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DOC # 20100004411

WHEN RECORDED, MAIL TO:

Dixie Title Company  
205 East Tabernacle St.  
St. George, Utah 84770

Agreement Page 1 of 10  
Russell Shirts Washington County Recorder  
02/10/2010 08:40:46 AM Fee \$ 42.00  
By DIXIE TITLE CO



**ACKNOWLEDGMENT OF  
TENANTS-IN-COMMON AGREEMENT**

THIS ACKNOWLEDGMENT OF TENANTS-IN-COMMON AGREEMENT (hereafter "Acknowledgment") is made effective this 5<sup>th</sup> day of February, 2010, by RKW HOLDINGS, LLC, a Utah limited liability company; and R&S TOQUERVILLE, LLC, a Utah limited liability company (together, the "New Owners").

1. The New Owners have each purchased an undivided interest in and to certain real property located in Washington County, Utah, and described in that "Tenants-In-Common Agreement" executed on March 29<sup>th</sup>, 2007, and recorded March 30<sup>th</sup>, 2007, as Doc. No. 20070016000, as thereafter amended (together with such amendments, the "Agreement").

2. Said real property which is encumbered by the Agreement is more particularly described in Exhibit "A" hereto (the "Property"), which Property is comprised of approximately 1721 total acres.

3. Each New Owner, its interests in and to the Property having been conveyed from certain Co-Owners described in the Agreement, and therefore being a successor-in-interest to said Co-Owners, hereby acknowledges that it and its interests in the Property are subject to the terms and provisions of the Agreement as a non-qualified successor or transferee and therefore limited as set forth therein.

Agreed and acknowledged as set forth:

RKW HOLDINGS, LLC

By: Randy K. Westbrook  
Its: Manager

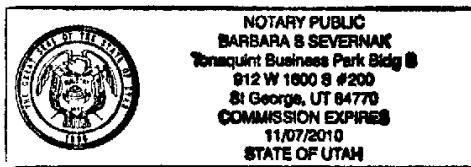
R&S TOQUERVILLE, LLC

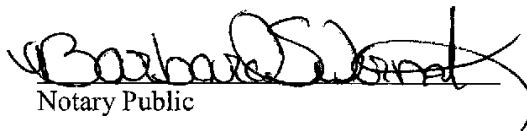
By: Randy K. Westbrook  
Its: Manager

*(Notary acknowledgement to follow)*

STATE OF UTAH, )  
:ss  
County of Washington )

On the 4 day of February, 2010, Randy K. Westbrook personally appeared before me as signer of the above instrument, and duly acknowledged to me that he is the Manager of RKW Holdings, LLC, and the Manager of R&S Toquerville, LLC; that he is duly authorized by said companies to execute the above instrument on their behalf, and that said companies executed the same freely and voluntarily, and for the purposes stated therein.



  
Barbara S. Severnak  
Notary Public

**EXHIBIT "A"**

**Legal Description of the Property**

**Approx. 1721.566 acres**

**See following page(s).**

Exhibit "A"



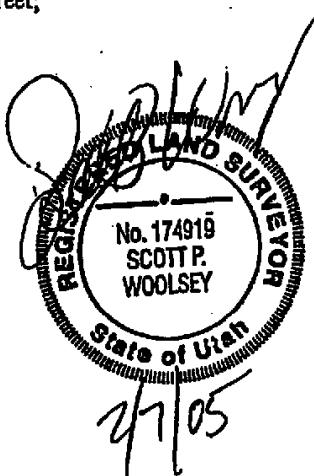
**ALPHA ENGINEERING COMPANY**

148 East Tabernacle, St. George, UT 84770 • (435) 628-6500 • Fax: (435) 628-6553

**LEGAL DESCRIPTION FOR  
WINDING RIVER ASSOCIATES  
ASH HILLS 390 ACRE PARCEL**

(February 7, 2005)

