

WHEN RECORDED MAIL TO:

WinCo Foods, LLC

c/o Holland & Hart LLP / Kelly T. Barbour
101 S. Capitol Blvd. Suite 1400
Boise, ID 83702

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W2378743

E# 2378743 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
05-DEC-08 3:34 PM FEE \$18.00 DEP KA
REC FOR: METRO NATIONAL TITLE
ELECTRONICALLY RECORDED

10773

DAVIS #13-051-0046
WEBER# 09-092-0007 SPECIAL WARRANTY DEED

HOMESTEAD PAVILION, LLC, a Delaware limited liability company, Grantor, hereby conveys and warrants against all claiming by, through or under it, to WINCO FOODS, LLC, a Delaware limited liability company, whose address is 650 North Armstrong Place, Boise, Idaho 83704, Grantee, for the sum of Ten Dollars and other good and valuable consideration, the following described tract of land in Salt Lake County, State of Utah:

See Exhibit "A" attached hereto.

TOGETHER WITH all structures, improvements, rights of way, easements, tenements, and hereditaments on or appurtenant to said land.

SUBJECT TO taxes and assessments not yet due and payable, all matters which would be disclosed by an inspection of the property and/or an accurate survey, all applicable laws, ordinances and regulations, including, without limitation, those relating to zoning or land use, and those certain permitted exceptions described on Exhibit "B" attached hereto and incorporated by reference herein.

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of this deed to those herein expressed, and excludes all other covenants arising or to arise by statute or otherwise, express or implied.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 5th day of December, 2008.

HOMESTEAD PAVILION, LLC.,
a Delaware limited liability company

By: Homestead Pavilion Managing
Member, LLC, a Delaware limited
liability company

By: Steven Usdan
Name: Steven Usdan
Title: Vice President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

ss.

On November 6, 2008, before me, Helen Lizzett French, Notary Public
Date
personally appeared Steven Herschel Usdan

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Name(s) of Signer(s)



Place Notary Seal Above

 personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal:

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: Special Warranty DeedDocument Date: not datedNumber of Pages: 3Signer(s) Other Than Named Above: n/a**Capacity(ies) Claimed by Signer(s)**Signer's Name: Steven Herschel Usdan

Individual
 Corporate Officer — Title(s): Vice President
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

Signer's Name: _____

Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing: Homestead Pavilion, LLC

Signer Is Representing: _____

EXHIBIT A**LEGAL DESCRIPTION**

09-092-0010 (09-092-0008) *8*
 ALL THAT LAND LOCATED IN WEBER COUNTY AND DAVIS COUNTY, UTAH, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 3500 WEST (ROY CITY), STREET, SAID POINT BEING $88^{\circ}43'33"E$ ALONG THE QUARTER SECTION LINE 33.00 FEET AND $S00^{\circ}20'59"W$ 390.47 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE $S89^{\circ}39'01"E$ 218.48 FEET; THENCE $N00^{\circ}16'27"E$ 175.55 FEET; THENCE $S89^{\circ}39'01"E$ 47.38 FEET; THENCE $N00^{\circ}16'27"E$ 122.80 FEET; THENCE $S89^{\circ}39'01"E$ 139.52 FEET; THENCE $S00^{\circ}16'27"W$ 32.13 FEET; THENCE $S89^{\circ}39'01"E$ 138.86 FEET; THENCE $S00^{\circ}16'27"W$ 142.75 FEET; THENCE $S89^{\circ}35'08"E$ 206.17 FEET; THENCE $N00^{\circ}24'59"E$ 235.23 FEET, TO THE SOUTH LINE OF 6000 SOUTH STREET; THENCE $S89^{\circ}43'33"E$ ALONG SAID SOUTH LINE 190.37 FEET, TO THE WEST LINE OF THE ROY 10TH & 30TH WARD SUBDIVISION RECORDED MARCH 1, 2000 AS ENTRY NO. 1692487, IN BOOK 51, AT PAGE 63, WEBER COUNTY RECORDER OFFICIAL RECORDS; THENCE ALONG SAID LINE AND THE EXTENSION THEREOF $S00^{\circ}16'27"W$ 581.03 FEET TO THE SOUTH LINE OF WEBER COUNTY AS ESTABLISHED IN THE DECLARATION OF COUNTY LINE COMMON TO WEBER COUNTY AND DAVIS COUNTY, UTAH, AND SHOWN ON RECORD OF SURVEY NO. 2993, RECORDED AS ENTRY NO. 1885948, BOOK 56, PAGES 88-92, WEBER COUNTY RECORDER OFFICIAL RECORDS; THENCE ALONG SAID LINE $N89^{\circ}35'08"W$ 941.67 FEET TO THE EAST LINE OF 3500 WEST STREET; THENCE ALONG SAID EAST LINE $N00^{\circ}20'59"E$ 221.25 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT A POINT ON THE NORTH LINE OF DAVIS COUNTY AS ESTABLISHED IN THE DECLARATION OF COUNTY LINE COMMON TO WEBER COUNTY AND DAVIS COUNTY, UTAH, AND SHOWN ON RECORD OF SURVEY NO. 2993, RECORDED AS ENTRY NO. 1885948, BOOK 56, PAGES 88-92, WEBER COUNTY RECORDER OFFICIAL RECORDS, SAID POINT BEING $S89^{\circ}43'33"E$ ALONG THE QUARTER SECTION LINE 33.00 FEET AND $S00^{\circ}20'59"W$ 611.72 FEET, TO SAID COUNTY LINE, AND $S89^{\circ}35'08"E$ ALONG SAID LINE 266.95 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE CONTINUING ALONG SAID COUNTY LINE $S89^{\circ}35'08"E$ 266.12 FEET; THENCE $S00^{\circ}20'59"W$ 102.94 FEET; THENCE $N89^{\circ}39'01"W$ 60.62 FEET; THENCE $N00^{\circ}20'59"E$ 43.92 FEET; THENCE $N89^{\circ}39'01"W$ 205.50 FEET; THENCE $N00^{\circ}20'59"E$ 59.32 FEET, TO THE POINT OF BEGINNING

