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FILED DISTRICT COURT
Third Judicial District

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JUN 16 2008

SALT LAKE COUNTY
Huletwood
 Deputy Clerk

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

UTAH DEPARTMENT OF
 TRANSPORTATION,

Plaintiff,

vs.

S-#7, a Utah Limited Liability Company,
 HOTA, INC, Deferred Compensation
 Trust, FLOWER PATCH
 ACQUISITIONS, INC., a Utah
 Corporation;

Defendants.

**FINAL JUDGMENT OF
 CONDEMNATION**
 (entered upon stipulation)

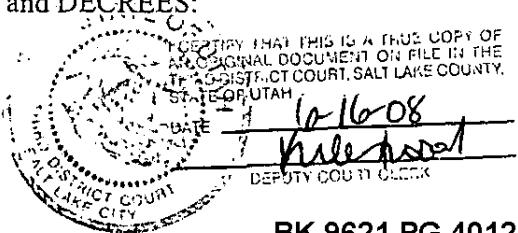
Project No. SP-0089(88)313
 Parcel Nos. 72D, 72D:E, 72D:2E, 72F,
 72F:E, 72F:2E

Tax ID Nos. 27-01-477-010, 27-01-477-023

Civil No. 060905067

Judge Kate Toomey

The Court, having reviewed the Stipulation and Joint Motion for Final Judgment of
 Condemnation entered into by the Plaintiff, Utah Department of Transportation ("UDOT"), and
 Defendants S-#7, LLC, HOTA, Inc., and Flower Patch Acquisitions, Inc., being fully advised and
 for good cause appearing, hereby ORDERS, ADJUDGES, and DECREES:



BK 9621 PG 4012

1. That the parcels of land hereinafter described at paragraph 4 are hereby condemned and acquired by the Plaintiff for state transportation purposes;
2. That the condemnation is for a public use authorized by law;
3. Defendants hereby release all claims arising out of the within action, including but not limited to the claims to the parcels acquired herein, all claims for damages by reason of the parcels' severance from a larger tract of property, and all claims of any nature, now existing, arising out of the construction of the project for which the parcels are being acquired.
4. That a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interests of the Defendants in and to the following described property, situated in Salt Lake County, State of Utah, shall immediately vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

Parcel No. 0089:72D

A parcel of land in fee for the widening and reconstruction of the existing highway State Route 89 known as Project No. SP-0089(88)313, being a part of an entire tract of property, situate in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly right of way line of said existing highway State Route 89 and the south boundary line of said entire tract at a point 49.21 feet perpendicularly distant westerly from the control line of said highway opposite engineer station 165+99.40, said point is 328.94 feet (304.5 feet by record) North and 42.00 feet East from the Southeast Corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 15.97 feet along said south boundary line to a point 65.19 feet

perpendicularly distant westerly from said control line; thence N. 03°45'59" E. 70.45 feet to the north boundary line of said entire tract at a point 60.67 feet perpendicularly distant westerly from said control line; thence East 11.35 feet along said north boundary line to the intersection of said north boundary line and the westerly right of way of said highway, which point is 49.32 feet perpendicularly distant westerly from said control line; thence South 70.30 feet along said westerly right of way line to the point of beginning. The above described parcel of land contains 960 square feet in area or 0.022 acres, more or less.

(Note: Rotate all bearings in the above description 00°11'30" clockwise to match highway bearings.)

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

Parcel No. 0089:72D:E

A perpetual easement, upon part of an entire tract of property, in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&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 and transmission lines, culinary and irrigation water facilities; and highway appurtenances including, but not limited to slopes, street and signal lighting facilities, directional and traffic information signs, incident to the widening of the existing highway State Route 89 known as Project No. SP-0089(88)313.

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

Beginning in the south boundary line of said entire tract at a point 65.19 feet perpendicularly distant westerly from the control line of said existing highway State Route 89 opposite engineer station 165+99.37, which point is 328.94 feet North and 26.03 feet East from the Southeast Corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 1.50 feet along said south boundary line to a point 66.69 feet perpendicularly distant westerly from said control line; thence N. 03°45'59" E. 70.45 feet to the north boundary line of said entire tract at a point 62.17 feet perpendicularly distant westerly from said control line; thence East 1.50 feet along said north boundary line to a point 60.67 feet perpendicularly distant westerly from said control line; thence S. 03°45'59" W. 70.45 feet to the point of beginning. The above described part of an entire tract of land contains 105 square feet in area or 0.002 acres, more or less.

(Note: Rotate all bearings in the above description 00°11'30" clockwise to match highway bearings.)

Parcel No. 0089:72D:2E

A non-exclusive temporary easement, upon part of an entire tract of property, in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&M., in Salt Lake County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes incident to the widening of the existing highway State Route 89 known as Project No. SP-0089(88)313. Such construction use shall be limited to the time necessary for the 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 of land are described as follows:

Beginning in the south boundary line of said entire tract at a point 66.69 feet perpendicularly distant westerly from the control line of said existing highway State Route 89 opposite engineer station 165+99.37, which point is 328.94 feet North and 24.52 feet East from the Southeast Corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 10.52 feet along said south boundary line to a point 77.21 feet perpendicularly distant westerly from said control line; thence N. 03°45'59" E. 70.45 feet to the north boundary line of said entire tract at a point 72.69 feet perpendicularly distant westerly from said control line; thence East 10.52 feet along said north boundary line to a point 62.17 feet perpendicularly distant westerly from said control line; thence S. 03°45'59" W. 70.45 feet to the point of beginning. The above described part of an entire tract of land contains 740 square feet in area or 0.017 acres, more or less.