Beginning at the Southeast Corner of Section 3, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence North 88°57'33" West, along the Section line a distance of 990.00 feet; Thence North 88°57'33" West, along the Section line a distance of 1,664.31 feet to the South ¼ corner of Section 3; Thence North 00°31'01" West, along the Center Section line a distance of 1,181.26 feet, Thence North 89°09'02" West, a distance of 2,667.86 feet to a point on the West line of said Section 3, Thence North 01°14'12" West, along said West line, a distance of 154.91 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 3, . . . Thence North 01°14'41" West, along the Section line, a distance of 1,328.21 feet, to the West ¼ Corner of said Section 3; Thence North 00°56'55" West, along the Section line a distance of 1,329.87 feet, to the Northwest Corner of the Southwest 1/4 of the Northwest 1/4 of said Section 3; Thence South 89°19'19" East, along the 1/16<sup>th</sup> Section line, a distance of 2,696.45 feet, to the Northwest Corner of the Southwest 1/4 of the Northeast 1/4 of said Section 3; Thence South 89°26'54" East, along the 1/16<sup>th</sup> Section line a distance of 1,342.55 feet, to the Northeast Corner of the Southwest 1/4, of the Northeast 1/4 of said Section 3; Thence South 00°17'07" East, along the 1/16<sup>th</sup> Section line, a distance of 1,331.92 feet, to the Southeast Corner of the Southwest 1/4 of the Northeast 1/4, of said Section 3; Thence South 00°16'39" East, along the 1/16<sup>th</sup> Section line, a distance of 51.83 feet; Thence South 51°00'50" East, a distance of 1,852.69 feet; Thence South 31°34'49" East, a distance of 122.00 feet; Thence South 62°32'31" East, a distance of 137.68 feet; Thence South 89°57'58" East, a distance of 319.00 feet; Thence North 02°57'54" West, a distance of 471.00 feet; Thence North 15°26'56" West, a distance of 338.00 feet; Thence North 01°02'04" East, a distance of 84.00 feet; Thence North 80°02'11" East, a distance of 263.90 feet; Thence South 19°02'04" West, a distance of 207.00 feet; Thence South 12°57'56" East, a distance of 749.37 feet; Thence North 89°57'58" West, a distance of 43.38 feet; Thence South 35°41'59" East, a distance of 803.12 feet; Thence South 69°33'01" West, a distance of 637.00 feet; Thence South 48°53'01" West, a distance of 210.00 feet; Thence South 70°34'01" West, a distance of 243.00 feet; Thence South 26°06'59" East, a distance of 180.00 feet, to a point on the South line of Section 2, Township 42 South, Range 13 West, Salt Lake Base and Meridian; Thence South 80°13'01" West, along the Section line a distance of 378.00 feet, to the Point of Beginning:



T-100-A

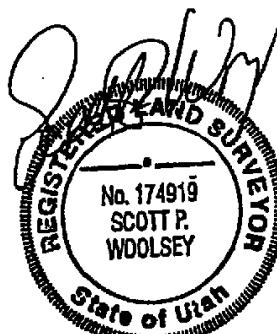
Exhibit "A"

**ALPHA ENGINEERING COMPANY**  
148 East Tabernacle, St. George, UT 84770 • (435) 628-6500 • Fax: (435) 628-6553

LEGAL DESCRIPTION FOR  
WINDING RIVER ASSOCIATES  
ASH HILLS 450 ACRE PARCEL  
(February 7, 2005)  
(First Option Parcel)

Beginning at the Northwest Corner of Section 10, Township 41 South, Range 13 West, Salt Lake Base and Meridian;  
Thence North 01°14'28" West, along the Section line, a distance of 1,172.92 feet;  
Thence South 89°09'02" East, a distance of 2,667.86 feet to the Center Section line;  
Thence South 00°31'01" East, along said Center Section line, a distance of 1,181.26 feet to the South  $\frac{1}{4}$  corner of Section 3;  
Thence South 88°57'33" East, along the north line of section 10, a distance of 1,664.31 feet;  
Thence South 00°11'20" East, a distance of 2,515.09 feet;  
Thence North 88°50'38" West, a distance of 1,657.75 feet, to a point on the Center Section line of said Section 10;  
Thence South 00°20'24" East, along the Center Section line, a distance of 1,483.17 feet, to the Southeast Corner of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , of said Section 10;  
Thence North 88°39'44" West, along the 1/16<sup>th</sup> Section line, a distance of 1,318.97 feet, to the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 10;  
Thence South 00°26'19" East, along the 1/16<sup>th</sup> Section line, a distance of 1,326.08 feet, to the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , of said Section 10;  
Thence North 88°22'47" West, along the Section line, a distance of 1,324.74 feet, to the Southwest Corner of said Section 10;  
Thence North 00°20'43" West, along the Section line, a distance of 2,168.27 feet, to the East  $\frac{1}{4}$  Corner of Section 9, Township 41 South, Range 13 West, SLB&M;  
Thence North 00°28'17" West, along the Section line, a distance of 470.71 feet, to the West  $\frac{1}{4}$  Corner of said Section 10;  
Thence North 00°34'45" West, along the Section line, a distance of 2,662.11 feet, to the Point of Beginning:

T-104-A-1



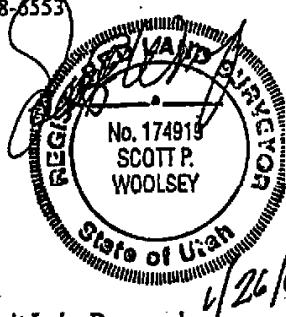
2/7/05

Exhibit "A"



# ALPHA ENGINEERING COMPANY

148 East Tabernacle, St. George, UT 84770 • (435) 628-6500 • Fax: (435) 628-6553



LEGAL DESCRIPTION FOR  
WINDING RIVER ASSOCIATES  
ASH HILLS 718 ACRE PARCEL  
(January 26, 2005)  
(Second Option Parcel)

Beginning at the East  $\frac{1}{4}$  Corner of Section 10, Township 41 South, Range 13 West, Salt Lake Base and Meridian;  
Thence North  $00^{\circ}11'15''$  West, along the Section line, a distance of 450.28 feet;  
Thence North  $89^{\circ}52'43''$  East, a distance of 1,152.37 feet;  
Thence South  $15^{\circ}25'20''$  East, a distance of 8.93 feet;  
Thence South  $26^{\circ}10'01''$  East, a distance of 125.48 feet;  
Thence South  $45^{\circ}51'49''$  East, a distance of 152.20 feet;  
Thence South  $00^{\circ}00'48''$  East, a distance of 35.54 feet;  
Thence North  $66^{\circ}44'07''$  East, a distance of 4.03 feet;  
Thence South  $00^{\circ}07'15''$  East, along the 1/16<sup>th</sup> Section line, a distance of 2,845.22 feet, to the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 11, Township 41 South, Range 13 West, Salt Lake Base and Meridian;  
Thence South  $00^{\circ}10'11''$  East, along the 1/16<sup>th</sup> Section line, a distance of 2,540.05 feet, to the Southeast Corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , of Section 14, Township 41 South, Range 13 West, Salt Lake Base and Meridian;  
Thence South  $00^{\circ}06'26''$  East, along the 1/16<sup>th</sup> Section line, a distance of 1,315.36 feet, to the Southeast Corner of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 14;  
Thence North  $89^{\circ}19'45''$  West, along the 1/16<sup>th</sup> Section line, a distance of 1,318.27 feet, to the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 14;  
Thence South  $89^{\circ}53'14''$  West, along the 1/16<sup>th</sup> Section line, a distance of 1,937.34 feet;  
Thence South  $00^{\circ}47'08''$  East, a distance of 1,321.53 feet, to a point on the North line of Section 22, Township 41 south, Range 13 West, Salt Lake Base and Meridian;  
Thence North  $89^{\circ}49'43''$  East, along the Section line, a distance of 641.07 feet, to the Northeast Corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 22;  
Thence South  $00^{\circ}02'27''$  East, along the 1/16<sup>th</sup> Section line, a distance of 821.57 feet;  
Thence South  $89^{\circ}59'06''$  West, a distance of 2,613.78 feet;  
Thence North  $00^{\circ}03'36''$  West, a distance of 820.50 feet, to a point on the North line of said Section 22;  
Thence North  $00^{\circ}48'00''$  West, along the 1/16<sup>th</sup> Section line, a distance of 1,320.49 feet, to the Northwest Corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , of said Section 15;  
Thence South  $89^{\circ}58'57''$  East, along the 1/16<sup>th</sup> Section line, a distance of 1,327.52 feet, to the Northeast Corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , of said Section 15;  
Thence North  $00^{\circ}59'21''$  West, along the Center Section line a distance of 3,897.11 feet, to the North  $\frac{1}{4}$  Corner of said Section 15;  
Thence North  $00^{\circ}20'24''$  West, along the Center Section line, a distance of 2,811.01 feet;  
Thence South  $88^{\circ}50'38''$  East, a distance of 1,657.75 feet;  
Thence South  $00^{\circ}11'20''$  East, a distance of 155.33 feet, to a point on the Center Section line of said Section 10;  
Thence South  $88^{\circ}50'36''$  East, along the Center Section line, a distance of 990.00 feet, to the Point of Beginning:

T-182-A

**Exhibit A**



**ALPHA ENGINEERING COMPANY**

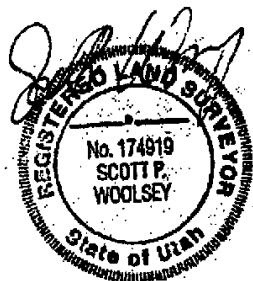
148 East Tabernacle, St. George, UT 84770 • (435) 628-6500 • Fax: (435) 628-6353