TOGETHER WITH:

BEGINNING AT A POINT ON THE NORTH LINE OF DAVIS COUNTY AS ESTABLISHED IN THE DECLARATION OF COUNTY LINE COMMON TO WEBER COUNTY AND DAVIS COUNTY, UTAH, AND SHOWN ON RECORD OF SURVEY NO. 2993, RECORDED AS ENTRY NO. 1885948, BOOK 56, PAGES 88-92, WEBER COUNTY RECORDER OFFICIAL RECORDS, SAID POINT BEING $S89^{\circ}43'33"E$ ALONG THE QUARTER SECTION LINE 33.00 FEET AND $S00^{\circ}20'59"W$ 611.72 FEET, TO SAID COUNTY LINE, AND $S89^{\circ}35'08"E$ ALONG SAID LINE 794.57 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE CONTINUING ALONG SAID COUNTY LINE $S89^{\circ}35'08"E$ 147.10 FEET, TO A POINT AT THE EXTENSION OF THE WEST LINE OF THE ROY 10TH & 30TH WARD SUBDIVISION RECORDED MARCH 1, 2000 AS ENTRY NO. 1692487, IN BOOK 51, AT PAGE 63, WEBER COUNTY RECORDER OFFICIAL RECORDS; THENCE ALONG SAID EXTENSION LINE $S00^{\circ}16'27"W$ 333.93 FEET; THENCE $N89^{\circ}39'01"W$ 147.54 FEET; THENCE $N00^{\circ}20'59"E$ 334.10 FEET, TO THE POINT OF BEGINNING.

CONTAINS 10.49 ACRES MORE OR LESS.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Liens for non-delinquent real property taxes and assessments.
2. Subject, but not limited to, to the following items, as disclosed by a survey prepared by CLC Associates, having been certified under the date of February 14, 2008, and updated November 6, 2008, by Brad T. Mortensen, a Registered Land Surveyor holding License No. 271154, as Job No. 08-0025, including but not limited to the following:
(a) irrigation ditch along the East line and (b) storm drain along the West line.
3. Setback Agreement dated December 5, 2008 between Property Reserve, Inc. and Homestead Pavilion, LLC, recorded in the Official Records of Davis County, Utah, on December 5, 2008 as Instrument No. 2408658, and the Official Records of Weber County, Utah, on December 5, 2008 as Instrument No. 2378718.
4. Memorandum of Option Agreement dated December 5, 2008 between Homestead Pavilion, LLC and H&B Development of Utah, LLC recorded in the Official Records of Davis County, Utah, on December 5, 2008 as Instrument No. 2408659.
5. Assignment and Consent to Assignment of Option Agreement dated December 5, 2008 between H&B Development of Utah, LLC and Property Reserve, Inc. recorded in the Official Records of Davis County, Utah on December 5, 2008 as Instrument No. 2408665.
6. Utility Easement dated December 5, 2008, by and among Property Reserve, Inc. and SLI Homestead, LLC, as grantor, and Clinton City Corporation, as grantee, as recorded in the Official Records of Davis County, Utah. *A- Entry No 2408574*.
7. Memorandum of Site Development Agreement dated December 5, 2008 between Homestead Pavilion, LLC and WinCo Foods, LLC recorded in the Official Records of Davis County, Utah and Weber County, Utah.
8. Declaration of Easements and Conditions dated December 5, 2008 between WinCo Foods, LLC and Homestead Pavilion, LLC recorded in the Official Records of Davis County, Utah and Weber County, Utah.