(Note: Rotate all bearings in the above description 00°11'30" clockwise to match highway bearings.)

Parcel No. 0089:72F

A parcel of land in fee for the widening and reconstruction of the existing highway State Route 89 known as Project No. SF-0089(88)313, being a part of an entire tract of property, situate in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly right of way line of said existing highway State Route 89 and the northerly boundary line of said entire tract at a point 49.74 feet perpendicularly distant westerly from the control line of said highway opposite engineer station 166+80.27, which point is 410.389 feet North and 41.601 feet S. 89°15'11" E. from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 10.57 feet (10.607 feet by record) along said westerly right of way line to the intersection of said westerly right of way line and the South boundary line of said entire tract at a point 49.72 feet perpendicularly distant westerly from said control line; thence West 10.94 feet along said south boundary line to a point 60.67 feet perpendicularly distant westerly from said control line; thence N. 03°45'59" E. 10.74 feet to the northerly boundary line of said entire tract at a point 59.98 feet perpendicularly distant westerly from said control line; thence S. 89°11'29" E. (S. 89°15'11" E. by record) 10.24 feet along said northerly boundary line to the point of beginning. The above described parcel of land contains 113 square feet in area or 0.003 acres, more or less.

(Note: Rotate all bearings in the above description 00°11'30" clockwise to match highway bearings.)

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

Parcel No. 0089:72F:E

A perpetual easement, upon part of an entire tract of property, in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&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 and transmission lines, culinary and irrigation water facilities; and highway appurtenances including, but not limited to, slopes, street and signal lighting facilities,

directional and traffic information signs, incident to the widening of the existing highway State Route 89 known as Project No. SP-0089(88)313.

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

Beginning in the northerly boundary line of said entire tract at a point 59.98 feet perpendicularly distant westerly from the control line of said highway State Route 89 opposite engineer station 166+80.39, which point is 410.389 feet North and 31.36 feet S. $89^{\circ}15'11''$ E. from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence S. $03^{\circ}45'59''$ W. 10.74 feet to the south boundary line of said entire tract at a point 60.67 feet perpendicularly distant westerly from said control line; thence West 1.50 feet along said south boundary line to a point 62.17 feet perpendicularly distant westerly from said control line; thence N. $03^{\circ}45'59''$ E. 10.76 feet to the northerly boundary line of said entire tract at a point 61.48 feet perpendicularly distant westerly from said control line; thence S. $89^{\circ}11'29''$ E. 1.50 feet along said northerly boundary line to the point of beginning.

The above described part of an entire tract of land contains 16 square feet in area, more or less.

(Note: Rotate all bearings in the above description $00^{\circ}11'30''$ clockwise to match highway bearings.)

Parcel No. 0089:72F:2E

A non-exclusive temporary easement, upon part of an entire tract of property, in the SW1/4SW1/4 of Section 6, T.3S., R.1E., S.L.B.&M., in Salt Lake County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes incident to the widening of the existing highway State Route 89 known as Project No. SP-0089(88)313. Such construction use shall be limited to the time necessary for the 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 of land are described as follows:

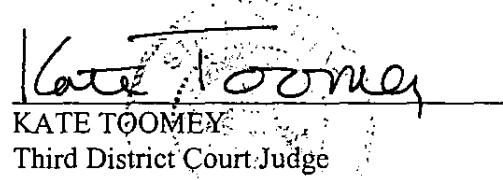
Beginning in the northerly boundary line of said entire tract at a point 61.48 feet perpendicularly distant westerly from the control line of said existing highway State Route 89 opposite engineer station 166+80.41, which point is 410.389 feet North and 19.35 feet S. $89^{\circ}15'11''$

E. from the Southwest Corner of Lot 7, Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence S. $03^{\circ}45'59''$ W. 10.76 feet to the south boundary line of said entire tract at a point 62.17 feet perpendicularly distant westerly from said control line; thence West 10.52 feet along said south boundary line to a point 77.21 feet perpendicularly distant westerly from said control line; thence N. $03^{\circ}45'59''$ E. 10.91 feet to the northerly boundary line of said entire tract at a point 71.99 feet perpendicularly distant westerly from said control line; thence S. $89^{\circ}11'29''$ E. 10.51 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract of land contains 114 square feet in area or 0.003 acres, more or less.

(Note: Rotate all bearings in the above description $00^{\circ}11'30''$ clockwise to match highway bearings.)

DATED this 16th day of June, 2008.

BY THE COURT:


Kate Toomey
KATE TOOMEY
Third District Court Judge

APPROVED AS TO FORM:

BRAUNBERGER, BOUD & DRAPER, PC


JAMES R. BOUD
Attorneys for Defendants S-#7, LLC, HOTA, Inc.,
and Flower Patch Acquisitions, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL JUDGMENT OF CONDEMNATION was mailed, first class, pre-paid postage on the 13th day of June, 2008 to the following:

Mr. James R. Boud
Braunberger, Boud & Draper, P.C.
Attorneys for Defendants
765 East 9000 South, Suite A-1
Sandy, Utah 84094

Amy Casterline

Legal Secretary