

FILED DISTRICT COURT
Third Judicial District

FEB - 2 2007

SALT LAKE COUNTY

By [Signature] Deputy Clerk

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: JR BAIRD
SLC UT 84114-8420
BY: KLD, DEPUTY - WI 12 P.

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

MARIEMONT HOLDINGS, LLC; SANDY
DEVELOPMENT PARTNERS; LEHMAN
BROTHERS, INC.; NORWEST FINANCIAL
UTAH, INC. n/k/a WELLS FARGO FINAN-
CIAL UTAH, INC.; U.S. BANK NATIONAL
ASSOCIATION; and JOHN DOES 1 through 25,

Defendants.

FINAL ORDER OF CONDEMNATION

Project No. *STP-0071(9)7
Parcel Nos. 49, 49:E, 51:E, 53:E, 53:2E,
56, 56:E, 56:2E, 56:3E, 56:4E, 56:5E
Affecting Tax ID Nos.:
28-08-101-047 (Par #56)
28-08-101-048 (Par #53)
28-08-101-049 (Par #51)
28-08-101-052 (Par #49)

Civil No. 050915805

Judge Glenn Iwasaki

It appearing to the Court and the Court now finds that pursuant to the law, the Plaintiff
did pay said funds to the Defendants; and

It further appearing to the Court that the Plaintiff has made all payments as required by
law and order of this Court, and that this is not a cause where any bond was required to be given,

and all and singular the law in the premises being given by the Court understood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described as hereby taken and condemned in fee simple title identified as Parcel Nos. 49 and 56, and easement interest as described in Parcel Nos. 49:E, 51:E, 53:E, 53:2E, 56:E, 56:2E, 56:3E, 56:4E, 56:5E. for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff, Utah Department of Transportation, for highway purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being situated in Salt Lake County, State of Utah, and the interest acquired and property description is more particularly described as follows:

Parcel No. 0071:49

A parcel of land in fee, being part of an entire tract of property, situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T 3 S, R 1 E, SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest boundary corner of said entire tract at a point 990.50 ft S 00°21'30"E along the section line, and 53.00 ft S 89°12'10" E, and 102.50 ft S 00°21'30" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said

monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence S 88°59'30" E 3.00 ft along a line that is coincident with the southerly line of the property conveyed to The Mariemont Corporation as recorded by deed dated January 30th, 1985, in Book 5626 on Page 70 in the office of the Salt Lake County Recorder; thence S 00°21'30" E 50.00 ft along a line that is parallel with and 56.00 ft perpendicularly distant easterly from the monument line of 700 East Street to the southerly boundary line of said entire tract; thence N 88°59'30" W 3.00 ft to the Southwest boundary corner of said entire tract; thence N 00°21'30" W 50.00 ft to the point of beginning. The above-described parcel of land contains 150 square feet or 0.003 acre.

Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N00°21'30" W description = N 00°06'39" W highway bearing)

Parcel No. 0071:49:E

A non-exclusive temporary easement, upon part of an entire tract of property, situate in the NW¼NW¼ of Section 8, T 3 S, R 1 E, SLB&M, for the purpose of constructing cut and/or fill slopes, driveways, and appurtenant parts thereof, to facilitate the widening of 700 East Street, known as Project No. 0071. Such construction use shall be limited to the time necessary for construction of the project, and shall be subject to the contractual limitations of UDOT Standard Specifications for Road and Bridge Construction. Easement use shall not commence until notice has been given and may terminate upon notice of vacation. The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly boundary line of said entire tract at a point 1093.00 ft S 00°21'30" E along the section line, and 56.00 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence S 88°59'30" E 14.96 ft along said northerly boundary line; thence S 00°21'30" E 32.45 ft; thence S 89°38'30" W 11.95 ft; thence S 00°21'30" E 17.26 ft to the southerly boundary line of said entire tract; thence N 88°59'30" W 3.00 ft along said southerly boundary line; thence N 00°21'30" W 50.00 ft along a line that is parallel with and 56.00 ft perpendicularly distant easterly from the monument line of 700 East Street to the point of beginning. The above described part of an entire tract contains 540 square feet or 0.012 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said cut and/or fill slopes, driveways and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs damages or maintenance charges which may accrue against said cut and/or fill slopes, driveways and appurtenant parts thereof.

