

Mail Tax Notices to:

Jack B. Parson Companies  
4197 East Atkinson Rd.  
Park City, UT 84060

WHEN RECORDED MAIL TO:

Baker, Donelson, Bearman & Caldwell  
1800 Republic Centre  
633 Chestnut Street  
Chattanooga, Tennessee 37450-1800  
Attn: Louann P. Smith, Esq.

00586522 Bk01364 Pg00393-00399  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2001 APR 13 16:11 PM FEE \$23.00 BY DMG  
REQUEST: FOUNDERS TITLE CO

(PARK CITY)

SPECIAL WARRANTY DEED

THIS DEED WITNESSETH, that MONROC, INC., a Delaware corporation, GRANTOR, hereby CONVEYS AND WARRANTS AGAINST ALL CLAIMING BY, THROUGH OR UNDER IT to JACK B. PARSON COMPANIES, a Utah corporation, GRANTEE, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property located in Summit County, State of Utah, to wit:

All of that certain real estate described on Exhibit A attached hereto and incorporated herein by reference

TO HAVE AND TO HOLD the aforesaid real estate, together with all appurtenances and hereditaments thereunto belonging or in anywise appertaining unto Grantee, its heirs, personal representatives, successors and assigns in fee simple forever.

AND, subject always to the matters listed on Exhibit B attached hereto and incorporated herein by reference, Grantor does hereby covenant with Grantee that title to aforesaid real estate Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

IN WITNESS WHEREOF, the Grantor has hereby affixed its hand and seal this 30<sup>th</sup> day  
of March, 2001

GRANTOR:

MONROC, INC.

By: *Ronald Smith*

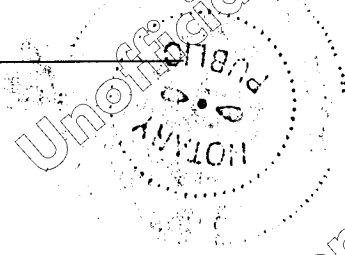
Its: *VP*

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STATE OF New York }  
County of New York } ss:

On the 30<sup>th</sup> day of March, 2001, personally appeared before me Rowan Smith, who being by me duly sworn did say that he is the VP of Monroc, Inc. and acknowledged before me that the within and foregoing instrument was signed by Rowan Smith on behalf of the Grantor in his capacity as VP.

  
Notary Public



**KATHIE SIRKIN**  
Notary Public, State of New York  
No. 01SI4969346  
Qualified in New York County  
Commission Expires July 16, 2002

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Exhibit A

**PARCEL 1:**

**BEGINNING** at a point which is 1508.7 feet North and 1688.4 feet West from the Southeast Corner of Section 35,

Township 1 South, Range 4 East, Salt Lake Base and Meridian, said point also being North 47°00'23" 594.6 feet from the North boundary line of Utah State Highway No. U.S. 40 and running thence North 43°58'30" West along a boundary of Utah Power and Light Company property 475 feet; thence North 46°01'30" East along a boundary of Utah Power and Light Company property 458.5 feet; thence South 43°58'30" East 475 feet; thence South 46°01'30" West to the point of **BEGINNING**.

**SUBJECT TO A 60 Foot easement and right of way along the Southeasterly border.**

**TOGETHER WITH an easement over the following described property:**

**BEGINNING** on the Northeasterly boundary line of U.S. Highway No. 40 at a point 1103.2 feet North and 2123.3 feet West from the Southeast Corner of Section 35, Township 1 South, Range 4 East, Salt Lake Base and Meridian; thence North 47°00'23" East 594.6 feet; thence North 43°58'30" West 60 feet; thence South 47°00'23" West 600 feet, more or less, to the Northeasterly boundary line of said U.S. Highway No. 40; thence Southeasterly along a curve to the left 60 feet, more or less to the point of beginning.

The following is shown for informational purposes only: Tax Parcel No. SS-65-3.

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Exhibit B

1. Taxes for the year 2001 which are a lien but are not yet due and payable.
2. Said property is included within the boundaries of Weber Basin Water Conservancy District, and is subject to the charges and assessments thereof. (Charges are current)
3. Said property is included within the boundaries of Summit County Special Service District #1, and is subject to the charges and assessments thereof. (Charges are current)

4. **EASEMENT AND CONDITIONS CONTAINED THEREIN:**

Grantor: LAGOON COMPANY FKA SIMON BAMBERGER COMPANY

Grantee: SALT LAKE PIPELINE COMPANY

Location: That certain strip of land 33 feet in width provided for in said above mentioned grant, has been complete and that the center line of said strip of land is described as follows, to-wit:

**STRIP I**, Beginning at a point hereinafter referred to as Point "A", on the Easterly boundary line of Section 35, Township 1 South, Range 4 East, S.L.M. distant Northerly thereon 1006.8 feet from an iron pipe identified as the Southeast corner of said section; thence approximately North 63°28' West 1059 feet more or less, to a point on the Easterly right of way boundary line of the Union Pacific Railroad, all in the Southeast quarter (SE1/4) of said Section 35.

