

E 164436 B 403 P 1382
Date 13-Oct-2023 02:01PM
Fee: \$40.00 ACH
Filed By: JP
BRENDA NELSON, Recorder
MORGAN COUNTY
For: COTTONWOOD TITLE INSURANCE AGENCY,
Recorded Electronically by Simplifile

WHEN RECORDED, MAIL TO:

Brian and Victoria Klein
400 Capitol Park Ave. E., Unit 105
Salt Lake City, UT 84102

CTIA # 169975-MLB

Tax ID No.: 00-0091-9330

SPECIAL WARRANTY DEED

WASATCH PEAKS RANCH, LLC, a Delaware limited liability company of Salt Lake City, Utah (“**Grantor**”), for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, conveys and warrants against all who claim by, through or under the Grantor to Brian Klein and Victoria Klein, husband and wife, as joint tenants, 400 Capitol Park Ave. E., Unit 105, Salt Lake City, UT 84102, the property situated in Morgan County, Utah commonly known as 5435 W North Village Lane, Peterson, UT 84050, and more fully described below (the “**Property**”):

Lot D10A of Final Plat Wasatch Peaks Ranch Plat 1, First Amendment (“**Lot**”) recorded on May 1, 2023, as Entry No. 163347 (“**Plat**”) in the official records of the Morgan County Recorder’s Office, Morgan County, Utah (“**Official Records**”); and the non-exclusive easements, appurtenant to the Lot for pedestrian and vehicular access as created and described in that certain Master Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements recorded May 3, 2022, as Entry No. 160853, as supplemented and amended by First Supplemental Declaration for Wasatch Peaks Ranch dated and recorded May 1, 2023, as Entry No. 163348, and Second Supplemental Declaration and First Amendment to Master Declaration for Wasatch Peaks Ranch dated and recorded May 1, 2023, as Entry No. 163355 in the Official Records.

GRANTOR HEREBY EXCLUDES from the above-described grant of Property, and Grantor hereby reserves unto itself, any and all rights to the use of water and water rights, perfected or otherwise, including without limitation, applications to appropriate water, applications for permanent change of water, applications for exchange of water, diligence claims, underground water claims, statement of water user’s claims, or contractual rights to use water, that are appurtenant to, used on, or in any way associated with, applicable to, or derived from the Property, whether surface or underground, and regardless of their source.

GRANTOR HEREBY CONVEYS any and all interests, rights, and appurtenances to the Property not excluded or reserved above, and any and all improvements thereon not excluded or reserved above to have and to hold forever.

GRANTOR HEREBY WARRANTS that Grantor has not conveyed the Property to another person, and, other than the liens, encumbrances, covenants, easements, restrictions and other matters described on *Exhibit “A”* (“**Permitted Exceptions**”), which is attached hereto and incorporated herein by this reference, the Property is free from encumbrances made by Grantor or any other person claiming by, through, or under said Grantor, and none other.

The above-described Property is conveyed subject to each and all of the Permitted Exceptions listed in Exhibit A, attached hereto and incorporated by this reference.

Witness, the hand of said Grantor, on 10 , JULY , 2023

GRANTOR:

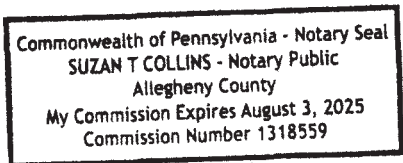
WASATCH PEAKS RANCH, LLC,
a Delaware limited liability company


By: Wasatch Peaks Ranch Management,
LLC, its Manager

By: 
Eric Yonke, Manager

STATE OF PENNSYLVANIA
COUNTY OF ALLEGHENY

The foregoing instrument was acknowledged before me on this 10 day of JULY, 2023, by Eric Yonke, as Manager of Wasatch Peaks Ranch Management, LLC, Manager of Wasatch Peaks Ranch, LLC, a Delaware limited liability company.




Notary Public

Residing at: Allegheny County
Pennsylvania

My Commission Expires:
AUGUST 3, 2025

EXHIBIT A**PERMITTED EXCEPTIONS**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity, or garbage collection or disposal, or other utilities unless shown as an existing lien by the Public Records.
8. Taxes for the year 2023, and subsequent years, as a lien as of January 1st, not yet due and payable.
9. The herein described Land is located within the boundaries of Morgan County School District, WPR Road And Fire District, WPR Utility District, Mountain Green Sewer Improvement District, Weber Basin Water Conservancy District, and is subject to any and all charges and assessments levied thereunder.
10. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

11. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
12. Easements, notes and restrictions as shown on the recorded plat for Wasatch Peaks Ranch Plat 1 recorded May 3, 2022 as Entry No. 160852 in Book 391 at Page 382.

