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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
06/30/2023 04:08:36 PM
FEE: \$40.00 Pgs: 6
DEP eCASH REC'D FOR: FIRST AMERICAN TITLE
INSURANCE COMPANY - NCS PHOENIX

SPACE ABOVE THIS LINE (3 ½" X 5") FOR RECORDER'S USE

Prepared by:

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Kutak Rock LLP
2001 16th Street, Suite 1800
Denver, CO 80202

AFTER RECORDING RETURN TO:

Kristin Brown
First American Title Insurance Company
2555 E. Camelback Road, Suite 350
Phoenix, Arizona 85016

Parcel:14-266-0002

SPECIAL WARRANTY DEED

Executed as of June 27, 2023 and made effective as of June 29, 2023, **FC CLINTON HOLDINGS, LLC**, a Utah limited liability company, whose address is 2989 W. Maple Loop Drive, Suite 100, Lehi, Utah 84043 ("**Grantor**"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby GRANTS and CONVEYS to **STORE MASTER FUNDING XXXII, LLC**, a Delaware limited liability company, whose address is 8377 E. Hartford Drive, Suite 100, Scottsdale, Arizona 85255 ("**Grantee**"), those certain tract(s) of land located in Davis County, State of Utah, legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "**Property**").

Together with all buildings and improvements located thereon and appurtenances thereto; all fixtures affixed thereto; all mineral, oil and gas rights, water rights, sewer rights and other utility rights allocated to the Property; and all easements, licenses, rights, privileges and other property interests belonging or appurtenant to the Property in any manner belonging to said Grantor.

Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the aforesaid real estate; that it has good right to sell and convey the same; that the Property is unencumbered

except for those matters of record as of the date hereof; and that it will warrant and forever defend the title and quiet possession thereto against the lawful claims of all persons claiming the same by, through, or under Grantor but not otherwise, subject to all matters of record and the matters listed in **Exhibit B** attached hereto.

[The remainder of this page is intentionally left blank.]

Exhibit A to Deed

(Legal Description)

Street Address: 2062 W. 1800 N., Clinton, UT

Parcel No.: 14-266-0002

Legal Description:

PARCEL 1:

LOT 2, CLINTON TOWNE CENTER, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE DAVIS COUNTY RECORDER.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, PARKING AND UTILITIES, APPURTENANT TO PARCEL 1 HEREIN, AS DEFINED, DESCRIBED AND CREATED PURSUANT TO THAT CERTAIN DECLARATION OF RESTRICTIONS AND EASEMENTS DATED OCTOBER 22, 1998 AND RECORDED OCTOBER 23, 1998 AS ENTRY NO. 1451282 IN BOOK 2379 AT PAGE 380 OF THE OFFICIAL RECORDS OF THE DAVIS COUNTY RECORDER.

PARCEL 3:

NON-EXCLUSIVE EASEMENTS, AS SET FORTH IN DECLARATION OF EASEMENT RECORDED OCTOBER 23, 1998 AS ENTRY NO. 1451280 IN BOOK 2379 AT PAGE 375 OF OFFICIAL RECORDS.

Exhibit B to Deed

(Permitted Exceptions)

1. Taxes and assessments for the year 2023 and subsequent years, a lien not yet due and payable.

2. Any charge upon the land by reason of its inclusion in North Davis Sewer Improvement District and Clinton City. (None now due and payable.)

3. An easement over, across or through the Land for right of way and incidental purposes, as granted to State Road Commission by Instrument recorded October 21, 1938 as Entry No. 69421 in Book 1-Q at Page 18 of Official Records.

NOTE: The above easement purports to affect the subject property, but the exact location cannot be determined because of a blanket or incomplete legal description.

4. Easements, notes and restrictions as shown on Clinton Towne Center plat recorded October 23, 1998 as Entry No. 1451279 in Book 2379 of Plats at Page 374.

5. Declaration of Easement recorded October 23, 1998 as Entry No. 1451280 in Book 2379 at Page 375 of Official Records.

6. Any covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions contained within those certain declarations recorded October 23, 1998 as Entry No. 1451282 in Book 2379 at Page 380 of Official Records, and any amendments thereto, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenant, condition or restriction violates 42 USC 3604(c).

Amendment to declarations recorded June 2, 2004 as Entry No. 1991287 in Book 3552 at Page 315 of Official Records.

Amendment to declarations recorded March 11, 2022 as Entry No. 3462912 in Book 7964 at Page 1969 of Official Records.

Amendment to declarations recorded June 3, 2022 as Entry No. 3480869 in Book 8023 at Page 812 of Official Records.

7. Common Area Maintenance Agreement recorded October 23, 1998 as Entry No. 1451283 in Book 2379 at Page 430 of Official Records.

First Amendment to Common Area Maintenance Agreement recorded June 2, 2004 as Entry No. 1991288 in Book 3552 at Page 326 of Official Records.

Second Amendment to Common Area Maintenance Agreement recorded March 11, 2022 as Entry No. 3462913 in Book 7964 at Page 1998 of Official Records.

8. Development Agreement recorded October 23, 1998 as Entry No. 1451284 in Book 2379 at Page 463 of Official Records.

First Amendment to Development Agreement recorded June 1, 2004 as Entry No. 1990963 in Book 3551 at Page 507 of Official Records.

9. Road Maintenance Agreement recorded January 2, 1999 as Entry No. 1476193 in Book 2426 at Page 1382 of Official Records.

10. Terms and Conditions contained in that certain Warranty deed recorded June 12, 2006 as Entry No. 2175482 in Book 4053 at Page 118 of Official Records.

11. Vehicular access is limited to openings permitted by the Utah State Department of Transportation in accordance with Section 41-6a-714, Utah Code Annotated, as amended 2015.

12. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by an ALTA/NSPS survey made by Willis D. Long on behalf of American National, LLC on April 21, 2023 and last revised June 22, 2023, designated 20230697-1:

a) Shared walls with adjoiners to Southwest and Northeast, as shown on the Survey.

13. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

14. Water rights, claims or title to water, whether or not shown by the Public Records.