**STRIP II**, Commencing at the above described pint "A", thence North 63°28' West 1274.9 feet to the true point of beginning being a point on the Westerly right of way boundary line of the Union Pacific Railroad in the Southeast quarter (SE1/4) of said Section 35; thence approximately North 63°28' West, 4655 feet, more ore less, to a point on the westerly boundary line of said Section 35.

**Purpose:** The right of way from time to time to lay, construct reconstruct, replace, renew, repair, maintain, operate, change the size of , increase the number of, and remove pipelines and appurtenances thereof for the transportation of oil, petroleum, gas, gasoline, water, or other substances, or any thereof, and to erect, install maintain, operate, repair, renew add to and remove telegraph, telephone, or power lines and appurtenance thereof on a single line of poles or underground as Grantee from time to time and place to place may elect, with the right of ingress and egress to and from the same.

Dated: April 14, 1948

Recorded: May 24, 1948

Entry No.: 77471

Book/Page: Z/239

**AMENDMENT:**

Dated: July 1, 1948

Recorded: July 10, 1948

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Entry No.: 77699  
Book/Page: Z/271

**LOCATION OF EASEMENT:**

Dated: November 19, 1948  
Recorded: November 23, 1948  
Entry No.: 78179  
Book/Page: Z/372  
(Affects Parcels 1, 2, 3, 4, & 5)

5. Subject to reservations and easements as found in that certain Quit Claim Deed from LAGOON COMPANY, formerly SIMON BAMBERGER COMPANY to STATE ROAD COMMISSION OF UTAH, recorded June 2, 1954, as Entry No. 83980, in Book I, of Quit Claim Deeds at Page 45 of Official Records.
6. Reservations in favor of the United States of America as contained in Patent, Recorded May 19, 1897, in Book I, at Page 533. Said Document reading in part as follows: "Yet excluding and excepting from the transfer by these presents, all mineral lards should any be found to exist in the tracts described in the foregoing, but the exclusion and exception, according to the terms of the statute, shall not be construed to include coal and iron lands."
7. Reservations as contained in that certain Deed, Recorded November 16, 1911, as Entry No. 21551, in Book J, at Page 484. Said Document reading in part as follows:

**EXCEPTING AND RESERVING** to said UNION PACIFIC RAILROAD COMPANY, its successors and assigns.

**FIRST:** All coal and other minerals within or underlying said lands.

**SECOND:** The exclusive right to prospect in the upon said land for coal and other minerals therein or which may be supposed to be therein and to mine for and remove, from said land, all coal and other minerals which may be found thereon by any one.

**THIRD:** The right of ingress, egress and regress upon said land to prospect for, min and remove any and all such coal or other minerals, and the right to use so much of said land as may be convenient or necessary for the right-of-way to and from such prospect places or mines, and for the convenient and proper operation of such prospect places, mines, and for roads and approaches thereto or for removal therefrom of coal, mineral, machinery, or other material.

**FOURTH:** The right to said Union Pacific Railroad Company to maintain and operate its railroad in its present form of construction, and to make any change in the form of construction or method of operation of said railroad.

8. **CONTRACT FOR SALE AND USE OF UNTREATED WATER:**

Dated: April 17, 1980  
Recorded: March 31, 1981  
Entry No.: 177881  
Book/Page: 183/544  
(Affects Parcel 1)

9. **PETITION AND ORDER GRANTING ALLOTMENT OF WATER:**

Recorded: March 25, 1986  
Entry No.: 248407  
Book/Page: 378/283

10. **PETITION AND ORDER GRANTING ALLOTMENT OF WATER:**

Recorded: December 28, 1998  
Entry No.: 526113  
Book/Page: 1215/71

11. **Any rights, interests, or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled "Utah Gravel, Park City, Utah", dated March 28, 2001, prepared by International Land Services, Inc., Bradley D. Daley LS No. 259684:**

- a. Variation of fencelines from deed lines
- b. Encroachment of fence into Atkinson Road
- c. Encroachment of improvements onto the easement of Salt Lake Pipeline Company
- d. Encroachment of improvements across the northwesterly property line.

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