

Ent: 380133 - Pg 1 of 10  
Date: 1/30/2013 3:48:00 PM  
Fee: \$99.00  
Filed By: eCASH  
Jerry M. Houghton, Recorder  
Tooele County Corporation  
For: First American NCS - South Temple

When recorded return to:

Ninigret Depot, L.C.  
1700 South 4650 West  
Salt lake City, Utah 84104  
Attn: Randolph G. Abood

Tax Parcel Nos. See Exhibit A

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**ASSIGNMENT OF EASEMENTS**

THIS ASSIGNMENT OF EASEMENTS (this "Assignment") is made and entered into this 30<sup>th</sup> day of January, 2013 (the "Effective Date"), by and between DEPOT ASSOCIATES, L.L.C., a Delaware limited liability company ("Assignor"), and NINIGRET DEPOT, L.C., a Utah limited liability company ("Assignee").

**RECITALS**

A. Assignor possess numerous railroad, access, utilities, and other easement rights, interests, and privileges created by plats, deeds, easements, recorded instruments, and other legal or equitable ways (collectively, the "Easements"), on, over, under, and across real property located within and/or used in connection with the project commonly known as the Utah Industrial Depot, located in Tooele County, Utah (the "Project").

B. The real property that comprises the Project is more particularly described on Exhibit A, attached hereto and incorporated herein by this reference (the "Project Property").

C. Assignee will shortly acquire all of Assignor's rights, title, and interests in the Project, including but not limited to any property owned by Assignor located within the Project Property.

D. Assignee desires to obtain Assignor's interests in the Easements, and Assignor intends to assign to Assignee Assignor's interest in the Easements, all in accordance with the terms and conditions of this Assignment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as set forth below.

**AGREEMENT**

1. Assignment. Assignor hereby assigns, conveys, transfers and sets over unto Assignee all of Assignor's right, title and interest in, to and under the Easements.

2. Acceptance and Assumption. Assignee hereby accepts this Assignment by Assignor, agrees to assume the liabilities and obligations of Assignor under the Easements from and after the Effective Date, and to perform under the Easements from and after the Effective Date.

3. Condition of the Easement. Assignee accepts the Easements, and all aspects thereof, in "AS IS", "WHERE IS" condition, without warranties, either express or implied, "with all faults", including but not limited to both latent and patent defects, and the existence of hazardous materials, if any. Assignee hereby waives all warranties, express or implied, regarding the title, condition and use of the Easements, including, but not limited to any warranty of merchantability or fitness for a particular purpose.

4. Successors and Assigns. This Assignment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors, transferees and assigns.

5. Counterparts. This Assignment may be executed in any number of counterparts, each of which shall be an original for all purposes, but all of which, when taken together, shall constitute but one and the same instrument.

*[signatures and acknowledgements to follow]*



Assignee: NINIGRET DEPOT, L.C.,  
a Utah limited liability company

By: The Ninigret Group, L.C.,  
a Utah limited liability company  
Its: Manager

By: *Randolph G. Abood*  
Randolph G. Abood, Manager

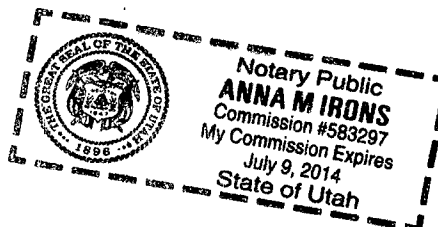
STATE OF Utah )  
COUNTY OF Salt Lake )

On 1-28-2013, before me, *Anna Irons*, a Notary Public, personally appeared Randolph G. Abood, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Anna Irons* (Seal)



**EXHIBIT A**

(Tax Parcel Numbers)

16-005-0-0101, 16-005-0-0102, 16-005-0-0104, 17-009-0-1302, 17-009-0-1303,  
17-044-0-1801, 17-044-0-1802, 17-092-0-3001, 17-092-0-3002, 17-092-0-3003, 17-092-0-3004,  
17-063-0-3101, 17-063-0-3102, 17-064-0-3201, 17-064-0-3202, 17-065-0-3301, 17-066-0-3401,  
17-067-0-3501, 17-067-0-3502, 17-069-0-3601, 17-070-0-3702, 17-039-0-3802, 17-075-0-4003,  
16-004-0-0002, 15-075-0-0004, 15-018-0-0002, 02-017-0071, Part of 02-132-0-0030,  
Part of 02-017-0-0071, 18-034-0-0001, 18-034-0-0002, and 18-034-0-0003, 02-134-0-0006,  
02-134-0-0010, 02-017-0-0014, 02-017-0-0022, 02-017-0-0069, 02-017-0-0050, 02-017-0-0051,  
02-017-0-0046, 02-017-0-0009, 02-017-0-0070, 02-017-0-0013, 02-017-0-0011, 02-017-0-00R4,  
02-018-0-0017, 02-134-0-0002, 02-132-0-0029, 15-018-0-0001, 15-075-0-0002, 15-028-0-0201,  
15-062-0-0001, 15-062-0-0002, 16-004-0-0001, 16-021-0-0001, 16-005-0-0100, 16-071-0-1401,  
16-002-0-0001, 16-005-0-0103, 16-089-0-1201, 16-003-0-0001, 16-035-0-1001, 16-088-0-0901,  
16-088-0-0902, 17-044-0-1803, 17-037-0-1701, 17-039-0-3801, 17-009-0-000A, 17-009-0-1304,  
17-009-0-1305, 18-013-0-801A, 10-029-F-0005.

