

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

F T 82129V

ENT 90296:2012 PG 1 of 8
Jeffery Smith
Utah County Recorder
2012 Oct 17 03:41 PM FEE 24.00 BY EO
RECORDED FOR Founders Title Company
ELECTRONICALLY RECORDED

Easement
(CORPORATION)

Utah County

Tax ID No. 18:017:0002
Parcel No. F-0114:176N:E
Project No. F-0114(21)0

GIL MILLER not individually but solely as the court-appointed Receiver of the assets of PARISH CHEMICAL COMPANY, a Utah Corporation, pursuant to the Order Appointing Receiver, Imposing Asset Freeze and Prohibiting Destruction of Documents dated June 20, 2012 in *United States v. Parish Chemical Co.*, Case No.: 2:09cv00804-CW, in the United States District Court for the District of Utah, Grantor, hereby GRANTS AND CONVEYS against all claiming by, through or under it to the UTAH DEPARTMENT OF TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum of TEN Dollars, a perpetual easement, upon part of an entire tract of property, situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian, in Utah County, Utah, for the purpose of constructing and maintaining thereon cut and or fill slopes and appurtenant parts thereof, to facilitate the construction of State Route 114 known as Project F-0114(21)0. The easement includes the right of UDOT to maintain and continue the existence of said cut and or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement shall run with the Real Property and shall be binding upon the Grantor and the Grantor's successors, heirs and assigns. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the southerly boundary line of said entire tract and the westerly right of way line of State Route 114 of said project, said point being 617.02 feet N.00°02'55"E. along the Section line and 86.27 feet West from the East quarter corner of said Section 17, which point is 51.01 feet radially distant westerly from the right of way control line of State Route 114 of said project, opposite approximate Engineers Station 612+52.87; and running thence S.89°53'00"W. 6.01 feet (Record S.88°15'38"W.) along said southerly boundary line of said entire tract to a point of intersection with a non-tangent 9,944.00-foot radius curve to the left; thence Northerly 161.09 feet along said curve, (chord bears N.01°48'43"E. 161.08 feet); thence N.01°20'52"E. 153.76 feet; thence N.05°29'42"W. 50.36 feet; thence N.01°20'52"E. 91.21 feet to a point in the northerly boundary line of said entire tract; thence N.88°41'52"E. 12.01 feet to said westerly right of way line; thence along said westerly right of way line the following two (2) courses and distances: (1) S.01°20'52"W. 295.52 feet; (2) thence Southerly 160.93 feet along the arc of a 9,950.00-foot radius curve to the right, (chord bears S.01°48'40"W. 160.93 feet) to the

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Parcel No. F-0114:176N:E
Project No. F-0114(21)0

**EXHIBIT A
TO
EASEMENT**

[Copy of Order Approving Sale]

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

OCT 15 2012

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

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Attorneys for Receiver, Gil A. Miller

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>PARISH CHEMICAL COMPANY, and UINTAH PHARMACEUTICAL CORPORATION, et al.,</p> <p>Defendants.</p>	<p>ORDER APPROVING RECEIVER'S MODIFIED MOTION FOR ORDER APPROVING SALE OF PROPERTY TO UTAH DEPARTMENT OF TRANSPORTATION</p> <p>Civil No. 2:09cv00804-CW-PMW</p> <p>Honorable Clark Waddoups</p>
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The modified Motion dated August 29, 2012 (the "Motion") of Gil A. Miller, receiver ("Receiver") for the estates of Parish Chemical Company and Uintah Pharmaceutical Corporation (together, "Parish Chemical"), for approval of the sale of certain real property the "Sale Property") to the Utah Department of Transportation ("UDOT"), was considered at the status conference scheduled by the Court on October 10, 2012. Appearing at the status

conference were Kenneth L. Cannon II on behalf of Gil A. Miller, the Court-appointed receiver; Justin D. Heideman on behalf of the defendant Parish Chemical Company ("Parish Chemical") and its principals, W. Wesley Parish and Anna Parish; Jerel L. Ellington, Daniel D. Price, Joshua Van Eaton, and Marcello Mollo on behalf the plaintiff United States; and Stevan R. Baxter on behalf of R.W. Investments, L.C. ("R.W. Investments"), which has moved to intervene in this civil action. At the status conference, the Receiver proposed that, because no party had objected to the sale proposed by the Motion and only R.W. Investments had objected to the proposed distribution of sale proceeds, the Court approve the Motion and the sale contemplated thereby and that the Court order the Receiver to hold back \$25,500.00 from the "cost to cure" portion of the proceeds of sale pending the Court's consideration and ruling on R.W. Investments' motion to intervene.

The Court, having reviewed and considered the Motion, noting that the Court's Order entered June 20, 2012, Appointing Receiver, Imposing Asset Freeze and Prohibiting Destruction of Documents (the "Receiver Order") authorizes the Receiver to market and sell property of Parish Chemical and explicitly authorizes the Receiver to "consummate the pending real property transaction with the Utah Department of Transportation . . . for UDOT's acquisition of all necessary rights to way for the Geneva Road expansion project," further noting that the plaintiff, United States, and the principals of defendant Parish Chemical support the proposed sale to UDOT, and that R.W. Investments does not object to the proposed sale but only to distributions from sale proceeds, finding that the terms of the sale are in the best interests of the Receivership, and for good cause shown, hereby


ORDERS:

1. The Motion is approved, except that the Receiver will hold back no less than \$25,500 from the "cost to cure" portion of sale proceeds pending the Court's consideration and ruling on R.W. Investments' motion to intervene. .
2. The Receiver is authorized to consummate and implement on behalf of Parish Chemical the sale of the Sale Property to UDOT on the terms set forth in the Motion and in the proposed Right of Way Contract attached to the Motion as Exhibit A.
3. Proceeds from the sale of the Sale Property shall be distributed at closing generally as set forth the Motion, with precise amounts for such costs as pro-rated real property taxes owing to Utah County on the Sale Property and pro-rated amounts owing to the United States Environmental Protection Agency on account of its lien on the Sale Property under section 107(l) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, to be substituted for estimates included in the Motion. Sale proceeds in excess of amounts required to be distributed to other parties at closing shall be paid to the Receiver for use in fulfilling his responsibilities as Receiver and paying administrative costs of the Receivership.
4. The Receiver is authorized to execute and deliver, and empowered fully to perform under, consummate, and implement on behalf of Parish Chemical the Right of Way Contract and such additional instruments and documents that may be reasonably necessary or desirable to implement the Right of Way Contract.
5. The transaction contemplated by the Right of Way Contract is undertaken by the Receiver and UDOT in good faith.

6. The transfer of the Sale Property to UDOT pursuant to the Right of Way Contract shall constitute a legal, valid, and effective transfer of the Sale Property, and shall vest the purchaser with all right, title, and interest of Parish Chemical in the Sale Property.

DATED: 10/15/2012

BY THE COURT:


HONORABLE CLARK WADDOUPS
United States District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2012, I caused to a copy of the foregoing Order to be served via ECF Notification on the following persons.

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