

'W3221109*

WHEN RECORDED, RETURN TO:

CAP INVESTMENT PROPERTIES III, LLC 2200 Pacific Coast Highway, Suite 305 Hermosa Beach, California 90254 Attn: Aaron Swerdlow Tax ID No. Part of 12-274-0002

E# 3221109 PG 1 OF 2
Leann H. Kilts, WEBER COUNTY RECORDER
02-Mar-22 1211 PM FEE \$40.00 DEP DAG
REC FOR: STEWART TITLE OF UTAH
ELECTRONICALLY RECORDED

SPECIAL WARRANTY DEED

For good and valuable consideration, OGDEN COMMONS, LLC, a Utah limited liability company (the "Grantor"), located and having a mailing address at 1178 W. Legacy Crossing Blvd., Suite 100, Centerville, Utah 84014, hereby CONVEYS AND WARRANTS against those claiming by, through or under said Grantor, but not otherwise, to CAP WARWICK PARTNERS, LLC, a Delaware limited liability company, as to an undivided fifty percent (50%) tenant-in-common interest, and NIKI AAP, LLC, a California limited liability company, as to an undivided fifty percent (50%) tenant-in-common interest (collectively, the "Grantee"), located and having a mailing address at 2200 Pacific Coast Highway, Suite 305, Hermosa Beach, California 90254, that certain tract of land, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon, situated in Weber County, Utah, as more particularly described in attached Schedule "A" (the "Subject Property").

The Subject Property is sold and conveyed AS IS, WHERE IS, WITH ALL FAULTS, SUBJECT, HOWEVER, TO THE WARRANTIES OF TITLE SET FORTH IN THIS DEED. GRANTOR DOES NOT EXPRESSLY OR IMPLIEDLY WARRANT OR GUARANTEE THE CONDITION OF THE PROPERTY NOR ITS MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

OGDEN COMMONS, LLC, a Utah limited liability company

By: Millcreek Partners LLC, a Utah limited liability company, its Manager

Print Name: Spencer H. Wright

Its: Manager

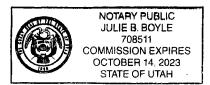
STATE OF UTAH

) ss.

COUNTY OF DAVIS

)

The foregoing Special Warranty Deed was acknowledged before me this ____ day of _______, 2022, by Spencer H. Wright, the Manager of Millcreek Partners LLC, a Utah limited liability company, the Manager of OGDEN COMMONS, LLC, a Utah limited liability company.



TOTARY SIGNATURE AND SEAL

Schedule "A"

(Legal Description of Subject Property)

Parcel 1:

A PORTION OF LOT 6, THE COMMONS AT OGDEN – SECOND AMENDMENT, RECORDED ON MARCH 29, 2019 AS ENTRY NO. 2972414 IN BOOK 85 AT PAGE 23 OF OFFICIAL RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER, SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULALY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, THE COMMONS AT OGDEN - FIRST AMENDMENT, RECORDED ON SEPTEMBER 2, 2010 AS ENTRY NO. 2489984 IN BOOK 71 AT PAGE 49 OF OFFICIAL RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE, SAID POINT BEING NORTH 86°31'55" WEST ALONG THE CENTER LINE OF 12TH STREET 263.16 FEET AND SOUTH 01°35'30" WEST 45.70 FEET FROM THE OGDEN CITY SURVEY MONUMENT AT THE INTERSECTION OF WALL AVENUE AND 12TH STREET, SAID POINT BEING ALSO NORTH 978.17 FEET AND WEST 619.73 FEET FROM THE CENTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 01°35'30" WEST ALONG THE WEST LINE AND THE EXTENSION THEREOF SAID LOT 4, A DISTANCE OF 206.44 FEET; THENCE NORTH 88°24'27" WEST 230.23 FEET; THENCE NORTH 01°35'30" EAST 207.65 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 12TH STREET: THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: SOUTH 84°50'29" EAST 80.25 FEET TO A POINT ON A 10,066.92 FOOT RADIUS NON-TANGENT CURVE (WHICH RADIUS POINT BEARS NORTH 00°34'31" EAST); THENCE EASTERLY 150.19 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 00°51'17" (WHICH LONG CHORD BEARS SOUTH 89°51'08" EAST 150.19 FEET TO THE POINT OF BEGINNING.

Parcel 1A:

Benefits, if any, contained in Declaration of Easements and Conditions, recorded September 23, 2009, as Entry No. 2436058, of Official Records and Amended by First Amendment to Declaration of Easements and Covenants, recorded June 10, 2010, as Entry No. 2476752, of Official Records. and Mutual Access, Maintenance and Easement Agreement, With Use Restriction, recorded April 2, 2019, as Entry No. 2972735 of County Records.

Part of Tax ID No. 12-274-0002