**EXHIBIT B**

(Legal Description of the Project Property)

That certain real property located in Tooele County, Utah, more particularly described as follows:

**New Parcel 1**

Beginning at a point which lies South 00°05'22" East 1792.32 feet along the East section line of Section 31, and West 1320.48 feet from the Northeast corner of Section 31, Township 3 South, Range 4 West, Salt Lake Base & Meridian; and traversing thence South 74°42'50" West 1171.10 feet; thence South 74°22'01" West 238.07 feet; thence North 15°24'57" West 227.67 feet to the beginning of a 727.65-foot radius curve to the left; thence Northwesterly 343.14 feet along the arc of said curve through a central angle of 27°01'09"; thence North 42°26'33" West 648.93 feet; thence North 29°32'58" East 6159.36 feet; thence South 12°07'53" West 1552.76 feet; thence North 89°40'19" West 75.00 feet; thence South 12°07'41" West 1364.40 feet; thence North 89°40'19" West 332.50 feet; thence South 00°05'18" East 531.80 feet; thence North 89°40'19" West 610.00 feet; thence South 00°05'18" East 1600.00 feet; thence South 89°40'19" East 610.00 feet; thence South 00°04'42" East 999.74 feet to the point of beginning.

contains 4,990,754 sf or 114.57 acres more or less

## New Parcel 2

Beginning at a point which lies South  $00^{\circ}05'16''$  East 1104.40 feet along the East section line of Section 30, and West 295.44 feet from the Northeast corner of Section 30, Township 3 South, Range 4 West, Salt Lake Base & Meridian; and traversing thence North  $70^{\circ}31'18''$  West 136.15 feet; thence South  $19^{\circ}28'42''$  West 92.19 feet to the beginning of a 452.00-foot radius curve to the right; thence Southwesterly 790.60 feet along the arc of said curve through a central angle of  $100^{\circ}13'00''$ ; thence North  $60^{\circ}18'17''$  West 585.03 feet to the beginning of a 25.00-foot radius curve to the right; thence Northwesterly 39.19 feet along the arc of said curve through a central angle of  $89^{\circ}49'12''$ ; thence North  $29^{\circ}30'55''$  East 1294.85 feet; thence North  $60^{\circ}29'05''$  West 66.00 feet to the beginning of a 25.00-foot radius curve to the right whose center bears North  $60^{\circ}29'05''$  West; thence Southwesterly 39.19 feet along the arc of said curve through a central angle of  $89^{\circ}48'26''$ ; thence North  $60^{\circ}40'39''$  West 530.55 feet to the beginning of a 572.00-foot radius curve to the right; thence Northwesterly 590.05 feet along the arc of said curve through a central angle of  $59^{\circ}06'14''$  to the point of reverse curvature of a 528.00-foot radius curve to the left; thence Northwesterly 150.29 feet along the arc of said curve through a central angle of  $16^{\circ}18'29''$  to the point of compound curvature of a 1213.00-foot radius curve to the left; thence Northwesterly 705.39 feet along the arc of said curve through a central angle of  $33^{\circ}19'09''$  to the point of compound curvature of a 428.00 foot radius curve to the left; thence Northwesterly 42.92 feet along the arc of said curve through a central angle of  $05^{\circ}44'43''$  to the point of reverse curvature of a 25.00-foot radius curve to the right; thence Northwesterly 37.70 feet along the arc of said curve through a central angle of  $86^{\circ}24'17''$ ; thence North  $29^{\circ}27'30''$  East 662.44 feet to the beginning of a 572.00-foot radius curve to the right; thence Northeasterly 282.09 feet along the arc of said curve through a central angle of  $28^{\circ}15'24''$ ; thence North  $57^{\circ}42'54''$  East 21.79 feet to a point on the South right-of-way line of State Highway 112; thence South  $32^{\circ}17'06''$  East 309.76 feet along said right-of-way line to the beginning of a 1673.21-foot radius curve to the left; thence Southeasterly 398.14 feet along the arc of said curve and right-of-way line through a central angle of  $13^{\circ}38'00''$ ; thence South  $45^{\circ}55'06''$  East 1975.48 feet along said right-of-way line to the beginning of a 1066.20-foot radius curve to the right; thence Southeasterly 179.34 feet along the arc of said curve and right-of-way line through a central angle of  $09^{\circ}38'15''$ ; thence leaving said right-of-way line South  $31^{\circ}26'53''$  West 217.90 feet to the beginning of a 1960.08 foot radius curve to the left; thence Southwesterly 660.83 feet along the arc of said curve through a central angle of  $19^{\circ}19'01''$ ; thence South  $12^{\circ}07'53''$  West 641.04 feet to the point of beginning.