**LEGAL DESCRIPTION FOR  
WINDING RIVER ASH HILLS AREA  
200.66 ACRE PARCEL  
(May 23, 2005)**

Beginning at the South  $\frac{1}{4}$  Corner of Section 22, Township 41 South, Range 13 West, Salt Lake Base and Meridian;  
Thence South  $89^{\circ}54'23''$  West, along the Section line; a distance of 1,309.31 feet, to the Southwest Corner of the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , said Section 22;  
Thence North  $00^{\circ}05'50''$  West, along the 1/16<sup>th</sup> Section line, a distance of 2,636.29 feet;  
Thence North  $00^{\circ}05'46''$  West, a distance of 2,218.63 feet;  
Thence North  $89^{\circ}59'06''$  East, a distance of 2,613.52 feet;  
Thence South  $00^{\circ}01'22''$  East, a distance of 1,820.79 feet;  
Thence North  $89^{\circ}36'06''$  West, a distance of 1,289.51 feet, to a point on the North-South Center Section line of said Section 22;  
Thence South  $00^{\circ}08'13''$  West, along said Center Section line, a distance of 3041.64 feet, to the Point of Beginning:

Containing: 200.66 acres, more or less.

*TAX ID # 3295-A-1*



*5/23/05*

(Page 1 of 1)

Exhibit "A" continued

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:



**BUSH & GUDGEELL, INC.**  
Engineers • Planners • Surveyors  
205 East Tabernacle  
St. George, Utah 84770  
(435) 673-2537 (ph.)  
(435) 673-3161 (fax)

Legal Description located in:  
Section 11, Township 41 South, Range 13 West SLB&M  
Prepared for Mike Ruesch

The intent of this Legal description is to solve an encroachment issue with the home on that parcel described in instrument #863147. Based on Documents collected from Washington County Recorders Office State of Utah, Namely instrument #'s, 863147, 797833, 396201, 232474, 20070015999, and field data collection this parcel along with the original parcel (863147) the home encroaching to the South will now have a 10.00 foot Setback from the farthest Southeast corner of the home to this new parcel line.

Beginning at a point N 0°00'41" E along the West Section Line of Section 11, Township 41 South, Range 13 West SLB&M, 411.34 feet from the West Quarter of said Section, and running thence N 0°00'41" E along said Section line 38.94 feet to the Southwest Corner of a Parcel more particularly described in Instrument #863147 on file and on Record at Washington County Recorders Office, State of Utah; thence S 89°55'19" E along said parcel 240.48 feet to the West Right-of-way of Mesa View Blvd said point also being the Southeast Corner of said parcel; Thence S 80°52'40" W leaving said Right-of-way 243.56 feet to the point of beginning. Contains 0.11 acres, 4,682 Sq Ft more or less.

TAX Serial No. T-144-B-1-A

Exhibit "A" Continued

Less and Excepting the following described property:

