

When Recorded, Return To:



Kirton & McConkie
Attn: Joel D. Wright
60 East South Temple Suite 1800
Salt Lake City, Utah 84145-0120

E# 2401211 PG 1 OF 5
ERNEST D ROWLEY, WEBER COUNTY RECORDER
31-MAR-09 8:56 AM FEE \$19.00 DEP SC
REC FOR: LINCOLN TITLE INSURANCE AGENCY
ELECTRONICALLY RECORDED

017140

Tax Parcel Nos. 03-043-0003
03-043-0004

(Space above for Recorder's use only)

SPECIAL WARRANTY DEED

FOR THE SUM OF TEN DOLLARS and other good and valuable consideration received, AMCAN PROPERTIES, LLC, a Utah limited liability company ("Grantor"), whose address is 4723 Harrison Blvd., Suite 200, Ogden, Utah 84403, hereby conveys and warrants, against all claiming by, through, or under Grantor, to DAVINCI ACADEMY OF SCIENCE AND THE ARTS, a Utah non-profit corporation ("Grantee"), whose address is 2033 Grant Avenue, Ogden, Utah 84401, the following described property situated in Weber County, Utah, to wit:

See Exhibit A annexed hereto and incorporated herein by this reference (the "Property");

TOGETHER WITH all and singular the easements, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property, including, but not limited to, all: (i) buildings, structures, fixtures, signs, and other improvements and landscaping of every kind and nature presently situated on, in, under or about the Property; (ii) water and water rights of any and every kind, including, but not limited to, all: wells, well rights, ditches, ditch rights, and stock in water used on the Property or appurtenant thereto; and (iii) all mineral and subsurface rights of any and every kind.

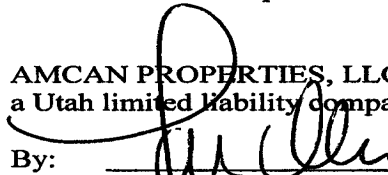
SUBJECT ONLY TO those certain exceptions and encumbrances specifically listed on Exhibit B annexed hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 19th day of March, 2009.

Grantor:

AMCAN PROPERTIES, LLC,
a Utah limited liability company

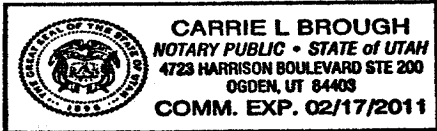
By:


Jon Peddie, Manager

[notary acknowledgement on following page.]

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On this 19th day of March, 2009, personally appeared before me Jon Peddie, known or satisfactorily proved to me to be the person who signed the foregoing instrument, and acknowledged to me that he is the Manager of AMCAN PROPERTIES, LLC, a Utah limited liability company, and acknowledged to me that said company executed the same.



Carrie L Brough
Notary Public

EXHIBIT A

to Special Warranty Deed

(Legal Description of the Property)

That certain real property located in Weber County, Utah, specifically described as follows:

UNITS 5 and 6, AMCAN CONDOMINIUMS PHASE 2, A UTAH CONDOMINIUM PROJECT AS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED MAY 16, 2008 AS ENTRY NO. 2342094, IN BOOK 68 AT PAGE 29 AND 30 OF PLATS, (AS SAID RECORD OF SURVEY MAP MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) AND AS FURTHER DEFINED AND DESCRIBED IN THE DECLARATION OF CONDOMINIUM OF AMCAN CONDOMINIUMS PHASE 2 PROJECT, RECORDED MARCH 30, 2007 AS ENTRY NO. 2252602, (AS SAID DECLARATION MAY HAVE BEEN AMENDED AND/OR SUPPLEMENTED) IN THE OFFICE OF THE RECORDER OF WEBER COUNTY, UTAH, TOGETHER WITH THE APPURTENANT INTEREST IN AND TO THE COMMON AREAS, LIMITED COMMON AREAS, AND FACILITIES MORE PARTICULARLY DESCRIBED IN SAID RECORD OF SURVEY MAP, DECLARATION AND ANY AMENDMENTS AND/OR SUPPLEMENTS THERETO.

03-043-0003 ✓
03-043-0004 ✓ *td*

EXHIBIT B

to Special Warranty Deed

(Exceptions and Encumbrances)

1. General taxes for the year 2009 are accruing as a lien but not yet due and payable. General taxes for the year 2008 were exempt under prior Serial No. 03-042-0003. Current Serial No. 03-043-0003 and 03-043-0004.
2. Said property is located within the Mosquito Abatement District, Weber Basin Water General District, Weber Basin Water Ogden District, Central Weber Sewer District and the Weber Area Dispatch 911 and Emergency Services District, and is subject to the charges and assessments levied thereunder. At the time this Special Warranty Deed is recorded, all charges are paid current and no charges or assessments are currently a lien against the land.
3. Assessment levied under Ordinance No. 94-3 of the Ogden City, Utah Central Downtown Improvement District No.1, recorded February 2, 1994, as Entry No. 1272592, in Book 1701, at Page 1316, records of Weber County, Utah. At the time this Special Warranty Deed is recorded all charges are currently paid and no charges or assessments are currently a lien against the land.
4. Assessment levied under Ordinance No. 2000-27 of the Ogden City, Utah Central Business Improvement District No. 1, recorded June 7, 2000, as Entry No. 1709915, in Book 2076, at Page 217, records of Weber County, Utah. At the time this Special Warranty Deed is recorded all charges are currently paid and no charges or assessments are currently a lien against the land.
5. Assessment levied under Ordinance No. 2003-83 of the Ogden City, Utah Central Business Improvement District No. 1, recorded February 2, 1994, as Entry No. 2019270, records of Weber County, Utah. At the time this Special Warranty Deed is recorded all charges are currently paid and no charges or assessments are currently a lien against the land.
6. Subject to easements, building setback lines, restriction, dedications or offer for dedications if any, conditions of approval if any, and notes if any, all as set forth on the recorded plat.
7. Subject to a Declaration of Access Easement, recorded on August 10, 2004 as Entry No. 2049340, records of Weber County, Utah, as shown on the dedication plat. (Affects common area)
8. Right of Way Easement by and between Amcan Properties LLC, "Grantor", and PacifiCorp, an Oregon Corporation, its successors and assigns, "Grantee", recorded October 18, 2007 as Entry No. 2299162, records of Weber County, Utah.

9. Condominium Declaration for Amcan Condominium recorded March 30, 2007 as Entry No. 2252602, records of Weber County, Utah.

Restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 USC 3604(c).

First Amendment of Condominium Declaration for Amcan Condominium, recorded November 19, 2007 as Entry No. 2305565, records of Weber County, Utah.

Second Amendment to Condominium Declaration for Amcan Condominium, recorded May 16, 2008 as Entry No. 2342095, records of Weber County, Utah.

At the time this Special Warranty Deed is recorded all charges are currently paid and no charges or assessments are currently a lien against the land.

10. Development Agreement by and between Ogden City Redevelopment Agency and AMCAN Properties, LLC, a Utah limited liability company, recorded September 25, 2007 as Entry No. 2294156, records of Weber County, Utah.

First Amendment to Development Agreement recorded September 25, 2007 as Entry No. 2294157, records of Weber County, Utah.

First Amendment to Development Agreement recorded November 14, 2007 as Entry No. 2304527, records of Weber County, Utah.

11. The following matters contained in ALTA/ACSM Land Title Survey titled DaVinci, Academy 227 20th Street, Ogden Utah, prepared by Patrick M. Harris (Certificate No. 286882) at Ensign, Project No. L1814 dated March 12, 2009:

- a) Building is 1.6' South of Property Corner. (Affects Unit 5)
- b) Building is 1.6' North of Property Corner. (Affects Unit 5)
- c) Building is 1.6' North and 1.9' West of Property Corner. (Affects Unit 5)
- d) Building Overhang over the Common Area adjoining Unit 5 on the North (No easement for said overhang exists).