME Monitoring Wells. Grantee covenants and agrees not to construct any structure within the Well Easement Areas.

Notwithstanding Grantor's aforesated reserved perpetual easements, Grantee may plat, plan and subdivide the Property subject to Grantor's easements, may include such easements as part of its subdivisions, and may, subject to Grantor's prior written approval which approval Grantor shall not unreasonably withhold, cross, fence, enclose, and relocate such easements as is reasonably necessary to develop the Property, and to satisfy State or local zoning and land use requirements for the development of the Property.

SUBJECT TO taxes and assessments for the year 2011 and thereafter and to reservations, easements, covenants, conditions and restrictions of record.

This Special Warranty Deed shall extend to and be binding upon, and every benefit hereof shall inure to, the parties hereto and their respective successors and assigns. This Special Warranty Deed shall be governed by the laws of the State of Utah. This Special Warranty Deed may be executed in two or more counterparts, each of which, when executed, will be deemed an original and all of which together will be deemed one and the same instrument.

[signature and acknowledgment are on the following page]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 29
day of December, 2010.

GRANTOR:

OM Enterprises Company, a Utah corporation

By: [Signature]
Print Name: W. DON WHYTE
Title: PRESIDENT

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

The foregoing instrument was acknowledged before me this 29th day of December,
2010, by W. DON WHYTE, the PRESIDENT
of OM Enterprises Company, a Utah corporation.

[Signature]
NOTARY PUBLIC
Residing at: Salt Lake

My Commission Expires:
February 4, 2014



FEB 14, 2014

ACCEPTANCE

Sundborn, LLC, a Utah limited liability company, the Grantee of the foregoing Special Warranty Deed, hereby accepts the Special Warranty Deed, and accepts, approves and agrees to each of the exceptions, reservations and covenants, and all other terms and conditions to which this Special Warranty Deed is expressly made subject, effective on the date first above written.

GRANTEE:

Sundborn, LLC, a Utah limited liability company

By: James G. Seaberg
 Print Name: James G. Seaberg
 Title: Manager

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

The foregoing instrument was acknowledged before me this 29th day of December, 2010, by James G. Seaberg, the Managing Member of Sundborn, LLC, a Utah limited liability company.

Cortlund G. Ashton
 NOTARY PUBLIC
 Residing at: SALT LAKE, UT

My Commission Expires:
25 AUG 2011



**EXHIBIT A
TO
SPECIAL WARRANTY DEED**

Legal Description of Property

The real property referenced in the foregoing instrument as the Property is located in Salt Lake County, Utah and is more particularly described as:

Beginning South 0°14' West 1147.45 feet from the East quarter corner of Section 23, Township 1 South, Range 2 West, Salt Lake Meridian; thence North 89°58' West 200 feet; thence South 0°14' West 75.142 feet; thence North 89°58' West 2444.14 feet; thence South 92.933 feet, more or less; thence West 1320 feet; thence South 803 feet; thence East 1320 feet; thence South 503 feet; thence East 1320 feet; thence North 1320 feet; thence East 1194 feet; thence South 58°20' West 41.97 feet; thence South 0°14' West 1174.88 feet; thence South 33° East 115.06 feet; thence East 104 feet; thence North 1465.55 feet, more or less, to the point of beginning.

LESS AND EXCEPTING the following parcel of property:

Beginning at a point which is located North 0°14' East 33 feet and South 89°55'31" West 53 feet from the Southeast corner of said Section 23; thence South 89°55'31" West 51.04 feet; thence North 33° West 115.06 feet; thence North 0°14' East 1174.68 feet; thence North 58°20' East 36.18 feet; thence South 89°45' East 83.38 feet; thence South 0°14' West 1289.76 feet to the point of beginning.

ALSO LESS AND EXCEPTING the following parcel of property:

Beginning South 0°14' West 1147.45 feet from the East quarter corner of Section 23, Township 1 South, Range 2 West, Salt Lake Meridian, thence South 0°14' West 174.97 feet; thence South 89°59'48" West 33 feet; thence North 0°14' East 174.99 feet; thence South 89°58' East 33 feet to the point of beginning.

ALSO LESS AND EXCEPTING land included within public streets.

ALSO LESS AND EXCEPTING a parcel of land situate in the Southeast quarter of Section 23, Township 1 South, Range 2 West, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing at the East corner of the above said Section 23; thence South 00°14'00" West 1147.45 feet; thence North 89°58'00" West 53.00 feet to the West side of 5600 West Street and the point of beginning; thence following said Street line South 00°14'00" West 15.50 feet; thence South 90°00'00" West 15.81 feet; thence South 74°09'56" West 48.75 feet; thence South 61°01'33" West 55.49 feet; thence North 00°14'00" East 75.14 feet; thence South 89°58'00" East 147.00 feet to the West side of 5600 West Street and the point of beginning.

