

Mail tax notice to:  
Cache Private Capital Diversified Fund  
2600 Executive Pkwy, Suite 120  
Lehi, UT 84043

Ent 522827 Bk 1418 Pg 237 - 244  
MARCY M. MURRAY, Recorder  
WASATCH COUNTY CORPORATION  
2022 Aug 01 01:01PM Fee: \$40.00 TC  
For: Cottonwood Title Insurance Agency, In  
ELECTRONICALLY RECORDED

CTIA #160932-WHB SPECIAL WARRANTY DEED

When recorded, return to:

Richard Bessey  
PO Box 554  
Centerville, UT 84014

00-0021-0270

(Space above this line for Recorder's use)

### SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, the receipt and sufficiency of which are acknowledged, **Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company** ("Grantor"), conveys to **Richard Bessey, an undivided 33.83% Tenant in Common interest** ("Grantee"), in and to the following described real property situated in Wasatch County, Utah, to the following described property:

See the legal description set forth in Exhibit "A" attached and incorporated by this reference (the "Property").

SUBJECT TO those matters set forth in Exhibit "B" attached and incorporated by this reference (the "Permitted Exceptions").

Grantor binds itself and its successors to warrant and defend the title to the Property against all acts of Grantor and none other, subject only to the Permitted Exceptions.

Dated this 29 day of July, 2022.

[signatures of following page]

GRANTOR:

**CACHE PRIVATE CAPITAL DIVERSIFIED FUND, LLC,**  
**a Nevada limited liability company**  
By: CACHE PRIVATE CAPITAL MANAGEMENT, LLC

*DSE*

By: D. Sean Clark  
Its: Manager

*[Signature]*

By: Kellen Jones  
Its: Manager

STATE OF UTAH )  
 ) ss.  
County of Utah *Utah* )



The foregoing instrument was acknowledged before me this *24<sup>th</sup>* day of July, 2022 by D. Sean Clark, Manager of Cache Private Capital Management, LLC, a Utah limited liability company, who is the Manager of Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, and the said D. Sean Clark duly acknowledged to me he executed the forgoing instrument on behalf of said limited liability company.

*[Signature]*  
Notary Public

STATE OF UTAH )  
 ) ss.  
County of *Utah* )



The foregoing instrument was acknowledged before me this *24<sup>th</sup>* day of July, 2022 by Kellen Jones, Manager of Cache Private Capital Management, LLC, a Utah limited liability company, who is the Manager of Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, and the said Kellen Jones duly acknowledged to me he executed the forgoing instrument on behalf of said limited liability company.

*[Signature]*  
Notary Public

**EXHIBIT "A"****(Legal Description)**

**PART OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST (SAID NORTHEAST CORNER OF SECTION 1 BEING N89°31'27"E 16027.88 FEET FROM THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 5 EAST AND BEING THE BASIS OF BEARINGS FOR THIS PROJECT); THENCE S01°18'39"E 2563.63 FEET; THENCE N62°48'28"W 354.89 FEET; THENCE N72°16'42"W 552.74 FEET; THENCE S64°46'26"W 220.52 FEET; THENCE S38°18'23"W 494.94 FEET; THENCE S67°20'38"W 1125.22 FEET; THENCE N90°00'00"W 227.79 FEET; THENCE N37°42'12"W 163.59 FEET; THENCE N01°06'44"E 404.26 FEET; THENCE N16°50'21"W 394.58 FEET; THENCE N52°14'52"W 346.35 FEET; THENCE N01°09'16"E 1673.29 FEET; THENCE N00°38'10"E 60.11 FEET; THENCE N05°05'03"E 269.83 FEET; THENCE N89°33'35"E 310.29 FEET; THENCE N89°33'13"E 2667.85 FEET TO THE POINT OF BEGINNING.**

**LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE FOLLOWING DESCRIBED TRACT OF LAND:**

**BEGINNING AT A THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE SECTION LINE N 89°33'13" E 591.19 FEET, THENCE S 01°05'57" W 251.99 FEET, THENCE S 55°40'51" W 309.87 FEET, THENCE S 64°42'53" W 61.04 FEET, THENCE S 62°36'38" W 165.23 FEET, THENCE S 34°36'00" W 301.34 FEET TO A POINT ON A NONTANGENT 180.00 FOOT RADIUS CURVE TO THE LEFT, THENCE ALONG ARC OF SAID CURVE 88.12 FEET THROUGH A DELTA OF 28°03'03" (CHORD BEARS S 57°29'12" E 87.25 FEET), THENCE S 27°43'44" W 188.30 FEET, THENCE N 53°22'20" W 357.75 FEET, THENCE N 01°06'03" E 501.38 FEET, THENCE N 05°04'14" E 269.70 FEET TO THE SECTION LINE, THENCE ALONG SECTION LINE N 89°33'35" E 310.30 FEET TO THE POINT OF BEGINNING.**

**ALSO LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE FOLLOWING DESCRIBED TRACT OF LAND:**

**BEGINNING AT A POINT THAT IS S 89°33'13" W 1,116.44 FEET ALONG THE SECTION LINE AND SOUTH 2,279.92 FEET FROM THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 66°21'19" W 260.00 FEET, THENCE S 64°14'46" W 188.62 FEET, THENCE S 64°14'46" W 239.85 FEET, THENCE S 64°14'46" W 242.17 FEET, THENCE N 76°48'44" W 315.90 FEET, THENCE N 09°08'00" W 511.56 FEET, THENCE N 64°23'57" E 460.06 FEET TO A NON-TANGENT 500.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE ALONG ARC OF SAID CURVE 132.69 FEET THROUGH A DELTA OF 15°12'19" (CHORD BEARS S 04°45'39" E 132.30 FEET), THENCE S 02°50'31" W 18.16 FEET TO A 110.00 FOOT RADIUS CURVE TO THE LEFT, THENCE ALONG ARC OF SAID CURVE 220.20 FEET THROUGH A DELTA OF 11°41'39" (CHORD BEARS S 54°30'19" E 185.23 FEET), THENCE N 68°08'51" E 59.44 FEET TO A POINT ON A 440.00 FOOT RADIUS CURVE TO THE LEFT, THENCE ALONG ARC OF SAID CURVE 328.98 FEET THROUGH A DELTA OF 42°50'23" (CHORD BEARS N 46°43'39" E 321.37 FEET) TO A POINT ON A 500.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, THENCE ALONG ARC OF SAID CURVE 88.30 FEET THROUGH A DELTA OF 10°07'05" (CHORD BEARS N 30°22'01" E 88.18 FEET, THENCE S 36°04'25" E 545.90 FEET TO THE POINT OF BEGINNING.**

**EXHIBIT "B"****(Permitted Exceptions)**

1. (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Any defect, lien, encumbrance, adverse claim, or other matter, that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
8. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity, or garbage collection or disposal, or other utilities unless shown as an existing lien by the Public Records.
9. Taxes for the year 2022 are accruing as a lien not yet due and payable under Parcel No. 00-0021-6278. Taxes for 2021 are a lien past due and payable in the amount of \$1,007.98, plus penalties and interest under previous Parcel No. 00-0020-7784. (affects this and other land)
10. The herein described Land is located within the boundaries of Wasatch County, Wasatch County Fire Protection Special Service District, Wasatch County Park and Recreation Special Service District No. 2, Jordanelle Special Service District, Central Utah Water Conservancy District, and is subject to any and all charges and assessments levied thereunder.
11. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be

produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

12. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
13. Said Land is located within the boundaries of Jordanelle Area of the Wasatch County Fire Protection Special Service District and is subject to any and all charges and assessments thereof, as disclosed by that certain Resolution recorded October 14, 1999 as Entry No. 218614 in Book 440 at Page 374.
14. Resolution No. 2006-04 to Create the Jordanelle Special Service District Improvement District No. 2005-2 Described in the Notice of Intention Adopted by the Council on October 19, 2005, recorded February 17, 2006 as Entry No. 297016 in Book 830 at Page 532.
15. Notice of proposed assessment on behalf of the Jordanelle Special Service District for the purpose of financing the costs of acquisition and construction of certain water and sewer improvements and other related improvements by levying an assessment against land located in the Improvement District, recorded June 23, 2009 as Entry No. 349515 in Book 994 at Page 962.
16. Notice of Assessment Interest by Jordanelle Special Service District, recorded September 24, 2009 as Entry No. 352632 in Book 1000 at Page 1569.
17. Notice of Encumbrance and Assessment Area Designation, dated December 17, 2012 and Recorded December 18, 2012 as Entry No. 385110 in Book 1070 at Page 615.
18. The interest of the State of Utah in and to all oil, gas, coal and other minerals with any associated rights of ingress and egress to mine and prospect the same, as disclosed by various instruments of record, including but not limited to that certain Warranty Deed recorded February 22, 2000 as Entry No. 221956 in Book 453 at Page 141.
19. Reservations as contained in that certain Quit Claim Deed recorded September 14, 1972 as Entry No. 97896 in Book 84 at Page 177.
20. An easement for access as disclosed by that certain Notice of Easement recorded February 22, 2000 as Entry No. 221959 in Book 453 at Page 160.
21. Entitlement Agreement for Aspens, Christensen and Cummings Developments recorded October 12, 2016 as Entry No. 429994 in Book 1172 at Page 688.  
Assignment and Assumption Agreement recorded January 19, 2018 as Entry No. 447488 in Book 1212 at Page 1667.
22. Jordanelle Special Service District Culinary Water and Sanitary Sewer Development and Service Agreement recorded January 23, 2019 as Entry No. 460031 in Book 1242 at Page 1847.

- Partial Assignment and Assumption and Amendment of Culinary and Sanitary Sewer Development and Service Agreement recorded July 6, 2020 as Entry No. 480406 in Book 1300 at Page 627.
- Partial Assignment and Assumption of Culinary Water and Sanitary Sewer Development and Service Agreement recorded March 24, 2022 as Entry No. 517037 in Book 1402 at Page 1449.
23. Jordanelle Special Service District Limited Water Reservation Agreement recorded January 19, 2018 as Entry No. 447489 in Book 1212 at Page 1690.
- Amendment to Jordanelle Special Service District Limited Water Reservation Agreement recorded July 2, 2020 as Entry No. 480393 in Book 1300 at Page 430.
- Partial Assignment and Assumption of Water Reservation Agreement recorded July 6, 2020 as Entry No. 480405 in Book 1300 at Page 576.
- Partial Assignment and Assumption of Water Reservation Agreement recorded March 24, 2022 as Entry No. 517036 in Book 1402 at Page 1396.
24. Jordanelle Special Service District Limited Water Reservation Agreement recorded January 19, 2018 as Entry No. 447490 in Book 1212 at Page 1727.
- Amendment to Jordanelle Special Service District Limited Water Reservation Agreement recorded July 2, 2020 as Entry No. 480394 in Book 1300 at Page 475.
25. Benloch Ranch Development Agreement by and between AJ Fireside Park City LLC, a Delaware limited liability company and Wasatch County, a political subdivision of the State of Utah recorded June 12, 2020 as Entry No. 479211 in Book 1296 at Page 1159.
- First Amendment to Benloch Ranch Development Agreement recorded December 22, 2020 as Entry No. 490917 in Book 1330 at Page 437.
- Second Amendment to Benloch Ranch Development Agreement recorded September 15, 2021 as Entry No. 507450 in Book 1375 at Page 1566.
- Partial Assignment and Assumption Agreement in favor of Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, recorded September 15, 2021 as Entry No. 507409 in Book 1375 at Page 1270.
26. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Declaration of Covenants, Conditions and Restrictions for Benloch Ranch Improvement Association No. 1 recorded July 6, 2020 as Entry No. 480407 in Book 1300 at Page 671, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
- First Amendment to Declaration of Covenants, Conditions and Restrictions for Benloch Ranch Improvement Association No. 1, recorded April 7, 2021 as Entry No. 497615 in Book 1348 at Page 624.

