

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City Attorney
Coalville City
P.O. Box 188
35 North 50 East
Coalville City, Utah 84017

00926658 B: 2088 P: 1097

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Alan Spriggs, Summit County Utah Recorder
07/20/2011 12:56:51 PM Fee \$20.00
By FIRST AMERICAN NCS - SOUTH TEMPLE
Electronically Recorded

Parcel No. CT-301-C

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED IN LIEU OF FORECLOSURE

For the consideration of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

ALLEN HOLLOW LLC, a Wyoming limited liability company ("Grantor"), whose address is P.O. Box 4902, 148 South Redmond, Jackson, Wyoming 83001,

does hereby grant and convey to

COALVILLE CITY, a Utah municipal corporation ("Grantee"), whose address is 10 Main Street, Coalville, Utah 84017,

the following described real property (the "Property") in Summit County, Utah, more particularly described on **Exhibit A** attached hereto and incorporated herein by reference, together with all improvements and fixtures thereon and all rights and privileges appurtenant thereto.

SUBJECT only to all taxes and assessments, including, without limitation, any assessments arising out of the inclusion of the Property in Utah Special Improvement District 2001-1 ("SID Assessments"), reservations in patents and all easements, rights-of-way, covenants, conditions, restrictions, and other matters as may appear of record, including, without limitation, those matters shown on **Exhibit B** attached hereto, all matters which an accurate survey of the Property or a physical inspection of the Property would disclose, and that certain Dedication of Public Roadway between Grantor and Grantee dated July 13, 2011 and recorded July 20, 2011, as Entry No. 00926650 in Book 2088, beginning on Page 1031, in the official records of Summit County, Utah.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

This Special Warranty Deed in Lieu of Foreclosure ("Deed") is executed pursuant to that certain Settlement Agreement dated May 25th, 2011, between Grantor, Grantee and certain other parties ("Agreement"). This Deed is subject to the release, covenants, and other

ACCOMMODATION RECORDING ONLY.

**FIRST AMERICAN TITLE MAKES NO
REPRESENTATION AS TO CONDITION
OF TITLE, NOR DOES IT ASSUME ANY
RESPONSIBILITY FOR VALIDITY,
SUFFICIENCY OR AFFECT OF DOCUMENT.**

provisions contained in the Agreement, all of which shall survive recording of this Deed. Grantor and its predecessors-in-interest, including, without limitation, Cumming Investment Company, L.C., a Wyoming limited liability company, fka Forthcoming Investments, L.C. ("CIC") are hereby released from any of their respective obligations or liabilities under that certain (i) Secured Promissory Note from CIC in favor of Grantee dated May 23, 2001, in the original principal amount of \$659,665, and (ii) Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated May 23, 2001 CIC, with the interest of CIC having been assigned to Grantor, as trustor, to the trustee named therein as trustee, for the benefit of Grantee as beneficiary, which Deed of Trust was recorded on May 24, 2001 as Entry No. 00589710, in Book 1372, beginning on Page 1053 of the Official Records of Summit County, Utah.

The lien of the SID Assessments shall remain in full force and effect. The conveyance under this Deed is not intended and shall not be deemed, or construed as, or intended to be a merger or waiver of Grantee's and the Bond Holder's (as defined in the Agreement) rights or claims under the Bond Resolution (as defined in the Agreement) or the Utah Assessment Area Act, U.C.A. § 11-42-101 *et seq.*

[Signature page follows]

Dated as of July 13, 2011.

Allen Hollow LLC,
a Wyoming limited liability company

By: Cumming Investment Company, L.C.,
a Wyoming limited liability company
Its: Manager

By: Matthew Ireland
Its: Manager

State of WY)
: ss.
County of Teton)

On this 13th day of July, 2011, before me, the undersigned a Notary Public in and for Wyoming, personally appeared Matthew Ireland, to me known to be Manager of Cumming Investment Company, L.C., a Wyoming limited liability company, Manager of **Allen Hollow LLC**, a Wyoming limited liability company, the company that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: March 11, 2015
Residing at: Teton County, Wyoming

(This area for official notarial seal)



Exhibit A to Special Warranty Deed
Property Legal Description

A tract of land located in the South half of Section 4 and in the North half of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian and having a basis of bearing taken as South between the Northwest corner and the Southwest corner of said Section 9, described as follows:

BEGINNING at a point which is North 88°46'24" West 450.52 feet along the Section line from the North quarter corner of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian, a monument in concrete (said point of beginning being a rebar and cap monumenting the Southeast corner of Cedar Crest subdivision) and running thence North 17°15'06" East 420.73 feet along the Easterly boundary of said subdivision to a rebar and cap monumenting an angle point on the Easterly boundary of said subdivision; thence North 22°33'41" East 580.03 feet along the Easterly boundary of said subdivision; thence North 35°37'26" East 201.26 feet along the Easterly boundary of said subdivision to a rebar and cap monumenting an angle point on the Easterly boundary of said subdivision and the center of section line; thence North 00°43'44" East along the center of section line 214.59 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 4; thence South 88°32'37" East along the quarter-quarter section line 1329.33 feet to the Northeast corner of the Southwest quarter of the Southeast quarter of Section 4; thence South 00°23'40" West along the quarter-quarter section line 1320.13 feet to the Southeast corner of the Southwest quarter of the Southeast quarter of Section 4; thence North 88°46'25" West along the Section line 539.07 feet to the crest of a cedar ridge; the following 3 calls being along said crest: 1) thence South 26°35'09" West 245.46 feet; 2) thence South 18°16'04" West 307.89 feet; 3) thence South 31°09'41" West 471.75 feet; thence North 50°56'01" West 301.69 feet to a rebar and cap monumenting the Northeast corner of that certain parcel of land conveyed to CRA Enterprises Investments, L.C., by that certain Special Warranty Deed recorded January 14, 2000 as Entry No. 557193 in Book 1303 at Page 1079 of the official records in the office of the Summit County Recorder; the following 8 calls being along the Northerly boundary of the CRA Parcel: (Note: rotation of 2°06'19" to the right has been applied) 1) thence North 48°49'51" West 188.47 feet to a rebar and cap; 2) thence North 42°54'15" West 57.25 feet to a rebar and cap; 3) thence North 48°49'51" West 96.07 feet to a rebar and cap; 4) thence South 86°48'09" West 73.64 feet to a rebar and cap; 5) thence South 31°30'39" West 221.86 feet to a rebar and cap; 6) thence South 56°58'29" West 108.74 feet to a rebar and cap; 7) thence South 52°56'29" West 115.32 feet to a rebar and cap; 8) thence South 29°37'11" West 327.46 feet to the Northerly line of an existing road (30 feet perpendicular from the centerline of said road); thence North 63°34'07" West 296.43 feet along said line; thence along the arc of a curve to the left 753.44 feet (radius 483.56 feet, chord bearing South 66°06'08" West 679.51 feet) along said line; thence South 15°45'06" West 29.69 feet, along said line to the Southerly line of the Northwest quarter of the Northwest quarter of Section 9; thence North 88°49'44" West 687.48 feet, along said line to the edge of a rock ledge; thence North 43°38'35" East 64.40 feet, along said ledge to a nail set in ledge; thence North 31°10'07" East 57.35 feet, along said ledge; thence North 17°53'08" East 176.08 feet, along said ledge; thence North 36°16'43" East 650.31 feet, along said ledge; thence North 33°39'13" East 334.86 feet, along said ledge; thence North 19°30'51" East 257.91 feet, along said ledge to the Northerly line

of Section 9, said line also being the Southerly boundary line of Cedar Crest subdivision; thence South 88°46'24" East 1021.86 feet, along said Section line to the POINT OF BEGINNING.

Excepting therefrom those portions conveyed by that Quit Claim Deed of Dedication of Roadway to Municipal Corporation, with Allen Hollow LLC as Grantor and Coalville City as Grantee, recorded November 16, 2007 as Entry No. 830742 in Book 1899 at Page 1815 of the official records of the Summit County Recorder.

Parcel No. CT-301-C.

Less and excepting the following property:

That portion of the Small Business and Technology Park in the City of Coalville, County of Summit, State of Utah, per the official plat thereof, located in the Northwest Quarter of Section 9, Township 2 North, Range 5 East, Salt Lake Base and Meridian, and being a strip of land 60.00 feet in width described as follows:

COMMENCING at the North Quarter Corner of said Section 9; thence South 89° 47'19" West 594.06 feet along the northerly line of said Section 9 and the southerly line of the Cedar Crest Subdivision to the **TRUE POINT OF BEGINNING**; thence South 34°30'14 East 345.26 feet to northwesterly right-of-way line of Summit Business Park Drive, 60.00 feet wide, and the beginning of a curve concave northerly having a radius of 270.00 feet; thence Westerly 28.65 feet along said curved right-of-way through a central angle of 06°04'46"; thence, continuing along said right-of-way South 75°12'23" East 34.59 feet; thence North 34°30'14" West 366.30 feet to said northerly line of Section 9; thence North 89°47'19" East 72.62 feet along said northerly line to the **TRUE POINT OF BEGINNING**.