Parcel No. 0071:51:E

A perpetual easement, upon part of an entire tract of property, situate in the NW¹/₄NW¹/₄ of Section 8, T 3 S, R 1 E, SLB&M, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof (including but not limited to ATMS Fiber Optic conduit, electrical service lines, and culinary water facilities), and for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof and highway appurtenances (including street lighting facilities and traffic information signs), incident to the widening of the existing 700 East Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at the Northwest boundary corner of said entire tract at a point 990.50 ft S 00°21'30"E along the section line, and 53.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence S 89°12'10" E 7.00 ft along the northerly boundary line of said entire tract; thence S 00°21'30" E 102.53 ft to the southerly boundary line of said entire tract; thence N 88°59'30" W 7.00 ft along said southerly boundary to the Southwest boundary corner of said entire tract; thence N 00°21'30" W 102.50 ft along a line that is parallel with and 53.00 ft perpendicularly distant easterly from the monument line of 700 East Street to the point of beginning. The above described part of an entire tract contains 717 square feet or 0.016 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said public utilities and said cut and/or fill slopes are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah

Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said public utilities and said cut and/or fill slopes and appurtenant parts thereof.

Parcel No. 0071:53:E

A perpetual easement, upon part of an entire tract of property, situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T 3 S, R 1 E, SLB&M, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof (including but not limited to ATMS Fiber Optic conduit, electrical service lines, and culinary water facilities), and for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof and highway appurtenances (including street lighting facilities and traffic information signs), incident to the widening of the existing 700 East Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at the Northwest boundary corner of said entire tract at a point 888.00 ft S 0°21'30"E along the section line, and 53.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence S 89°12'10" E 7.00 ft along the northerly boundary line of said entire tract; thence S 00°21'30" E 102.50 ft to the southerly boundary line of said entire tract; thence N 89°12'10" W 7.00 ft along said southerly boundary to the Southwest boundary corner of said entire tract; thence N 00°21'30" W 102.50 ft along a line that is parallel with and 53.00 ft perpendicularly distant easterly from the monument line of 700 East Street to the point of beginning. The above described part of an entire tract contains 717 square feet or 0.016 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30"W description = N 00°06'39" W highway bearing)

After said public utilities and said cut and/or fill slopes are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said public utilities and said cut and/or fill slopes and appurtenant parts thereof.

Parcel No. 0071:53:2E

A non-exclusive temporary easement, upon part of an entire tract of property, situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T 3 S, R 1 E, SLB&M, for the purpose of constructing cut and/or fill slopes, driveways, and appurtenant parts thereof, to facilitate the widening of 700 East Street, known as Project No. 0071. Such construction use shall be limited to the time necessary for construction of the project, and shall be subject to the contractual limitations of UDOT Standard Specifications for Road and Bridge Construction. Easement use shall not commence until notice has been given and may terminate upon notice of vacation. The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly boundary line of said entire tract at a point 888.00 ft S 00°21'30" E along the section line, and 60.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence S 89°12'10" E 4.00 ft along said northerly boundary line; thence S 00°21'30" E 38.36 ft; thence S 89°38'30" W 4.00 ft; thence N 00°21'30" W 38.44 ft to the point of beginning. The above described part of an entire tract contains 154 square feet or 0.004 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said cut and/or fill slopes, driveways and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs damages or maintenance charges which may accrue against said cut and/or fill slopes, driveways and appurtenant parts thereof.

