

RECORDING REQUESTED BY &
AFTER RECORDING RETURN TO:

Alpha-KH Heber, LLC
Attn: R. Roman Groesbeck
166 East 14000 South, Suite 210
Draper, UT 84020

Affecting Tax Parcel Nos.: 00-0021-5172

150196 - GTF

(space above for Recorder's use)

CONSENT AND AFFIRMATION OF EASEMENTS

THIS CONSENT AND AFFIRMATION OF EASEMENTS (this "**Consent and Affirmation**") is executed effective as of the 30 day of September 2022 (the "**Effective Date**"), by ALPHA-KH HEBER, LLC, a Utah limited liability company ("**Owner**"), in contemplation of the following facts and circumstances:

A. Pursuant to that certain Special Warranty Deed dated November 9, 2021, and recorded on November 18, 2021, as Entry No. 510873, in Book 1385, at Pages 1590–1593 of the official records of Wasatch County, Utah, BRC ADG JV HEBER, LLC, a Utah limited liability company ("**BRC**"), transferred and conveyed to Owner all of its right, title and interest in and to that certain real property located in Heber City, Wasatch County, Utah, legally described on Exhibit A attached hereto and incorporated herein by reference (the "**Property**").

B. Following conveyance of the Property by BRC to Owner, BRC granted and conveyed to Heber City Corporation, a Utah municipal corporation (the "**City**"), (i) a certain trail easement on, over and across a portion of the Property pursuant to that certain Trail Easement Agreement dated November 24, 2021, and recorded on December 6, 2021, as Entry No. 511695, in Book 1388, at Pages 548–556 of the official records of Wasatch County, Utah (the "**Trail Easement**"), and (ii) certain drainage and sidewalk easements on, over and across a portion of the Property pursuant to that certain Drainage and Sidewalk Easement Agreement dated November 24, 2021, and recorded on December 6, 2021, as Entry No. 511696, in Book 1388, at Pages 557–565 of the official records of Wasatch County, Utah (the "**Drainage and Sidewalk Easements**") and together with the Trail Easement, the "**Easements**").

C. At the time of BRC's granting of the Easements to the City, BRC was, and continues to be as of the Effective Date of this Consent and Affirmation, the sole member and manager of Owner.

D. Owner hereby executes and records this Consent and Affirmation to resolve any apparent or perceived clouds on title to the Property due to BRC's granting of the Easements to the City after it had previously conveyed title to the Property to Owner.

NOW, THEREFORE, as the current fee simple owner of the Property, Owner hereby consents to, acknowledges and affirms the previous granting of the Easements to the City and ratifies the same as if Owner had executed and delivered the documents conveying said Easements. Owner hereby acknowledges and agrees the Easements valid and binding upon the Property.

[Signatures and Acknowledgments Follow]

IN WITNESS WHEREOF, Owner has executed this Consent and Affirmation effective as of the Effective Date:

OWNER:

ALPHA-KH HEBER, LLC
a Utah limited liability company

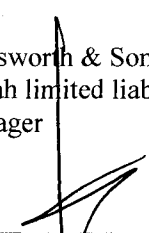
By: BRC ADG JV Heber, LLC
a Utah limited liability company
Its: Manager

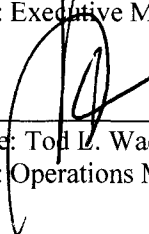
By: Alpha-Heber GP, LLC
a Utah limited liability company
Its: Manager

By: Wadsworth dbUrban Heber, LLC
a Utah limited liability company
Its: Manager

By: Wadsworth Heber, LLC
a Utah limited liability company
Its: Manager

By: Wadsworth & Sons II, LLC
a Utah limited liability company
Its: Manager

By: 
Name: Kip L. Wadsworth
Title: Executive Manager

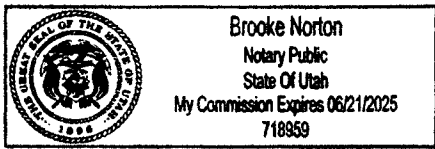
By: 
Name: Tod L. Wadsworth
Title: Operations Manager

[Acknowledgments Follow]

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On this 26 day of September 2022, before me, a notary public, personally appeared Kip L. Wadsworth, Executive Manager of Wadsworth & Sons II, LLC, a Utah limited liability company, Manager of Wadsworth Heber, LLC, a Utah limited liability company, Manager of Wadsworth dbUrban Heber, LLC, a Utah limited liability company, Manager of Alpha-Heber GP, LLC, a Utah limited liability company, Manager of BRC ADG JV Heber, LLC, a Utah limited liability company, Manager of ALPHA-KH HEBER, LLC, a Utah limited liability company, on behalf of said limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.


Notary Public



STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On this 26 day of September 2022, before me, a notary public, personally appeared Tod L. Wadsworth, Operations Manager of Wadsworth & Sons II, LLC, a Utah limited liability company, Manager of Wadsworth Heber, LLC, a Utah limited liability company, Manager of Wadsworth dbUrban Heber, LLC, a Utah limited liability company, Manager of Alpha-Heber GP, LLC, a Utah limited liability company, Manager of BRC ADG JV Heber, LLC, a Utah limited liability company, Manager of ALPHA-KH HEBER, LLC, a Utah limited liability company, on behalf of said limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



Notary Public



EXHIBIT A

(Legal Description of the Property)

That certain real property located in Wasatch County, Utah and more particularly described as follows:

PARCEL 1:

Lot 1, TURNER MILL MASTER SUBDIVISION PLAT, according to the official plat thereof, as filed in the office of the Wasatch County Recorder, State of Utah, recorded August 28, 2020 as Entry No. 483557 in Book 1309 at Page 807.

PARCEL 2:

A non-exclusive, permanent easement on, over and across the Easement Area, as established and defined in that certain Access Easement and Maintenance Agreement, recorded August 30, 2021, as Entry No. 506316 in Book 1372 at Page 1034.