contains 4,284,195 sf or 98.35 acres more or less

### New Parcel 3

Beginning at a point which lies North 00°08'52" West 12.47 feet along the East section line of Section 25, and West 1007.25 feet from the Southeast corner of Section 25, Township 3 South, Range 5 West, Salt Lake Base & Meridian; and traversing thence North 24°35'35" West 838.52 feet; thence North 61°02'23" West 713.92 feet; thence South 86°26'34" West 727.47 feet; thence South 67°10'25" West 226.76 feet; thence North 29°12'46" East 1877.84 feet; thence North 13°27'30" West 172.80 feet; thence North 05°10'15" West 98.74 feet; thence North 01°15'19" West 52.83 feet; thence North 20°42'18" East 61.03 feet; thence North 25°48'03" East 182.76 feet; thence North 16°46'11" East 48.45 feet; thence North 01°18'12" West 85.08 feet; thence North 17°22'17" West 84.66 feet; thence North 23°45'37" West 84.08 feet; thence North 33°20'52" West 131.09 feet; thence North 07°42'17" West 227.74 feet; thence North 07°34'55" East 119.34 feet; thence North 07°50'36" West 156.30 feet; thence North 23°59'49" East 447.85 feet; thence North 29°37'32" East 4166.08 feet; thence South 60°25'47" East 775.60 feet; thence North 29°25'41" East 598.60 feet; thence South 60°30'50" East 885.77 feet; thence North 40°42'50" East 715.13 feet; thence North 39°51'42" East 695.27 feet to a point on the South right-of-way line of State Highway 112; thence South 32°17'06" East 1311.77 feet along said right-of-way line; thence leaving said right-of-way line South 57°42'54" West 21.79 feet to the beginning of a 628.00-foot radius curve to the left; thence Southwesterly 301.15 feet along the arc of said curve through a central angle of 27°28'31"; thence North 60°02'31" West 145.61 feet; thence South 29°19'15" West 471.20 feet; thence South 60°32'30" East 144.41 feet; thence South 29°27'30" West 200.19 feet to the beginning of a 25.00 foot radius curve to the right; thence Southwesterly 39.27 feet along the arc of said curve through a central angle of 90°00'00"; thence North 60°32'30" West 929.86 feet; thence South 29°27'30" West 732.97 feet; thence South 60°33'45" East 954.86 feet; thence South 29°27'30" West 1407.12 feet to the beginning of a 2028.00-foot radius curve to the left; thence Southwesterly 48.37 feet along the arc of said curve through a central angle of 01°21'59"; thence South 28°05'31" West 252.30 feet to the beginning of a 1972.00-foot radius curve to the right; thence Southwesterly 47.03 feet along the arc of said curve through a central angle of 01°21'59"; thence South 29°27'30" West 939.07 feet to the beginning of a 828.00-foot radius curve to the left; thence Southwesterly 239.03 feet along the arc of said curve through a central angle of 16°32'25" to the point of reverse curvature of a 772.00-foot radius curve to the right; thence Southwesterly 223.24 feet along the arc of said curve through a central angle of 16°34'05"; thence South 29°29'11" West 117.47 feet; thence North 60°29'52" West 1122.18 feet; thence South 29°19'59" West 1479.07 feet; thence South 60°27'14" East 729.30 feet; thence North 34°36'27" East 7.93 feet; thence South 60°28'52" East 207.92 feet; thence North 72°31'59" East 106.06 feet; thence South 60°05'53" East 19.18 feet; thence South 29°30'21" West 2564.73 feet to the point of beginning.