Parcel No. 0071:56

A parcel of land in fee, being part of an entire tract of property, situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T 3 S, R 1 E, SLB&M. The boundaries of said parcel of land are described as follows:

Beginning in the westerly boundary line of said entire tract at a point 722.54 ft S 00°21'30" E along the section line, and 53.01 ft S 89°12'10" E, from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said

Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 71.22 ft along the said westerly boundary line; thence S 89°12'10" E 3.00 ft; thence S 00°21'30" E 71.22 ft along a line that is parallel with and 56.00 ft perpendicularly distant easterly from the monument line of 700 East Street; thence N 89°12'10" W 3.00 ft to the point of beginning. The above-described parcel of land contains 214 square feet or 0.005 acre.

Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

Parcel No. 0071:56:E

A perpetual easement, upon part of an entire tract of property, situate in the NW¼NW¼ of Section 8, T 3 S, R 1 E, SLB&M, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof (including but not limited to ATMS Fiber Optic conduit, electrical service lines, and culinary water facilities), and for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof and highway appurtenances (including street lighting facilities and traffic information signs), incident to the widening of the existing 700 East Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at a boundary corner of said entire tract at a point 888.00 ft S 00°21'30" E along the section line, and 53.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 165.46 ft along the westerly boundary line of the said entire tract, said westerly boundary line being parallel with and 53.00 ft perpendicularly distant easterly from the monument line of 700 East Street; thence S 89°12'10" E 7.00 ft; thence S 0°21'30" E 165.46 ft; thence N 89°12'10" W 7.00 ft to the point of beginning. The above described part of an entire tract contains 1158 square feet or 0.027 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said public utilities and said cut and/or fill slopes are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah

Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said public utilities and said cut and/or fill slopes and appurtenant parts thereof.

Parcel No. 0071:56:2E

A perpetual easement, upon part of an entire tract of property, situate in the NW¹/₄NW¹/₄ of Section 8, T 3 S, R 1 E, SLB&M, in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof (including but not limited to ATMS Fiber Optic conduit, electrical service lines, and culinary water facilities), and for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof and highway appurtenances (including street lighting facilities and traffic information signs), incident to the widening of the existing 700 East Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning in the westerly boundary line of said entire tract at a point 651.31 ft S 00°21'30" E along the section line, and 53.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 240.65 ft along said westerly boundary line of the entire tract, said westerly boundary line being parallel with and 53.00 ft perpendicularly distant easterly from the monument line of 700 East Street; thence S 89°12'10" E 2.00 ft; thence S 00°21'30" E 67.64 ft; thence N 89°38'30" E 4.00 ft; thence S 00°21'30" E 38.97 ft; thence S 89°38'30" W 3.00 ft; thence S 00°21'30" E 134.06 ft; thence N 89°12'10" W 3.00 ft to the point of beginning. The above-described part of an entire tract contains 771 square feet or 0.018 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said public utilities and said cut and/or fill slopes are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said public utilities and said cut and/or fill slopes and appurtenant parts thereof.

Parcel No. 0071:56:3E

A non-exclusive temporary easement, upon part of an entire tract of property, situate in the NW¼NW¼ of Section 8, T 3 S, R 1 E, SLB&M, for the purpose of constructing cut and/or fill slopes, driveways, and appurtenant parts thereof, to facilitate the widening of 700 East Street, known as Project No. 0071. Such construction use shall be limited to the time necessary for construction of the project, and shall be subject to the contractual limitations of UDOT Standard Specifications for Road and Bridge Construction. Easement use shall not commence until notice has been given and may terminate upon notice of vacation. The boundaries of said part of an entire tract are described as follows:

Beginning in the southerly boundary line of said entire tract at a point 888.00 ft S 00°21'30" E along the section line, and 60.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 7.36 ft; thence S 89°12'10" E 4.00 ft; thence S 00°21'30" E 7.36 ft to the southerly boundary line; thence N89°12'10"W 4.00 ft to the point of beginning. The above described part of an entire tract contains 29 square feet or 0.001 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said cut and/or fill slopes, driveways and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs damages or maintenance charges which may accrue against said cut and/or fill slopes, driveways and appurtenant parts thereof.