Parcel Identification Number 14-23-400-024 (for reference purposes only)

**EXHIBIT B
TO
SPECIAL WARRANTY DEED**

Legal Description of Canal Easement Area

The real property referenced in the foregoing instrument as the Canal Easement Area is located in Salt Lake County, Utah and is more particularly described as:

A strip of land located in the South Half of Section 23, Township 1 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the East Quarter Corner of Section 23, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running S00°28'07"W, along the east line of said Section 23 for a distance of 1,250.11 feet; thence N89°31'53"W perpendicular to said section line for a distance of 53.00 feet to the POINT OF BEGINNING; thence S59°41'48"W, a distance of 90.00 feet; thence S75°12'17"W, a distance of 103.02 feet to a point on the northerly boundary of the West Valley Pavilion recorded in Book 2008P at Page 195 in the office of the Salt Lake County Recorder; thence N89°44'20"W, along the northerly boundary of said West Valley Pavilion for a distance of 1,092.96 feet; thence N88°34'24"W, a distance of 30.64 feet; thence S65°05'30"W, a distance of 311.53 feet; thence S73°42'17"W, a distance of 157.91 feet; thence S63°55'57"W, a distance of 203.04 feet; thence S62°30'19"W, a distance of 153.55 feet; thence S68°38'47"W, a distance of 166.35 feet; thence S73°55'17"W, a distance of 87.01 feet; thence S56°26'09"W, a distance of 27.01 feet; thence S75°30'12"W, a distance of 35.22 feet; thence N82°57'51"W, a distance of 36.14 feet; thence N78°25'13"W, a distance of 131.59 feet; thence N80°28'51"W, a distance of 79.90 feet; thence N75°14'51"W, a distance of 123.05 feet; thence N66°54'40"W, a distance of 75.66 feet; thence N72°33'28"W, a distance of 65.87 feet; thence N62°31'08"W, a distance of 67.94 feet; thence N52°22'01"W, a distance of 133.99 feet; thence N56°35'05"W, a distance of 243.06 feet; thence N74°28'54"W, a distance of 89.46 feet; thence N86°00'41"W, a distance of 88.59 feet; thence N89°29'49"W, a distance of 210.19 feet; thence S88°57'35"W, a distance of 154.36 feet; thence S87°55'14"W, a distance of 165.09 feet to a point on the westerly line of the Amended and Restated deed recorded on August 23, 2002 in Book 8636 at Page 9160 in the office of the Salt Lake County Recorder; thence N00°10'37"E, along said westerly line a distance of 67.75 feet to the northwest corner of said Amended and Restated deed; thence S89°44'11"E, along the north line of said Amended and Restated deed a distance of 798.65 feet; thence leaving said north line S56°35'05"E, a distance of 216.59 feet; thence S52°22'01"E, a distance of 127.49 feet; thence S62°31'08"E, a distance of 45.86 feet; thence S72°33'28"E, a distance of 61.06 feet; thence S66°54'40"E, a distance of 72.71 feet; thence S75°14'51"E, a distance of 108.23 feet; thence S80°28'51"E, a distance of 76.44 feet; thence S78°25'13"E, a distance of 128.88 feet; thence S82°57'51"E, a distance of 2.62 feet; thence N56°26'09"E, a distance of 19.86 feet; thence N73°55'17"E, a distance of 100.47 feet; thence N68°38'47"E, a distance of 153.89 feet; thence N62°30'19"E, a distance of 148.40 feet; thence N63°55'57"E, a distance of 215.28 feet; thence N73°42'17"E, a distance of 159.18 feet; thence N65°05'30"E, a distance of 269.99 feet to a point on the north line of said Amended and Restated deed; thence along said north line the following three (3) calls: S89°43'52"E, a distance of 1,235.91 feet;

thence $N00^{\circ}28'08''E$, a distance of 75.14 feet; thence $S89^{\circ}43'52''E$, a distance of 146.99 feet; thence $S00^{\circ}28'07''W$, a distance of 102.52 feet to the POINT OF BEGINNING.

Containing 438,415 square feet or 10.065 acres, more or less.

Basis of Bearing: the East line of the Southeast Quarter of Section 23, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Measuring $S00^{\circ}28'07''W$, a distance of 2,644.94 feet.

**EXHIBIT C
TO
SPECIAL WARRANTY DEED**

Legal Description of Well Easement Areas

The real property referenced in the foregoing instrument as the Well Easement Areas is located in Salt Lake County, Utah and is more particularly described as:

Well to the east:

A MONITORING WELL BEING SOUTH 89°55'30" WEST 2007.95 FEET ALONG THE SECTION LINE AND NORTH 00°04'30" WEST 17.04 FEET FROM THE SOUTH EAST CORNER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

Well to the west:

A MONITORING WELL BEING SOUTH 89°55'30" WEST 2018.82 FEET ALONG THE SECTION LINE AND NORTH 00°04'30" WEST 19.33 FEET FROM THE SOUTH EAST CORNER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.