

WHEN RECORDED, PLEASE RETURN TO:  
HV20MD, LC  
c/o Consolidated Realty Group  
175 East 400 South - Suite 710  
Salt Lake City, UT 84111  
Attention: Rodney M. Pipella

ENTRY: 81200 BK 413 PG 0692 BY NH  
DONNA S. MCKENDRICK TOOELE CO. RECORDER  
REC DATE: 01/30/1996 03:53:419 FEE 20.00  
RECORDED FOR: B & D TITLE CO OF TOOELE  
EX ✓ PT ST AX  
PAGE 1 OF 5 PAGES *City A*

SPECIAL WARRANTY DEED

THIS INSTRUMENT is executed as of the 5<sup>th</sup> day of January, 1996, by Albertson's, Inc., a Delaware corporation ("Grantor") whose address is 250 Parkcenter Boulevard, Boise, Idaho 83726, in favor of HV20MD, L.C., a Utah limited liability company ("Grantee"), whose address is 175 East 400 South, Suite 710, Salt Lake City, Utah 84111.

FOR THE SUM OF TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor hereby conveys and warrants to Grantee, against all persons claiming by, through or under Grantor, the real property located in Tooele County, Utah, described as follows:

A PORTION OF BLOCK 11, PLAT "A", TOOELE CITY SURVEY MORE PARTICULARLY DESCRIBED ON SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN.

SUBJECT ONLY TO the matters set forth on Exhibit "A" attached hereto and incorporated herein.

RESTRICTIONS: No part of the property conveyed hereunder shall be used as a supermarket (which is defined as any store or department containing greater than five thousand (5,000) square feet of floor area, including aisle space and storage, primarily devoted to the retail sale of food for off-premises consumption); as a bakery; for the sale of fresh meat, fish, poultry or produce for off-premises consumption; or for the sale or offer for sale of any ethical pharmaceutical products requiring the services of a registered pharmacist. This restriction shall run with the land and shall benefit Grantor and its successors and assigns and shall be binding upon Grantee and Grantee's successors, successors in title, assigns and personal representatives. This restriction shall terminate and cease to exist in the event Albertson's (or any corporation succeeding thereto by consolidation, merger or acquisition of substantially all its assets, or a wholly owned subsidiary) ceases to operate a supermarket within one (1) mile of the perimeter of the property conveyed hereunder for a continuous period of six (6) months for any reason other than (i) temporary closure due to the restoration, reconstruction, expansion, alteration or modification of the building in which Grantor operates a supermarket; (ii) strikes, lockouts, other

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labor difficulties; (iii) acts of God, fire or other casualty; (iv) the requirements of any local, state or federal law, rule or regulation; or (v) war, riot, insurrection or any other reason beyond Grantor's reasonable control.

GRANTOR has executed this instrument in favor of Grantee on the date set forth below, to be effective as of the date first set forth above.

GRANTEE:

HV20MD, L.C.,  
a Utah limited liability company

By: [Signature]  
Its: Robert Moore  
Member

GRANTOR:

ALBERTSON'S, INC.,  
a Delaware corporation

By: [Signature]  
Its: William H. Arnold  
Vice President, Real Estate Law

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STATE OF IDAHO )  
                                  ) ss.  
County of Ada        )

On this 9 day of January, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared William H. Arnold, known or identified to me to be the Vice President, Real Estate Law of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

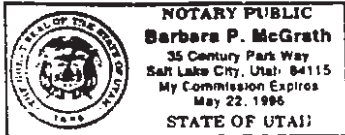
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
NOTARY PUBLIC for Idaho  
Residing at Trampa, Idaho  
My commission expires: 2-01-99

STATE OF UTAH )  
 ) ss  
County of San Juan

On this 26<sup>th</sup> day of January, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert Moore, known or identified to me to be the Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Barbara P. McGrath  
NOTARY PUBLIC for Utah  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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**EXHIBIT "A"**  
**to Special Warranty Deed**  
**(permitted exceptions)**

1. Taxes for the year 1996 and subsequent years.
2. Charges and assessments to the City of Tooele, Utah.
3. Charges and assessments to the Tooele County Hospital Special Service District.
4. Matters disclosed in that certain Warranty Deed recorded September 9, 1965 as Entry No. 275883, Book 62, Page 9, records of Tooele County, Utah.
5. Declaration of Covenants and Encumbrances dated November 23, 1988 and recorded December 5, 1988, Entry No. 023365, Book 280, Page 823, records of Tooele County, Utah.
6. Leasehold interest of Canned Foods, Inc.

EXTRACTED BY THE COUNTY CLERK  
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SCHEDULE I  
To Special Warranty Deed

Legal Description

PARCEL A:

Beginning at a point North 89 deg. 33' West 167.46 feet from the Southeast corner of Lot 1, Block 11, Plat "A", Tooele City Survey, Tooele City, running thence South 89 deg. 33' East 47.46 feet; thence North 0 deg. 56'50" East 100.00 feet; thence South 89 deg. 33' East 120.00 feet; thence North 0 deg. 56'50" East 187.10 feet to the Northeast corner of Lot 3 of said Block 11; thence North 89 deg. 33' West 333.96 feet to the Northwest corner of said Lot 3; thence South 0 deg. 56'50" West 131.46 feet; thence South 89 deg. 03'10" East 127.00 feet along a party wall; thence South 48 deg. 10' East 52.24 feet; thence South 0 deg. 56'50" West 120.00 feet to the point of beginning.

PARCEL B:

Beginning at a point North 0 deg. 56'50" East 287.1 feet from the Southeast corner of Block 11, Plat "A", Tooele City Survey, Tooele City, said point being the Southeast corner of Lot 4 of said Block 11, and running thence North 0 deg. 56'50" East 122.92 feet; thence North 89 deg. 33' West 333.96 feet to the East line of an alley; thence South 0 deg. 56'50" West 122.92 feet along the East line of said alley; thence South 89 deg. 33' East 333.96 feet to the point of beginning.