Parcel No. 0071:56:4E

A non-exclusive temporary easement, upon part of an entire tract of property, situate in the NW¼NW¼ of Section 8, T 3 S, R 1 E, SLB&M, for the purpose of constructing cut and/or fill slopes, driveways, and appurtenant parts thereof, to facilitate the widening of 700 East Street, known as Project No. 0071. Such construction use shall be limited to the time necessary for construction of the project, and shall be subject to the contractual limitations of UDOT Standard Specifications for Road and Bridge Construction. Easement use shall not commence until notice has been given

and may terminate upon notice of vacation. The boundaries of said part of an entire tract are described as follows:

Beginning within the said entire tract at a point 722.54 ft S 00°21'30" E along the section line, and 56.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 90.79 ft; thence N 89°38'30" E 23.41 ft; thence S 00°21'30" E 24.62 ft; thence S 89°38'30" W 21.41 ft; thence S 00°21'30" E 66.20 ft; thence N 89°12'10" W 2.00 ft to the point of beginning. The above described part of an entire tract contains 709 square feet or 0.016 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

After said cut and/or fill slopes, driveways and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs damages or maintenance charges which may accrue against said cut and/or fill slopes, driveways and appurtenant parts thereof.

Parcel No. 0071:56:5E

A non-exclusive temporary easement, upon part of an entire tract of property, situate in the NW¼NW¼ of Section 8, T 3 S, R 1 E, SLB&M, for the purpose of constructing cut and/or fill slopes, driveways, and appurtenant parts thereof, to facilitate the widening of 700 East Street, known as Project No. 0071. Such construction use shall be limited to the time necessary for construction of the project, and shall be subject to the contractual limitations of UDOT Standard Specifications for Road and Bridge Construction. The boundaries of said part of an entire tract are described as follows:

Beginning within the said entire tract at a point 591.74 ft S 00°21'30" E along the section line, and 56.01 ft S 89°12'10" E from the Salt Lake County monument at the intersection of 9400 South and 700 East Streets, said monument is the Northwest corner of said Section 8, and said monument is also N 29°33'10" W 44.81 ft from a point recited in some deeds as being the Northwest corner of said Section 8, and running thence N 00°21'30" W 74.49 ft; thence N 89°38'30" E 6.40 ft; thence S 00°21'30" E 32.41 ft; thence N 89°38'30" E 27.46 ft; thence S 00°21'30" E 42.08 ft; thence

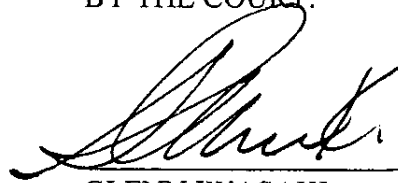
S 89°38'30" W 33.85 ft to the point of beginning. The above described part of an entire tract contains 1632 square feet or 0.037 acre.

(Note: Rotate all bearings in the above description 0°14'51" clockwise to equal highway bearings: N 00°21'30" W description = N 00°06'39" W highway bearing)

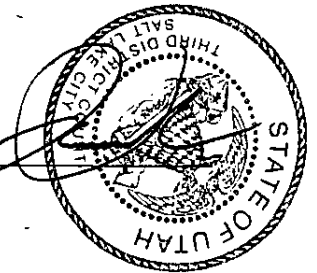
After said cut and/or fill slopes, driveways and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs damages or maintenance charges which may accrue against said cut and/or fill slopes, driveways and appurtenant parts thereof.

DATED this 2 day of FEB., 2007.

BY THE COURT:



GLENN IWASAKI
District Court Judge



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by mailing the same, first-class, postage prepaid, this 5th day of January, 2007, to:

Bryce D. Panzer
BLACKBURN & STOLL LC
Attorney for Mariemont Holdings, LLC
257 East 200 South, Suite 800
Salt Lake City, UT 84111

Amy Casterline
Secretary

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: Feb 28 2007

[Signature]
DEPUTY COURT CLERK

