

12922568  
1/23/2019 11:14:00 AM \$23.00  
Book - 10747 Pg - 4437-4442  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
PARR BROWN GEE & LOVELESS  
BY: eCASH, DEPUTY - EF 6 P.

WHEN RECORDED, RETURN TO:

*Parr Brown Gee & Loveless  
Attn: Matthew Jensen  
101 South 200 East, Suite 700  
Salt Lake City, UT 84111*

APN: N/A

**WATER RIGHT QUITCLAIM DEED**

For good and valuable consideration, Susan Despain, Eric M. Despain, and Shane P. Nielsen, as successor trustees (see Exhibit A) of the Robert V. Despain Revocable Trust dated August 30, 1994; as trustees of The Robert V. Despain ByPass Trust UAD August 30, 1994; and as trustees of The Robert V. Despain QTIP Trust UAD August 30, 1994, (“Grantors”), having a mailing address of 3802 E. North Little Cottonwood Road, Sandy, Utah, 84092, hereby quitclaim to Rola V, LLC, a Utah limited liability company (formerly Rola V, Ltd., a Utah limited partnership), (“Grantee”), having a mailing address of 3802 E. North Little Cottonwood Road, Sandy, Utah, 84092, and its successors, all right, title and interest of Grantors in and to water rights in the North Despain Ditch and North Despain Extension Ditch (as decreed by *Union & East Jordan Irrigation Co. v. Richards Irrigation Co. et al.*, Civil No. 4802 (June 16, 1910) (Third District Court, Salt Lake County; Judge C.W. Morse) (“1910 Little Cottonwood Creek Decree”)) and the mining tunnel known as the “Jefferson Mining Tunnel” (as decreed by *Wasatch Utah Mining Co. v. Jefferson Extension Mining Co.*, Civil No. 10351 (December 10, 1909) (Third District Court, Salt Lake County; Judge Morris L. Ritchie) (“1909 Mining Tunnel Decree”)), including the following described water rights, whose point of diversion and places of use are located in Salt Lake County, State of Utah:

**Water Right No. 57-9000 (as decreed by the 1910 Little Cottonwood Creek Decree ¶ 28)** as more particularly identified of record with the Utah Division of Water Rights, and including any application(s) relating thereto.

**Water Right No. 57-9012 (as decreed by the 1910 Little Cottonwood Creek Decree ¶ 31)** as more particularly identified of record with the Utah Division of Water Rights, and including any application(s) relating thereto.

**Water Right No. 57-9030 (as decreed by the 1910 Little Cottonwood Creek Decree ¶ 31)** as more particularly identified of record with the Utah Division of Water Rights, and including any application(s) relating thereto.

**Water Right No. 57-10350 (as decreed by the 1909 Mining Tunnel Decree ¶ 3)** as more particularly identified of record with the Utah Division of Water Rights, and including any application(s) relating thereto.

IN WITNESS WHEREOF, Grantors have executed this Water Right Quitclaim Deed this 18th day of January, 2019.

GRANTORS

Susan Despain  
Susan Despain

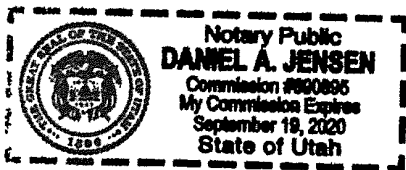
Eric M. Despain  
Eric M. Despain

Shane P. Nielsen  
Shane P. Nielsen

STATE OF UTAH                    )  
  :SS  
COUNTY OF SALT LAKE )

On the 18 day of January, 2019, personally appeared before me Susan Despain, Eric M. Despain, and Shane P. Nielsen, the signers of the above instrument, who duly acknowledged to me that they executed the same as authorized trustees of the above-named trust.

Daniel A. Jensen  
Notary Public



# **Exhibit A**

**AFFIDAVIT - SUCCESSION OF TRUSTEES OF  
THE ROBERT V. DESPAIN REVOCABLE TRUST,  
THE ROBERT V. DESPAIN QTIP TRUST, AND  
THE ROBERT V. DESPAIN BYPASS TRUST**

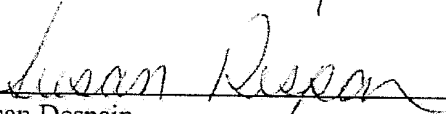
Susan Despain, Eric M. Despain, and Shane P. Nielsen, being first duly sworn, declare as follows:

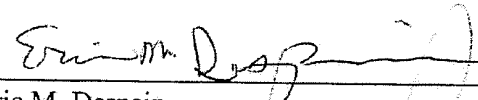
1. On the 30<sup>th</sup> day of August, 1994, Robert V. Despain (the "Settlor") established The Robert V. Despain Revocable Trust (the "Trust") with the Settlor as Trustee.
2. On the 3<sup>rd</sup> day of May, 2008, the Settlor died as shown on the attached Death Certificate.
3. Under the terms of the Trust and its related amendments, upon the death of the Settlor, the Trust divided into two (2) separate trusts: The Robert V. Despain QTIP Trust and The Robert V. Despain ByPass Trust.
4. Under the terms of the Trust and its related amendments, those individuals as listed on Exhibit "T" to the Trust, Susan Despain, Eric M. Despain, and Shane P. Nielsen, were designated as the Successor Co-Trustees; and, upon the death of the Settlor, Susan Despain, Eric M. Despain, and Shane P. Nielsen became the Co-Trustees of The Robert V. Despain QTIP Trust and The Robert V. Despain ByPass Trust. (See attached copy of Exhibit "T" to the Trust.)
5. As a result of these events, Susan Despain, Eric M. Despain, and Shane P. Nielsen do hereby give notice that they have accepted appointment to be the joint Trustees of The Robert V. Despain Revocable Trust and to fulfill their responsibilities and obligations as set forth in the Trust Agreement.
6. As a result of these events, Susan Despain, Eric M. Despain, and Shane P. Nielsen do hereby give notice that they have accepted appointment to be the Trustees of The Robert V. Despain QTIP Trust and The Robert V. Despain ByPass Trust and to fulfill their responsibilities and obligations as set forth in the Trust Agreement.
7. Reproductions of this executed original (with reproduced signatures) shall be deemed to be original counterparts of this Affidavit.

