

DISTRICT COURT
SALT LAKE DEPARTMENT

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FILED DISTRICT COURT
Third Judicial District

JUN 28 2010

SALT LAKE COUNTY

By _____ **KF**
Deputy Clerk

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

FPA WEST POINT, LLC, a Delaware Limited
Liability Company; FIRST AMERICAN TITLE
INSURANCE COMPANY, a California
Corporation; BANK OF AMERICA, NA, fka
LaSalle Bank, NA; K MART CORPORATION,
a Michigan Corporation; and NEW
ALBERTSON'S INC., an Ohio Corporation;

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION AGAINST
DEFENDANT NEW ALBERTSON'S,
INC.**

Civil No. 100907779

Judge Tyrone E. Medley

The Court, having reviewed the Stipulation for Final Judgment of Condemnation entered into by Plaintiff, Utah Department of Transportation (UDOT) and Defendant New Albertson's, Inc., and having reviewed the Court's file herein and good cause appearing,

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08/06/2010 04:20 PM \$0.00
Book - 9847 Pg - 4821-4823
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: NONE WARDLE
SLC UT 84114-8420
BY: ZJM, DEPUTY - WI 3 P.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. New Albertson's, Inc. interests as a leaseholder in the property hereinafter described are condemned and acquired by UDOT.

2. The purpose of said condemnation is a public use authorized by law.

3. The Court finds that the interest of New Albertson's, Inc. in the Property, as described in UDOT's Complaint and as used for the purposes set forth in that Complaint, is nominal for purposes of this condemnation proceeding and that no money is due New Albertson's, Inc. from UDOT as a result of UDOT's condemnation of said interest or as a result of the Stipulation for Final Judgment of Condemnation.

4. This Order shall not in any way affect any claim that New Albertson's, Inc. may have against the other Defendants to this condemnation proceeding.

5. The rights and interests of New Albertson's, Inc. in and to the following described property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

BY: 2016 DEPUTY - WL 3 P.

Parcel No. 1005:2:A

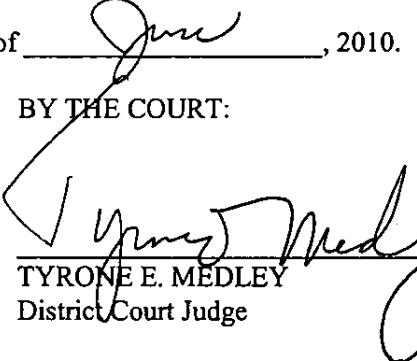
Defendant, being the owner of, or having an interest in, an entire tract of property, lying west of the existing highway, situate in the NE1/4NW1/4 of Section 17, T.2S., R.1W., S.L.B.&M., in Salt Lake County, Utah. To forever close that certain access to an existing highway known as Project No. NM-1005(4) over and across the west right of way line, which had been provided for in that certain Warranty Deed recorded at Entry No. 6233607 in Book 7288 at Page 2013 in the office of the Salt Lake County Recorder, Utah, now made necessary by the widening of the existing highway known as Project No. S-0154(52)16 to-wit:

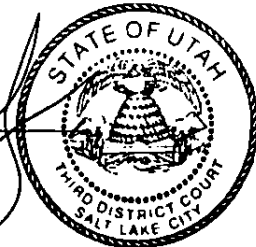
That 70-foot section which centers at a point directly opposite the center line of said project approximately at Engineer Station 285+12.0, said point is also approximately 1,590.70 ft., N. 89°56'30" E. And 776.00 ft., S. 00°03'30" E. from the Northwest corner of said Section 17.

6. Each party shall bear their respective attorney fees and costs related hereto.

DATED this 28 day of June, 2010.

BY THE COURT:

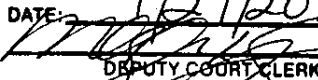

TYRONE E. MEDLEY
District Court Judge



Approved as to Form:


DANIEL S. DAY
Attorney for New Albertson's, Inc.

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: 7/27/2010

DEPUTY COURT CLERK