A Portion of Parcel Serial Nos.: T-100-A, T-104-A-1 and T-182-A

Beginning at the intersection of the right-of-way line of a 120.00 foot wide future roadway and the west sixteenth line of Section 11, Township 41 South, Range 13 West of the Salt Lake Base and Meridian, said point lies South 00°59'59" West 1291.68 feet along the section line and North 90°00'00" East 1324.36 feet from the west quarter corner of Section 11 Township 41 South, Range 13 West of the Salt Lake Base and Meridian and running thence along said west sixteenth line South 00°56'21" West 120.60 feet to a point on the arc of a 740.00 foot radius non tangent curve concave southeasterly, the radius point of which bears South 05°12'45" East; thence southwesterly 822.27 feet along the arc of said curve through a central angle of 63°39'55" to the point of tangency; thence South 21°07'19" West 430.51 feet to the point of curvature of a 1010.00 foot radius curve concave northerly; thence westerly 2545.00 feet along the arc of said curve through a central angle of 144°22'26" to the point of tangency; thence North 14°30'14" West 1381.48 feet to the point of curvature of a 1000.00 foot radius curve concave southwesterly; thence northwesterly 439.56 feet along the arc of said curve through a central angle of 25°11'06" to the point of reverse curvature of a 1120.00 foot radius curve concave easterly; thence northerly 757.46 feet along the arc of said curve through a central angle of 38°44'57" to the point of tangency; thence North 00°56'23" West 778.83 feet to the point of curvature of a 2120.00 foot radius curve concave easterly; thence northerly 556.93 feet along the arc of said curve through a central angle of 15°03'06" to the point of tangency; thence North 14°06'43" East 970.55 feet to the point of curvature of a 1060.00 foot radius curve concave southeasterly; thence northeasterly 479.20 feet along the arc of said curve through a central angle of 25°54'07" to the point of tangency; thence North 40°00'50" East 68.35 feet to the point of curvature of a 940.00 foot radius curve concave westerly; thence northerly 722.68 feet along the arc of said curve through a central angle of 44°02'58" to the point of tangency; thence North 04°02'08" West 554.28 feet to the point of curvature of a 1000.00 foot radius curve concave southwesterly; thence northwesterly 830.98 feet along the arc of said curve through a central angle of 47°36'42" to the point of reverse curvature of a 1120.00 foot radius curve concave easterly; thence northerly 1512.75 feet along the arc of said curve through a central angle of 77°23'16" to the point of tangency; thence North 25°44'26" East 504.53 feet to a point on the north sixteenth line of Section 3 of said township and range; thence along said north sixteenth line South 88°23'32" East 131.49 feet to a point on the opposite right-of-way line being 120.00 feet from and parallel to the above described line; thence South 25°44'26" West 558.29 feet to the point of curvature of a 1000.00 foot radius curve concave easterly; thence southerly 1350.67 feet along the arc of said curve through a central angle of 77°23'16" to the point of reverse curvature of a 1120.00 foot radius curve concave southwesterly; thence southeasterly 930.70 feet along the arc of said curve through a central angle of 47°36'42" to the point of tangency; thence South 04°02'08" East 554.28 feet to the point of curvature of a 1060.00 foot radius curve concave westerly; thence southerly 814.94 feet along the arc of said curve through a central angle of 44°02'58" to the point of tangency; thence South 40°00'50" West 68.35 feet to the point of curvature of a 940.00 foot radius curve concave southeasterly; thence southwesterly 424.95 feet along the arc of said curve through a central angle of 25°54'07" to the point of tangency; thence South 14°06'43" West 970.55 feet to the point of curvature of a 2000.00 foot radius curve concave easterly; thence southerly 525.41 feet along the arc of said curve through a central angle of 15°03'06" to the point of tangency; thence South 00°56'23" East 778.83 feet to the point of curvature of a 1000.00 foot radius curve concave easterly; thence southerly 676.30 feet along the arc of said curve through a central angle of 38°44'57" to the point of reverse curvature of a 1120.00 foot radius curve concave southwesterly; thence southeasterly 492.31 feet along the arc of said curve through a central angle of 25°11'06" to the point of tangency; thence South 14°30'14" East 1381.48 feet to the point of curvature of a 890.00 foot radius curve concave northerly; thence easterly 2242.62 feet along the arc of said curve through a central angle of 144°22'26" to the point of tangency; thence North 21°07'19" East 430.51 feet to the point of curvature of a 860.00 foot radius curve concave southeasterly; thence northeasterly 968.53 feet along the arc of said curve through a central angle of 64°31'35" to a point on said west sixteenth line and the point of beginning. Contains 36.534 acres.

Exhibit "A" continued

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:



**PRATT PRECISION ENGINEERING P.C.**

81 N. 1000 W. STE. #2 HURRICANE, UT 84737 TEL: (435)685-4789 FAX: (435)685-8900

**LEGAL DESCRIPTION**

Explanation: A legal description of a strip of land 15 feet in width, to be deeded to Clinton and Lola Perkins. The 15 foot strip would adjoin the Perkins property along the southerly and westerly boundary of said property, and is more particularly described as follows:

Beginning at the Southeast corner of the Clinton and Lola Perkins property, said point being North 00° 07' 24" West 1318.79 feet along the section line and North 89° 52' 36" East 606.00 feet along a line perpendicular to said section line from the Southwest corner of Section 2, Township 41 South, Range 13 West of the Salt Lake Base and Meridian and running thence South 00° 00' 31" East 15.00 feet; thence South 89° 59' 29" West 322.66 feet; thence North 62° 35' 06" West 145.49 feet; thence North 31° 37' 24" West 123.59 feet; thence North 51° 04' 24" West 719.83 feet; thence North 38° 55' 36" East 15.00 feet; thence South 51° 04' 24" East 722.40 feet; thence South 31° 37' 24" East 122.00 feet; thence South 62° 35' 06" East 137.68 feet; thence North 89° 59' 29" East 319.00 feet to the point of beginning. Contains 0.450 acres.

TAX Serial No. T-100-A