contains 20,442,101 sf or 469.29 acres more or less



## Core Section

Beginning at a point which lies South 00°05'22" East 1169.30 feet along the East section line of Section 31, and West 3341.32 feet from the Northeast corner of Section 31, Township 3 South, Range 4 West, Salt Lake Base & Meridian; and traversing thence North 42°26'33" West 453.38 feet to the beginning of a 655.55-foot radius curve to the left; thence Northwesterly 209.87 feet along the arc of said curve through a central angle of 18°20'33"; thence North 60°46'16" West 682.39 feet; thence North 60°59'01" West 70.17 feet; thence North 09°14'27" East 59.19 feet; thence North 78°09'15" West 16.22 feet; thence North 25°17'08" West 33.77 feet; thence North 60°58'42" West 106.05 feet; thence North 60°30'03" West 158.59 feet; thence South 45°42'39" West 841.32 feet; thence South 64°32'49" West 427.42 feet; thence North 60°42'54" West 235.64 feet; thence North 58°24'17" West 544.52 feet; thence North 18°41'56" East 400.85 feet; thence North 24°35'35" West 102.73 feet; thence North 29°30'21" East 2564.73 feet; thence North 60°05'53" West 19.18 feet; thence South 72°31'59" West 106.06 feet; thence North 60°28'52" West 207.92 feet; thence South 34°36'27" West 7.93 feet; thence North 60°27'14" West 729.30 feet; thence North 29°19'59" East 1479.07 feet; thence South 60°29'52" East 1122.18 feet; thence North 29°29'11" East 117.47 feet to the beginning of a 772.00-foot radius curve to the left; thence Northeasterly 223.24 feet along the arc of said curve through a central angle of 16°34'05" to the point of reverse curvature of a 828.00-foot radius curve to the right; thence Northeasterly 239.03 feet along the arc of said curve through a central angle of 16°32'25"; thence North 29°27'30" East 939.07 feet to the beginning of a 1972.00-foot radius curve to the left; thence Northeasterly 47.03 feet along the arc of said curve through a central angle of 01°21'59"; thence North 28°05'31" East 252.30 feet to the beginning of a 2028.00-foot radius curve to the right; thence Northeasterly 48.37 feet along the arc of said curve through a central angle of 01°21'59"; thence North 29°27'30" East 1407.12 feet; thence North 60°33'45" West 954.86 feet; thence North 29°27'30" East 732.97 feet; thence South 60°32'30" East 929.86 feet to the beginning of a 25.00-foot radius curve to the left; thence Northeasterly 39.27 feet along the arc of said curve through a central angle of 90°00'00"; thence North 29°27'30" East 200.19 feet; thence North 60°32'30" West 144.41 feet; thence North 29°19'15" East 471.20 feet; thence South 60°02'31" East 145.61 feet to the beginning of a 628.00-foot radius curve to the right whose center bears South 59°45'37" East; thence Northeasterly 301.15 feet along the arc of said curve through a central angle of 27°28'31"; thence North 57°42'54" East 21.79 feet to a point on the South right-of-way line of State Highway 112; thence South 32°17'06" East 56.00 feet along said right-of-way line; thence leaving said right-of-way line South 57°42'54" West 21.79 feet to the beginning of a 572.00-foot radius curve to the left; thence Southwesterly 282.09 feet along the arc of said curve through a central angle of 28°15'24"; thence South 29°27'30" West 662.44 feet to the beginning of a 25.00-foot radius curve to the left; thence Southeasterly 37.70 feet along the arc of said curve through a central angle of 86°24'17" to the point of reverse curvature of a 428.00-foot radius curve to the right; thence Southeasterly 42.92 feet along the arc of said curve through a central angle of 05°44'43" to the point of compound curvature of a 1213.00-foot radius curve to the right; thence Southeasterly 705.39 feet along the arc of said curve through a

central angle of  $33^{\circ}19'09''$  to the point of compound curvature of a 528.00-foot radius curve to the left; thence Southeasterly 150.29 feet along the arc of said curve through a central angle of  $16^{\circ}18'29''$  to the point of reverse curvature of a 572.00-foot radius curve to the left; thence Northwesterly 590.05 feet along the arc of said curve through a central angle of  $59^{\circ}06'14''$ ; thence South  $60^{\circ}40'39''$  East 530.55 feet to the beginning of a 25.00-foot radius curve to the left; thence Northeasterly 39.19 feet along the arc of said curve through a central angle of  $89^{\circ}48'26''$ ; thence South  $60^{\circ}29'05''$  East 66.00 feet; thence South  $29^{\circ}30'55''$  West 1294.85 feet to the beginning of a 25.00-foot radius curve to the left; thence Southeasterly 39.19 feet along the arc of said curve through a central angle of  $89^{\circ}49'12''$ ; thence South  $60^{\circ}18'17''$  East 585.03 feet to the beginning of a 452.00-foot radius curve to the left; thence Northeasterly 790.60 feet along the arc of said curve through a central angle of  $100^{\circ}13'00''$ ; thence North  $19^{\circ}28'42''$  East 92.19 feet; thence South  $70^{\circ}31'18''$  East 136.15 feet; thence South  $29^{\circ}32'58''$  West 6159.36 feet to the point of beginning.

contains 23,517,729 sf or 539.89 acres more or less.