

## Quitclaim Deed

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **UNION PACIFIC RAILROAD COMPANY**, a Delaware Corporation, successor in interest to the Denver & Rio Grande, GRANTOR, hereby remises, releases and quitclaims, unto **GARY R. HUBBS AND SANDRA P. HUBBS**, as joint tenants with full rights of survivorship, of HC 13 Box 520, Fairview, UT 84629, GRANTEES, that certain real property situated in the County of <sup>UTAH</sup> ~~Sanpete~~, State of Utah, as more particularly described in Exhibit "A" attached and hereby made a part hereof, (the "Property"), subject to all covenants, conditions, restrictions, exceptions, easements, rights-of-way, rights-of-access, agreements, reservations, encumbrances, liens and other matters as the same may be of record; any matters which would be disclosed by survey, investigation or inquiry; and any tax, assessment or other governmental lien against the Property.

Grantor excepts from the Property and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, if any are owned by Grantor, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith.

Grantee(s), by signing below, expressly acknowledge(s) that Grantee(s) is/are buying the Property in an "AS IS" condition and that Grantee(s) has/have relied upon its own independent investigation of the physical condition or title of the Property. Grantee(s) hereby release(s) and indemnify(ies) Grantor and Grantor's shareholders, officers, directors, agents and employees from all responsibility and liability regarding the condition (including, but not limited to, the physical condition or presence of hazardous materials), valuation or utility of the Property.

GRANTEE(S) FURTHER ACKNOWLEDGE(S) AND HEREBY SERVES NOTICE TO ANY CONCERNED PERSONS THAT AN AGREEMENT FOR THE PURCHASE OF THE ABOVE DESCRIBED PROPERTY WAS ENTERED INTO ON THE 24 DAY OF February, <sup>2000</sup>~~1999~~, BETWEEN GRANTOR AND GRANTEE(S) WHICH AGREEMENT PROVIDES FOR NUMEROUS WAIVERS, CONDITIONS AND LIMITATIONS BY GRANTEE(S), THEIR HEIR SUCCESSORS OR ASSIGNS AND HAS BY AGREEMENT BEEN INCLUDED BY REFERENCE IN THIS DEED AND HAS SURVIVED THE EXECUTION AND RECORDING OF (AND WAS NOT MERGED IN) THIS DEED.

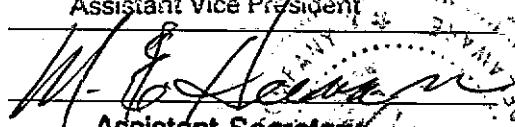
IN WITNESS WHEREOF, Grantor has caused these presents to be executed in duplicate this 16<sup>th</sup> day of June, ~~1999~~ <sup>2000</sup>

GRANTOR:

BY: 

Title:

Assistant Vice President

Attest: 

Title:

Assistant Secretary

STATE OF NEBRASKA

}

} ss.

COUNTY OF DOUGLAS

}

On the 16<sup>th</sup> day of June, <sup>2000</sup>~~1999~~, before me, Stanley C. Misfeldt, Notary Public, personally appeared David Ubrich, personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Stanley C. Misfeldt  
NOTARY PUBLIC

Grantee(s) hereby accept(s) this deed and agrees for itself, its successors and assigns, to be bound by the conditions and covenants set forth herein and to perform all obligations of Grantee set forth herein.

DATED this 30<sup>th</sup> day of June, <sup>2000</sup>~~1999~~.

GRANTEE(S):

BY: Gary R. Hubbs

BY: Sandra P. Hubbs

STATE OF UTAH

}

Utah

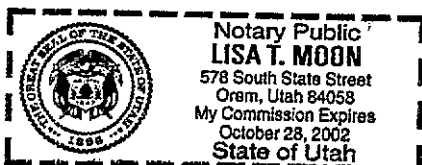
} ss.

COUNTY OF SANPETE

}

On the 30<sup>th</sup> day of June, <sup>2000</sup>~~1999~~, before me, Darcy Labrum, Notary Public, personally appeared grantee **GARY R. HUBBS AND SANDRA P. HUBBS**, personally known to me OR proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Lisa T. Moon  
NOTARY PUBLIC

UNION PACIFIC RAILROAD COMPANY,  
Sanpete County, Utah  
EXHIBIT "A"

All that real property in the County of <sup>UTAH</sup>Sanpete, State of Utah, lying in Section 5 Township 10 South Range 4 East, S. L. B. & M. being that land as described in the following deed:

From J. M. Kerr et ux., to the Denver Rio Grande Railroad Company, Recorded July 26, 1890, in Book 2 Page 628 Official Records

Lying in Section 5 Township 10 South Range 4 East and in Section 32 Township 9 South Range 4 East S.L.B. & M. being that land as described in the following deed:

From L. Simmons et ux., to the Denver Rio Grande Railroad Company, Recorded October 27, 1890, in Book 9 Page 442 Official Records

Office of Contracts & Real Estate  
Omaha, Nebraska  
February 3, 1998

Written by: JCO  
165026.leg

... and the above named parties have executed the foregoing instrument for the purposes therein mentioned. Witness my hand and official seal at Clinton, Mo. this 5th day of June 1890.