Easements, notes and restrictions as shown on the recorded plat for Wasatch Peaks Ranch Plat 1, First Amendment, recorded May 1, 2023 as Entry No. 163347 in Book 399 at Page 1237.
13. Morgan County Reinvestment & Renewal Agency Boundary Plat, recorded March 13, 2017 as Entry No. 141018 in Book 334 at Page 439.
14. Ordinance No. CO-19-11 Amending a Portion of the Morgan County General Plan Future Land Use Map From the Natural Resources and Recreation and Agricultural Designation to the Master Planned Community Designation in the Peterson and Milton Areas, recorded November 7, 2019 as Entry No. 149276 in Book 355 at Page 1106.
15. Ordinance No. CO-19-12 Amending the Morgan County Official Zoning Map, From the Existing F-1 and MU-160 Zoning District to Resort Special District RSD-Wasatch Peaks Ranch Zoning District, recorded November 7, 2019 as Entry No. 149277 in Book 355 at Page 1112.
16. Certificate of Creation for the Wasatch Peaks Ranch Public Infrastructure District, recorded April 26, 2023 as Entry No. 163323 in Book 399 at Page 1084.

Notice of Public Infrastructure District by Wasatch Peaks Ranch Public Infrastructure District recorded June 12, 2023 as Entry No. 163608 in Book 400 at Page 1171.

Notice of Resolution and Bonds to be Issued by Wasatch Peaks Ranch Public Infrastructure District recorded June 12, 2023 as Entry No. 163609 in Book 400 at Page 1188.

Notice of Resolution and Bonds to be Issued by Wasatch Peaks Ranch Public Infrastructure District recorded July 6, 2023 as Entry No. 163786 in Book 401 at Page 537.
17. Reservations and recitals set forth in that certain Patent recorded May 25, 1904 as Entry No. 3080 in Book H at Page 75.

Quitclaim Deed by and between Union Pacific Railroad Company, a Utah corporation and its wholly owned subsidiary, Union Pacific Land Resources Corporation, a Utah corporation, recorded April 16, 1971 as Entry No. 37368 in Book M-7 at Page 249.

Release and Quitclaim Deed between Union Pacific Railroad Company, a Utah corporation and Union Pacific Land Resources Corporation, a Nebraska corporation, recorded January 25, 1999 as Entry No. 78211 in Book M146 at Page 734.

18. Terms and conditions as set forth in that certain Grant of Easement, dated March 10, 2000 and recorded March 23, 2000 as Entry No. 81921 in Book M158 at Page 236. (affects Parcel 1A).

Amendment to Grant of Easement, recorded January 29, 2003 as Entry No. 90669 in Book 188 at Page 376.

Assignment of Easements in favor of Wasatch Peaks Ranch, LLC, a Delaware limited liability company, recorded January 31, 2019 as Entry No. 146773 in Book 348 at Page 1066.

Assignment of Easements in favor of Hicks, LLC, a Utah limited liability company, recorded February 4, 2019 as Entry No. 146809 in Book 348 at Page 1392.

Assignment of Easements in favor of Wasatch Peaks Ranch, LLC, a Delaware limited liability company, recorded February 4, 2019 as Entry No. 146810 in Book 348 at Page 1419.

Second Amendment to Grant of Easement, recorded February 4, 2019 as Entry No. 146811 in Book 348 at Page 1446.

Third Amendment to Grant of Easement, recorded September 1, 2021 as Entry No. 158213 in Book 382 at Page 194.

19. Replacement Contract Between Weber Basin Water Conservancy District and Gailey Ranch, LLC for the Sale and Use of Untreated Water, dated July 29, 2011 and recorded August 11, 2011 as Entry No. 123757 in Book 292 at Page 1352.

Assignment in favor of Wasatch Peaks Ranch, LLC, recorded February 21, 2019 as Entry No. 146909 in Book 348 at Page 1900.

20. Contract and Lien Between Weber Basin Water Conservancy District and Wasatch Peaks Ranch, LLC, a Delaware limited liability company, or its assigns for the Sale and Use of Untreated Water, dated January 24, 2019 and recorded February 7, 2019 as Entry No. 146835 in Book 348 at Page 1536.