27. Entry Feature License and Maintenance Agreement recorded December 22, 2020 as Entry No. 490916 in Book 1330 at Page 418.
- Amended Entry Feature License and Maintenance Agreement, recorded October 1, 2021 as Entry No. 508417 in Book 1378 at Page 1340.
28. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Master Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for Benloch Ranch recorded June 16, 2021 as Entry No. 502142 in Book 1360 at Page 1043, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
- Partial Assignment of Declarant Rights in favor of Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, recorded June 25, 2021 as Entry No. 502781 in Book 1362 at Page 1068.
29. Easements, terms and conditions of that certain Access Easement, recorded June 25, 2021 as Entry No. 502776 in Book 1362 at Page 1025.
30. Infrastructure Reimbursement Agreement among AJ Fireside Park City LLC, a Delaware limited liability company and Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, recorded June 25, 2021 as Entry No. 502784 in Book 1362 at Page 1097.
- Amended and Restated Infrastructure Reimbursement Agreement, recorded September 16, 2021 as Entry No. 507467 in Book 1375 at Page 1659.
31. Easements, terms and conditions of that certain Access Easement, recorded September 15, 2021 as Entry No. 507434 in Book 1375 at Page 1427.
32. Profit-Sharing Agreement by and between AJ Fireside Park City LLC, a Delaware limited liability company and Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, dated September 15, 2021 and recorded September 16, 2021 as Entry No. 507466 in Book 1375 at Page 1649.
33. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Declaration of Covenants, Conditions and Restrictions for Benloch Ranch Improvement Association No. 2 recorded March 29, 2022 as Entry No. 517198 in Book 1403 at Page 687, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
34. Trust Deed, Assignment of Rents, Security Agreement, and Financing Statement to secure an indebtedness in the amount shown below, and any other obligations secured thereby: Trustor: Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company; Trustee: Jonathan K. Hansen, a member of the Utah State Bar; Beneficiary: SDP REIT, LLC, a Delaware

limited liability company and SDP Financial 2020, LP, a Delaware limited partnership; Amount: \$16,866,036.00; Dated: June 25, 2021; Recorded: June 25, 2021 as Entry No. 502782 in Book 1362 at Page 1073.

35. UCC Financing Statement by Cache Private Capital Diversified Fund, LLC, as Debtor, in favor of SDP REIT, LLC and SDP Financial 2020, LP, as Secured Party, recorded June 25, 2021 as Entry No. 502783 in Book 1362 at Page 1094.
36. Cross Default/Cross Collateralization Agreement by and among Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company, Benloch CPC, LLC, a Utah limited liability company, SDP REIT, LLC, a Delaware limited liability company and SDP Financial 2020, LP, a Delaware limited partnership, dated September 15, 2021 and recorded September 15, 2021 as Entry No. 507443 in Book 1375 at Page 1525. (affects this and other land)
37. Second Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby: Trustor: Cache Private Capital Diversified Fund, LLC, a Nevada limited liability company; Trustee: Cottonwood Title; Beneficiary: AJ Fireside Park City LLC, a Delaware limited liability company; Amount: Not Disclosed; Dated: September 15, 2021; Recorded: September 16, 2021 as Entry No. 507472 in Book 1375 at Page 1721. (affects this and other land)  
  
A Subordination Agreement recorded September 17, 2021 as Entry No. 507565 in Book 1376 at Page 184 of Official Records, wherein the Deed of Trust shown as Entry No. 507472 herein was subordinated to the lien of that certain Deed of Trust recorded as Entry No. 502782 herein.
38. Notwithstanding the covered risks and insuring clauses as set forth in the policy or any assumption there exists a valid and subsisting right-of-way for access over and across an adjoining land for that purpose, the Company does not insure against loss or damage by reason of a lack of access to and from the Land to a dedicated public road, street or highway.
39. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).
40. Notwithstanding those items described herein-above, the Land is also subject to any additional discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which an ALTA/NSPS Survey, (made in accordance with the current Minimum Standard Detail Requirements for Land Title Surveys jointly established and adopted by (ALTA) American Land Title Association and  
  
(NSPS) National Society of Professional Surveyors) may disclose.
41. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.