Book 2  
PAGE 628

I have no Seal

J. C. Hanford,

Notary Public

This instrument made the 2<sup>nd</sup> day of June 1890 Between Joseph M. Kerr and Nellie his wife of Clinton in the County of Utah, and Territory of Utah, parties of the first part, and The Rio Grande Western Railway Company, party of the second part. Witnesseth, that the parties of the first part, in consideration of the sum of Five Hundred Dollars, grant, bargain and convey to the party of the second part, its successors and assigns all that parcel of land in Utah County, Territory of Utah, to wit: a strip of land 100 feet wide being 50 feet wide on each side of the Centre line of the Rio Grande Western Railway as now surveyed and located through and across the lands of said first party situated in the South West 1/4 of the South East 1/4 of Section 5 and the North East 1/4 of the North West 1/4 and the West 1/2 of the North East 1/4 of Section 8, Township 10 South Range 4 East, commencing at a point where the Centre line of the Rio Grande Western Railway intersects the East line of the South West 1/4 of the South East 1/4 of Section 5 aforesaid, which said point is 1366 feet West and 804 feet North from the South East corner of Section 5 aforesaid running thence in a South Westerly direction through the South West 1/4 of South East 1/4 of Section 5 and the West 1/2 of the North East 1/4 and the North East 1/4 of the North West 1/4 of Section 8 Township 10, South Range 4 East, containing 40 Acres, more or less. To have and to hold to the second party, its successors and assigns but in case a railway is not constructed, complete for operation, on said granted land, within five years from this date, or in case the land, after such construction shall be abandoned for railway purposes, then the granted premises shall revert to the grantors their heirs or assigns. In Witnes Whereof, the parties of the first part have hereunto set their hands and seals

In the Presence of  
J. C. Hanford

Joseph M. Kerr  
Nellie Kerr



Territory of Utah ss.

Utah County } On this 5<sup>th</sup> day of June 1890, before me, a Notary Public in and for said County, personally came Joseph M. Kerr and Nellie his wife who are personally known to me to be the persons named in and who executed the foregoing and they acknowledged that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. Witness my hand and official Seal at Clinton in said County

I have no Seal

J. C. Hanford

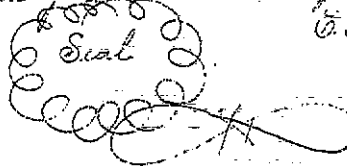
Notary Public

Filed July 26 1890 Entry No 2378

Book 9 / 441-442

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who executed the said annexed instrument as a party thereto, was duly  
 iedged to me that he executed the same freely and voluntarily, and for the  
 use and purposes therein mentioned. In Witness Whereof, I have hereunto  
 set my hand and affixed my Notarial Seal, at my office, in Ephraim, Utah  
 County, U.S., the day and year in this Certificate first above written.



This Deed witnesses that Levent Simmons and Laura, his wife, grantors of Clinton  
 in the County of Utah Territory of Utah hereby convey and warrant to the Rio Grande Western  
 Railway Company, a Corporation of the Territory of Utah and State of Colorado for the sum  
 of Two hundred dollars the following described tract of land in Utah County of Utah and Territory  
 of Utah to wit: A Strip of land 100 feet wide being 50 feet wide on each side of the Centre Line  
 of the Rio Grande Western Railway as more surveyed and located through and across the  
 lands of said first parties Situate in the South west 1/4 of the South east 1/4 of Sec 22 Township  
 9 South and East 2 near the North 1/2 of the South east 1/4 of Section 5 Township 10 South Range  
 4 East Beginning at a point where the Centre Line of the Rio Grande Western Railway crosses the

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South bounding line of the north  $\frac{1}{2}$  of South East  $\frac{1}{4}$  of Section 5 aforesaid which said point is 1320 feet north and 710  $\frac{1}{2}$  feet west of the South east corner of Section 5 aforesaid running thence in a north westerly direction through the north  $\frac{1}{2}$  of the South east  $\frac{1}{4}$  and lot 2 of Section 5 Township 10 South and the South west  $\frac{1}{4}$  of the South east  $\frac{1}{4}$  of Section 32 Township 7 South Range 1 East of Salt Lake meridian containing 43 acres more or less. Witness the hands of the grantors this 15<sup>th</sup> day of September A.D. 1890.

Signed in the presence of  
 O O McReynolds.  
 J. C. Hanford.

Leven Simmons  
 Luma Simmons

Notary of Utah & D.C.

Utah County } On this 15<sup>th</sup> day of September 1890 before me as Notary Public in and for said County personally came Leven Simmons and Luma his wife who are personally known to me to be the same persons named in and who executed the foregoing deed and they acknowledge that they executed the same freely and voluntarily and for the uses and purposes therein mentioned. Witness my hand at Salt Lake in said County I have no seal.

My Commission expires April 10, 1892

J. C. Hanford

Notary Public

This Indenture Made the 28<sup>th</sup> day of April 1890 Between Jane Parry and James Parry her