21. Development Agreement for the Wasatch Peaks Ranch, recorded November 7, 2019 as Entry No. 149303 in Book 355 at Page 1235.

First Amendment to WPR Development Agreement for Wasatch Peaks Ranch Resort Special District, recorded October 6, 2021 as Entry No. 158611 in Book 383 at Page 650.

22. Out of District Service Agreement between Mountain Green Sewer Improvement District and Wasatch Peaks Ranch, LLC, dated October 15, 2020 and recorded October 29, 2020 as Entry No. 153716 in Book 369 at Page 253.

First Amendment to Out of District Service Agreement and Joinder Agreement by and between Mountain Green Sewer Improvement District, Wasatch Peaks Ranch, LLC and

WPR Utility District, recorded October 4, 2021 as Entry No. 158581 in Book 383 at Page 497.

23. Declaration of Development and Use Restrictions by Ronnie B. Whitear; Christine W. Whitear; and Lone Tree Land, L.L.C., a Utah limited liability company, dated January 15, 2019 and recorded September 1, 2021 as Entry No. 158216 in Book 382 at Page 239.
24. Memorandum of Agreement Regarding Easements, Improvements, and Services between Wasatch Peaks Ranch, LLC, a Delaware limited liability company and M A S Family LLC, a Utah limited liability company, dated and effective as of September 13, 2021 and recorded May 3, 2022 as Entry No. 160850 in Book 391 at Page 370.
25. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Master Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Wasatch Peaks Ranch recorded May 3, 2022 as Entry No. 160853 in Book 391 at Page 402, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

First Supplemental Declaration for Wasatch Peaks Ranch, recorded May 1, 2023 as Entry No. 163348 in Book 399 at Page 1242.

Second Supplemental Declaration and First Amendment to Master Declaration for Wasatch Peaks Ranch, recorded May 1, 2023 as Entry No. 163355 in Book 399 at Page 1288.

26. Notice of Reinvestment Fee Covenant for Wasatch Peaks Ranch a Private Planned Recreational Community in favor of Wasatch Peaks Ranch Homeowners Association, Inc., a Utah nonprofit corporation, dated April 6, 2022 and recorded May 3, 2022 as Entry No. 160854 in Book 391 at Page 535.

First Amendment to Notice of Reinvestment Fee Covenant for Wasatch Peaks Ranch, a Private Planned Recreational Community, recorded June 15, 2023 as Entry No. 163633 in Book 400 at Page 1310.

27. Easement in favor of Rocky Mountain Power, an unincorporated division of PacifiCorp, an Oregon corporation, to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land, recorded May 3, 2022, as Entry No. 160857, in Book 391, at Page 556.

Release and Extinguishment of Easement, recorded October 6, 2022 as Entry No. 162096 in Book 395 at Page 1014.

First Amendment to Release and Extinguishment of Easement, recorded May 2, 2023 as Entry No. 163366 in Book 399 at Page 1376.

Release and Extinguishment of Easement, recorded May 2, 2023 as Entry No. 163371 in Book 399 at Page 1391.

28. Notice of License Agreement by and between the United States of America, acting by and through the Bureau of Reclamation, Department of the Interior, and Wasatch Peaks Ranch, LLC, a Delaware limited liability company recorded July 28, 2022 as Entry No. 161569 in Book 393 at Page 1312 (affects Parcel 1A).
29. Easement Agreement by and between Wasatch Peaks Ranch, LLC, a Delaware limited liability company and WPR Utility District, a Utah independent local district recorded October 6, 2022 as Entry No. 162094 in Book 395 at Page 984.

First Amendment to Easement Agreement, recorded May 1, 2023 as Entry No. 163353 in Book 399, at Page 1271.

30. Easement Agreement by and between Wasatch Peaks Ranch, LLC, a Delaware limited liability company and WPR Road and Fire District, a Utah independent local district recorded October 6, 2022 as Entry No. 162095 in Book 395 at Page 999.

First Amendment to Easement Agreement, recorded May 1, 2023 as Entry No. 163352 in Book 399 at Page 1264.

31. Declaration of Wellhead Protection Covenant and Land Use Restrictions recorded March 28, 2023 as Entry No. 163128 in Book 399 at Page 221.
32. Declaration of Restrictive Covenant, dated May 1, 2023 and recorded May 1, 2023 as Entry No. 163349 in Book 399 at Page 1250.

Acknowledgement of Declaration of Restrictive Covenant recorded September 20, 2023 as Entry No. 164273 in Book 403 at Page 414.

33. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.