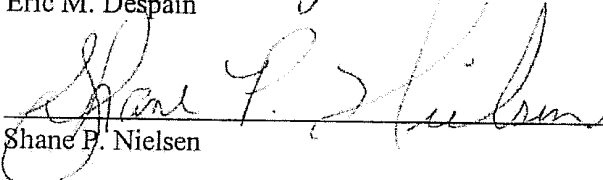
*[Signature page to follow.]*

Affidavit - Succession of Trustees of  
The Robert V. Despain Revocable Trust,  
The Robert V. Despain QTIP Trust and  
The Robert V. Despain ByPass Trust  
Page 2

We declare under penalties of perjury that the foregoing Affidavit is true and correct and that we have executed the same on this the 14th day of May, 2008.

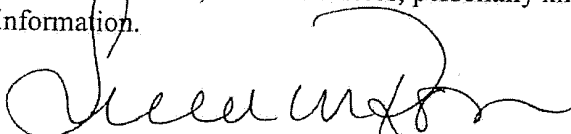
  
\_\_\_\_\_  
Susan Despain

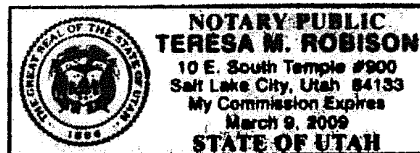
  
\_\_\_\_\_  
Eric M. Despain

  
\_\_\_\_\_  
Shane P. Nielsen

STATE OF UTAH                                    )  
  ): ss.  
COUNTY OF SALT LAKE                    )

The foregoing Affidavit of Successor Trustees of The Robert V. Despain Revocable Trust, The Robert V. Despain QTIP Trust and The Robert V. Despain ByPass Trust was subscribed, sworn to and acknowledged before me this 14 day of May, 2008, by Susan Despain, Eric M. Despain, and Shane P. Nielsen, the Co-Trustees, personally known to me or proven on the basis of satisfactory information.

  
\_\_\_\_\_  
NOTARY PUBLIC



STATE OF UTAH  
CERTIFICATION OF VITAL RECORD

CERTIFICATE OF DEATH

BK 10747 PG 4442

State File Number: 2008005495

Robert Verne Despain MD

DECEDENT INFORMATION

Date of Death:	May 3, 2008	Time of Death:	03:50
City of Death:	Murray	County of Death:	Salt Lake
Age:	77	Date of Birth:	October 17, 1930
Place of Birth:	Murray, Utah	Sex:	Male
Armed Services:	No	Marital Status:	Married
Spouse's Name:	Gwila Conrad	Usual Occupation:	Medical Doctor
Industry/Business:	Medicine	Education:	Doctorate Degree
Residence:	Sandy, Utah	Father's Name:	Verne Lewis Despain
Mother's Name:	Edna Malmstrom	Facility Type:	Hospital Inpatient
Facility or Address:	Intermountain Medical Center		

INFORMANT INFORMATION

Name:	Gwila C Despain	Relationship:	Wife
Mailing Address:	3742 East North Little Cottonwood Road, Sandy, Utah 84092		

DISPOSITION INFORMATION

Method of Disposition:	Cremation	Date of Disposition:	May 7, 2008
Place of Disposition:	Larkin Sunset Lawn Crematory, Salt Lake City, Utah		

FUNERAL HOME INFORMATION

Funeral Home:	Larkin Sunset Lawn
Address:	2350 East 1300 South, Salt Lake City, Utah 84108
Funeral Director:	Brian J Robertson

MEDICAL CERTIFICATION

Certifying Physician: Thomas R Calame, 24 South 1100 East #304, Salt Lake City, Utah 84102

CAUSE OF DEATH

Respiratory Arrest  
Cerebro Vascular Accident (CVA)  
Atherosclerosis [Onset: 2 Years]  
Tobacco Use: Probably Contributed  
Medical Examiner Contacted: No    Autopsy Performed: No    Manner of Death: Natural

May 7, 2008

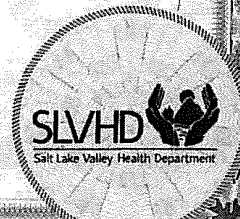
This is an exact reproduction of the document registered in the State Office of Vital Statistics. Security features of this official document include: Intaglio Border, V & R images in top cycloids, ultra violet fibers and hologram image of the Utah State Seal, over the words "State of Utah". This document displays the date, seal and signature of the State Registrar and the County/District Health Officer.



*Barry E Nangle*  
Barry E. Nangle, State Registrar  
Office of Vital Statistics



*Gary L Edwards*  
Gary L. Edwards  
Director/Health Officer  
County/District Health Department



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE