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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
3/10/2022 1:32:00 PM  
FEE \$40.00 Pgs: 5  
DEP eCASH REC'D FOR COTTONWOOD TITLE INS A

Mail Recorded Deed and Tax Notice To:  
Boing US Holdco, Inc., a Delaware corporation  
1646 North 2000 West  
Clinton, UT 84015



File No.: 134956-NTF

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## WARRANTY DEED

Chick-fil-A, Inc., a Georgia corporation

**GRANTOR(S)** of Atlanta, State of Georgia, hereby Conveys and Warrants to

Boing US Holdco, Inc., a Delaware corporation

**GRANTEE(S)** of Charlotte, State of North Carolina

for the sum of Ten and no/100 (\$10.00) DOLLARS and other good and valuable consideration, the following described tract of land in **Davis County**, State of Utah:

**SEE EXHIBIT A ATTACHED HERETO**

**TAX ID NO.:** 14-352-0008 (for reference purposes only)

**SUBJECT TO:** Property taxes for the year 2022 and thereafter; covenants, conditions, restrictions, reservations and easements of record; all applicable zoning laws and ordinances; the Deed Restrictions listed on **EXHIBIT B** attached hereto; and all matters listed on **EXHIBIT C** attached hereto.

*[Signature on following page]*

Dated this March 3, 2022.

Chick-fil-A, Inc., a Georgia corporation

BY: Ashanti Hunt  
Ashanti Hunt, Senior Director

STATE OF GEORGIA

COUNTY OF FULTON

On MARCH 3, 2022, before me, personally appeared Ashanti Hunt, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he/she/they executed the same on behalf of Chick-fil-A, Inc., a Georgia corporation.

Bennie K. McDonald  
Notary Public



**EXHIBIT A**  
**Legal Description**

Lot 8 of the FINAL PLAT OF CLINTON PINES SUBDIVISION PHASE 2, according to the official plat thereof recorded April 11, 2003, as Entry No. 1852871, in Book 3267, at Page 912, Official Records of Davis County, Utah (the "Land"); together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and all right, title and interest of Seller in and to any land lying in the bed of any road in front of or adjoining the Land, together with any strips or gores relating to the Land (collectively, the "Property"). Tax ID No. 14-352-0008

## **EXHIBIT B Deed Restrictions**

(a) No portion of the Property will be leased, used or occupied for any of the following: tavern, pub, bar or liquor store; pawn shop; or amusement center, flea market, massage parlor, "disco" or other dance hall, tattoo or body piercing parlor; casino, gaming room, or "off track betting" operation; for the sale of paraphernalia for use with illicit drugs or for the sale of marijuana; or for the sale, rental or display of pornographic materials.

(b) No portion of the Property will be leased, used, or occupied as a restaurant selling or serving chicken as a principal menu item. A "restaurant selling or serving chicken as a principal menu item" means a restaurant deriving 25% or more of its gross sales from the sale of chicken. A "restaurant" includes any business establishment, including, without limitation, a kiosk, stand, booth, food truck or area located inside another business facility.

(c) No portion of the Property will be leased, used or occupied by or for any of the following: McDonald's, Wendy's, Arby's, Boston Market, Kentucky Fried Chicken, Popeye's, Church's, Bojangle's, Mrs. Winner's, Carl's Jr., Hardee's, Chicken Out, Zaxby's, Ranch One, El Pollo Loco, Pollo Campero, Pollo Tropical, Raising Cane's, Chester's, Bush's Chicken, Biscuitville, Chicken Now, PDQ, ChikWich, Ezell's Famous Chicken, Roy Rogers, Slim Chickens, Fuku, Shake Shack or Habit Burger.

(d) The Deed Restrictions shall be effective for a period equal to the later of (i) the time period allowed under applicable law for such restrictive covenants or (ii) thirty (30) years following the date of the recordation of this Warranty Deed, and shall thereafter automatically terminate (the "Use Restriction Period").

(e) The Deed Restrictions shall run with the land and bind the Property and all owners, tenants and occupants thereof for the duration of the Use Restriction Period. The Deed Restrictions shall inure to the benefit of and be enforceable by Grantor, or an affiliated party or its successors and assigns by any appropriate proceedings at law or in equity to prevent violations of such covenants, conditions, and restrictions and/or recover damages for such violations, including without limitation damages incurred by Grantor or an affiliated party or its successors and assigns.

**EXHIBIT C**  
**Permitted Exceptions**

1. Taxes for the year 2022 and subsequent years, a lien not yet due and payable.
2. The herein described Land is located within the boundaries of Clinton City, Weber Basin Water Conservancy District, Davis County Mosquito Abatement District, North Davis Sewer District, and is subject to any and all charges and assessments levied thereunder.
3. Easements, notes and restrictions as shown on the recorded plat for Final Plat of Clinton Pines Subdivision Phase 2, recorded April 11, 2003 as Entry No. 1852871 in Book 3267 at Page 912.
4. Easements With Covenants and Restrictions Affecting Land between Wal-Mart Stores, Inc., a Delaware corporation, Landstar Development, LLC, a Utah limited liability company, Wayne Belleau and Gary M. Wright, dated April 9, 2003 and recorded April 11, 2003 as Entry No. 1852873 in Book 3267 at Page 917.
5. Variance to Title 24, Clinton City Code of Revised Ordinances Approving a Sign Package for Clinton Pines Subdivision Phase 2 and Other Properties, recorded June 23, 2003 as Entry No. 1881403 in Book 3317 at Page 2038.
6. Right of Way Easement in favor of PacifiCorp, an Oregon corporation, its successors and assigns 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. Said Easement recorded May 28, 2002, as Entry No. 1756753, in Book 3052 at Page 134.
7. Right of Way Easement in favor of PacifiCorp, an Oregon corporation, its successors and assigns 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. Said Easement recorded May 28, 2002, as Entry No. 1756754, in Book 3052 at Page 137.
8. Access Easement by and between Wal-Mart Real Estate Business Trust, a Delaware statutory trust and Novasource Utah, L.C., a Utah limited liability company, dated December 9, 2003 and recorded January 23, 2004 as Entry No. 1955713 in Book 3461 at Page 408.
9. Reservations, conditions and restrictions set forth and contained in that certain Special Warranty Deed recorded August 7, 2007 as Entry No. 2295459 in Book 4340 at Page 1202.
10. Reciprocal Access Easement between Eric S. Zorn, as Managing Trustee for Wal-Mart Real Estate Business Trust, a Delaware statutory trust; and Millcreek Partners, LLC, a Utah limited liability company, dated July 31, 2007 and recorded August 7, 2007 as Entry No. 2295460 in Book 4340 at Page 1207.
11. Easement in favor of Utah Transit Authority, also known as Transit District of Utah for (a) construction, maintenance, reconstruction, operation, relocation, removal, and/or upgrade of bus passenger amenities, including but not limited to, concrete or pavement, shelter, bike rack, bench, and other necessary or desirable improvements, equipment, accessories and appurtenances, and (b) to permit pedestrian access for the use of the public, together with the right of ingress to and egress from and to the bus passenger amenities and/or sidewalk adjacent to or near the easement and incidental purposes, by instrument recorded December 26, 2018, as Entry No. 3135351, in Book 7166 at Page 147.
12. Subject to the following matters disclosed on that certain survey prepared by Matt Stones PLS, under the date of July 12, 2021, with a last revision date of March 1, 2022 as Job No. 1646 North 2000 West, Clinton, Davis County, Utah 84015, by Matt Stones, a Professional Land Surveyor holding License No. 7176711:
  - a. Existing utilities, including but not limited to, sewer line(s), overhead power line(s), power/utility pole(s), guy anchor, storm drain line(s), buried cable line(s), buried electric line(s), electrical box, telephone pedestal, and irrigation box(s) located on and across the Land without recorded easements; and
  - b. Signs as shown within various portions of the subject Land.